

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	March 25, 2017; 12:01 a.m.; [REDACTED] March 25, 2017; 12:30 a.m.; [REDACTED]
Date/Time of COPA Notification:	March 25, 2017; 7:23 p.m.
Involved Officer #1:	[REDACTED]; star# [REDACTED]; employee ID# [REDACTED]; Date of Appointment: [REDACTED], 1999; Police Officer; Unit of Assignment: [REDACTED] <sup>th</sup> District; Date of Birth: [REDACTED], 1967; Male; White.
Involved Officer #2:	[REDACTED]; star# [REDACTED]; employee ID# [REDACTED]; Date of Appointment: [REDACTED], 2000; Police Officer; Unit of Assignment: [REDACTED] <sup>th</sup> District; Date of Birth: [REDACTED], 1968; Male; White.
Involved Individual #1:	[REDACTED]; [REDACTED], 1959; Male; Black.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that at [REDACTED], Officer [REDACTED] punched [REDACTED] on the face, in violation of Rule 8.	Unfounded
	2. It is alleged that at [REDACTED] Officer [REDACTED] pushed [REDACTED] against a window, in violation of Rule 8.	Exonerated
	3. It is alleged that at [REDACTED], Officer [REDACTED] punched [REDACTED] on the face, in violation of Rule 8.	Unfounded
	4. It is alleged that at [REDACTED], Officer [REDACTED] struck [REDACTED] on the stomach, in violation of Rule 8.	Unfounded
	5. It is alleged that at [REDACTED], Officer [REDACTED] refused to provide [REDACTED]	Unfounded

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	medical attention upon his request, in violation of Rule, in violation of Rule 5.	
Officer [REDACTED]	1. It is alleged that at [REDACTED], Officer [REDACTED] punched [REDACTED] on the face, in violation of Rule 8.	Unfounded
	2. It is alleged that at [REDACTED], Officer [REDACTED] pushed [REDACTED] against a window, in violation of Rule 8.	Exonerated
	3. It is alleged that at [REDACTED], Officer [REDACTED] punched [REDACTED] on the face, in violation of Rule 8.	Unfounded
	4. It is alleged that at [REDACTED], Officer [REDACTED] struck [REDACTED] on the stomach, in violation of Rule 8.	Unfounded
	5. It is alleged that at [REDACTED], Officer [REDACTED] refused to provide [REDACTED] medical attention upon his request, in violation of Rule 5.	Unfounded

**II. SUMMARY OF EVIDENCE<sup>2</sup>**

[REDACTED] was arrested after Officers [REDACTED] and [REDACTED] responded to a disturbance at 7-Eleven convenience store. Store clerk [REDACTED] reported to the officers that [REDACTED] was panhandling directly outside of the store’s entrance, bothering customers, and refused to leave upon [REDACTED] request. According to [REDACTED], the responding officers punched him on the face and pushed him against the store’s window. The officers acknowledged holding [REDACTED] against the window to handcuff him but denied that they punched him. In his statement to COPA, [REDACTED] also denied that the officers punched [REDACTED]. [REDACTED] described [REDACTED] as being unruly and loud with the officers and reported that prior to the officers’ arrival, [REDACTED] told [REDACTED] he was going to sue both the store and the police. The officers transported [REDACTED] to the station, where [REDACTED] alleged that the officers punched him on the face, struck him on the stomach, and refused to provide him medical attention upon his request. Both officers denied these actions and said that [REDACTED] did not request medical attention. Department reports document that [REDACTED] was charged with Disorderly Conduct and note that he was under the influence of drugs or alcohol. Officer [REDACTED] also reported to COPA that he observed [REDACTED] to be intoxicated during the arrest. The incident was not captured on any video recording. [REDACTED] went to the hospital after he was released and reported that officers punched him on the face and pushed him against a wall. The records noted no sign of trauma to his face.

**III. LEGAL STANDARD**

For each Allegation COPA must make one of the following findings:

<sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

#### IV. ANALYSIS AND CONCLUSION

██████████ alleged that during and after his arrest, officers punched him on the face, pushed him against the store's window, struck him on the stomach, and refused to provide him medical attention upon his request. The involved officers both stated that they placed ██████████ against the window for leverage as part of the handcuffing process, which is consistent with ██████████ statement, but denied that they used force. ██████████ noted that ██████████ threatened to sue the officers before they even arrived on the scene. Officer ██████████ described ██████████ as being intoxicated during the incident, which is also documented on the Arrest Report. Medical records reveal that ██████████ did not have any injuries to his face, and that he never reported being struck on the stomach. Based on his intoxication, differing accounts, and his threats to sue before the officers' arrival on scene, ██████████ account is not credible. Therefore, the allegation that the involved officers pushed him against a window is Exonerated and the additional allegations against Officers ██████████ and ██████████ are Unfounded.

Approved:

██████████

Date: 5/28/19

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Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	████████████████████
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	████████████████████