

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 30, 2018
Time of Incident:	2:00 PM
Locations of Incident:	[REDACTED] [REDACTED]
Date of COPA Notification:	October 2, 2018
Time of COPA Notification:	4:18 PM

On September 30, 2018 Officer [REDACTED] was working at his secondary employment as a security guard at a [REDACTED] grocery store when he performed an emergency takedown on a shoplifter. Officer [REDACTED] then followed the shoplifter out of the store and waited at a train platform until on-duty officers arrested her. An initiation report was generated questioning whether Officer [REDACTED] should have completed a Tactical Response Report (TRR). COPA’s findings are discussed in the Analysis portion of this report.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED] 1997, Police Officer, Unit [REDACTED], [REDACTED], Date of Birth: [REDACTED], 1958, Male, Asian
Complaining Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED] 1990, Sergeant of Police, Unit [REDACTED], Date of Birth: [REDACTED], 1965, Male, White
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1996, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. Failed to complete a Tactical Response Report (TRR) following a physical altercation with [REDACTED] pertaining to RD # [REDACTED], in violation of Rule 6.	Exonerated

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

1. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.

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##### General Orders

1. **G03-02-02:** Incidents Requiring the Completion of a Tactical Response Report.

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

On March 14, 2019, COPA interviewed **Officer [REDACTED]**.<sup>2</sup> On September 30, 2018, Officer [REDACTED] was off-duty and working at a [REDACTED] grocery store. Officer [REDACTED] stated he was not wearing his CPD uniform or CPD insignia at his secondary employment. [REDACTED] and an unknown male were shoplifting, so the [REDACTED] manager notified Officer [REDACTED]. Officer [REDACTED] approached [REDACTED], but she refused to return the stolen goods. The manger attempted to grab [REDACTED] bag, which contained the stolen merchandise. [REDACTED] responded by punching Officer [REDACTED] in the chest. Officer [REDACTED] defended himself by performing an emergency takedown on [REDACTED]. Officer [REDACTED] was about to handcuff [REDACTED] when she announced that she was pregnant, so he and the manager backed off. Officer [REDACTED] denied announcing he was a police officer while in the [REDACTED] [REDACTED] got to her feet, stated she was going to steal the items, and walked out the front of the store. Officer [REDACTED] followed [REDACTED] to a train platform. Officer [REDACTED] announced his office to the [REDACTED] agent and put on his CPD badge, to access the train platform. Police officers arrived and arrested [REDACTED]

Officer [REDACTED] denied using force against with [REDACTED], aside from the emergency takedown. Officer [REDACTED] denied calling 911 or requesting backup from CPD. Officer [REDACTED] did not complete a TRR because he assumed he was acting as a security guard.

COPA interviewed **Sergeant [REDACTED]** on February 21, 2019.<sup>3</sup> Sergeant [REDACTED] related that he was not present during Officer [REDACTED] interactions with [REDACTED]. Sergeant [REDACTED] related that he authored an Initiation Report alleging Officer [REDACTED] failed to complete a TRR on September 30, 2018. Sergeant [REDACTED] was not certain whether Officer [REDACTED] had to complete a TRR and he made the Initiation Report out of caution. Sergeant [REDACTED] denied that he has ever had to discipline Officer [REDACTED] for excessive force. Sergeant [REDACTED] was aware of a Facebook video of the incident.

Attempts to locate [REDACTED] and conduct an interview were met with negative results.<sup>4</sup>

##### b. Digital Evidence

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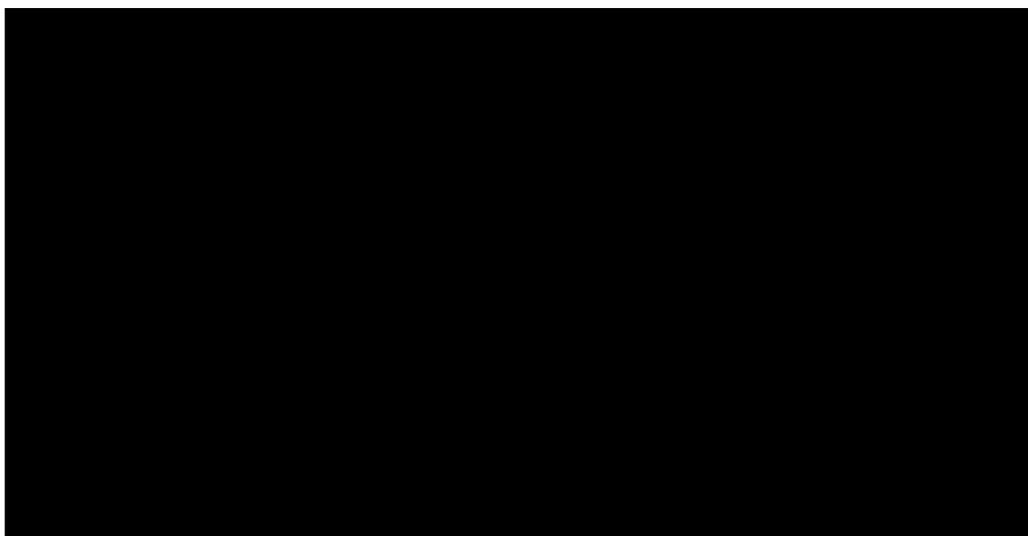
<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Att. 28

