

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 13, 2018
Time of Incident:	3:30 pm
Location of Incident:	[REDACTED]
Date of COPA Notification:	October 15, 2018
Time of COPA Notification:	3:14 pm

Complainant alleged that Chicago Police Department (