<sup>3</sup> Att. 24

<sup>4</sup> Att. 34

**Body Worn Camera (BWC)** footage was obtained from officers who responded to the incident between Officer [REDACTED] and [REDACTED].<sup>5</sup> All available BWC was from the train station and nothing that occurred inside the [REDACTED]. Video did show Officer [REDACTED] wearing his CPD star on his left shirt pocket, as seen in the photo below from Officer [REDACTED] BWC.<sup>6</sup> Officer [REDACTED] BWC included a witness telling Officer [REDACTED] that she heard [REDACTED] say, “You can’t kick me in my baby. I’m pregnant.” The witness also related that as she was leaving the store, Officer [REDACTED] asked her to call 911 and she did.



**Evidence Technician photos** were taken of [REDACTED] on October 1, 2018.<sup>7</sup> [REDACTED] appeared to have scars and/or scrapes on her hand, arm, and face. However, it was unclear from photos if these were old injuries or new.

A **Facebook Video** and associated commentary was obtained from a user named [REDACTED].<sup>8</sup> [REDACTED] wrote that as he/she was leaving a [REDACTED] grocery store, he/she heard [REDACTED] screaming, and saw a [REDACTED] manager and Officer [REDACTED] trying to execute a “citizen’s arrest” of [REDACTED]. [REDACTED] wrote that both men were “grabbing [REDACTED] and pinning her against the shelves knocking items onto the floor.” In the 30 second video, [REDACTED] was protesting while Officer [REDACTED] and the manager tried to detain her. [REDACTED] briefly struggled with Officer [REDACTED] and Officer [REDACTED] performed a takedown. At approximately the 15 second mark, Officer [REDACTED] did not appear to have his CPD star on (see photo below). Officer [REDACTED] did have a weapon holstered at his waist. At about the 16 second mark, [REDACTED] stated she was pregnant, and Officer [REDACTED] let go of her. The manager asked for the items back and the video ended shortly after.

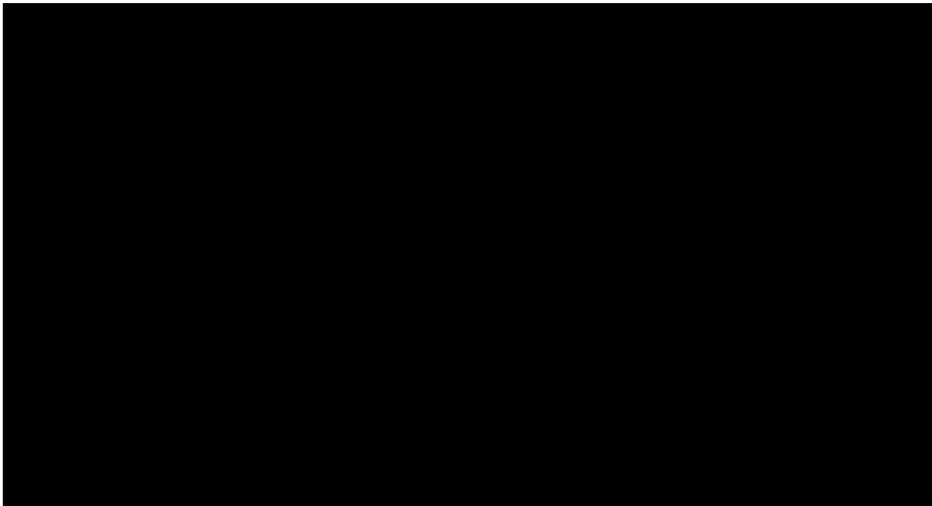
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<sup>5</sup> Att. 23

<sup>6</sup> Att. 33

<sup>7</sup> Att. 20

<sup>8</sup> Att. 27



### c. Physical Evidence

██████████ **Medical Records** were obtained from ██████████.<sup>9</sup> ██████████ was brought to the hospital in police custody, complaining of back and arm pain. ██████████ told hospital staff, “her back pain started when her manager at ██████████ ‘assaulted’ her [...] but then she changed story [*sic*] and tells us that she hurt her back by lifting a heavier man today.” ██████████ also reportedly told staff she has psychiatric conditions but was inconsistent as to whether she had taken her medications. Officers told hospital staff that ██████████ was brought to the hospital because she was pregnant, but ██████████ refused to provide a “urine sample to check her pregnancy status” and denied that she was pregnant. Per hospital staff, ██████████ changed “her story each time we go in.” ██████████ refused an x-ray of her back and told staff she was suicidal. ██████████ was medically cleared but admitted for involuntary in-patient psychiatric care.

### d. Documentary Evidence

Sergeant ██████████ authored an **Initiation Report** on October 2, 2018.<sup>10</sup> Sergeant ██████████ wrote that on September 30, 2018, Officer ██████████ “failed to complete a Tactical Response Report (TRR) and make required notification [...]”

██████████ **Arrest Report** was obtained from September 30, 2018 under **RD #** ██████████.<sup>11</sup> ██████████ was charged with misdemeanor retail theft and misdemeanor battery. Officer ██████████ was reported as “██████████,” an agent from ██████████.<sup>12</sup> Per this report, ██████████ stole a bottle of liquor and a bottle of lotion. When Officer ██████████ “attempted to detain offender, offender punched [Officer ██████████] in the chest and fled the scene.” ██████████ then went to a train stop, where Officer ██████████ detained her until officers arrived.

An Original Incident Case Report was also obtained for **RD #** ██████████.<sup>13</sup> Officer ██████████ told the responding officers that he confronted ██████████ in the store for shoplifting. ██████████

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<sup>9</sup> Att. 14

<sup>10</sup> Att. 4

<sup>11</sup> Att. 5

<sup>12</sup> The report did not state that Officer ██████████ was an off-duty Chicago Police officer.

<sup>13</sup> Att. 6

responded that she was going to steal the items “and pushed security in the chest,” before exiting the store and fleeing to a train station. Officer █████ followed █████ and detained her before she was arrested by on-duty officers. █████ complained of stomach pain and was taken to █████.

A **Detective Supplementary Report** for RD # █████ provided no additional, relevant details.<sup>14</sup>

The following relevant **Office of Emergency Management and Communications (OEMC) Event Query Reports** and **Audio Transmissions** were obtained.

- **Event Number** █████ was initiated at about 1:53 PM.<sup>15</sup> A caller reported that a “security guard is trying to hold a shoplifter but she is refusing.” Audio indicated the caller was a █████ employee who reported a female shoplifter “wrestling” with security and refusing to return stolen items.
- **Event Number** █████ was initiated at about 1:54 PM.<sup>16</sup> A caller reported that a █████ security guard beat up a black female. The female reportedly fled, but the security guard followed █████ and held her at the train station. In audio, the caller stated a man was beating a female at a █████ store. The caller stated the man said he was a police officer, had a gun and handcuffs, and was striking the woman.
- **Event Number** █████ was initiated at approximately 1:59 PM.<sup>17</sup> The caller reported a “female shoplifter fled” the █████ and the store’s security was holding her at a train station. In audio from this call, the caller identified as █████ employee and wanted an officer to go to the train station. The caller also stated an off-duty police officer was with the shoplifter at the train station.

█████ criminal docket related to this case was located through the Cook County Clerk of the Circuit Court.<sup>18</sup> **Case Number** █████ was filed on October 5, 2018. █████ was charged with misdemeanor retail theft and misdemeanor battery. The retail theft charge was stricken off with leave to reinstate on October 30, 2018. On the same date, █████ pleaded guilty to battery and was sentenced to eight days in the Cook County Department of Corrections, with eight days of credit for time served.

## VI. ANALYSIS

**Allegation 1** against Officer █████ that he failed to complete a TRR, is **Exonerated**. CPD General Order G03-02-02 requires officers to complete a TRR for “use of force incidents involving a sworn member [...] in the performance of his or her duties.” It is uncontested that Officer █████ attempted an emergency takedown of █████ while at █████. However, to determine if Officer

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<sup>14</sup> Att. 22

<sup>15</sup> Atts. 7, 16

<sup>16</sup> Atts. 8, 17

<sup>17</sup> Atts. 18, 21

<sup>18</sup> Att. 26

████ needed to complete a TRR, we must determine if Officer █████ was acting in the performance of his duties under the color of law. Officer █████ denied identifying himself as a police officer until he entered the train platform. Further, Officer █████ denied any physical contact with █████ except for the take down at the █████. While at least one 911 caller inside the █████ was under the impression that Officer █████ was a police officer, due to his handcuffs and gun; COPA finds that Officer █████ did not display his badge or announce his position as an officer and therefore was not acting under the color of law at that time. Officer █████ sergeant was unsure if Officer █████ should have completed a TRR, and COPA believes the policy does not clearly define or distinguish when an officer is acting in his/her official capacity. Since the directive is unclear, it is unreasonable to expect Officer █████ to know how to interpret this directive and/or to discipline him for not completing a TRR. As such, COPA must exonerate Officer █████. However, COPA suggests CPD review General Order G03-02-02 to better define when a Department member is acting “in the performance of his or her duties.”

**VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer █████ Officer █████	1. Failed to complete a Tactical Response Report (TRR) following a physical altercation with █████ █████ pertaining to RD # █████, in violation of Rule 6.	Exonerated

Approved:

████████████████████

5/30/2019

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████████████████████  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	[REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]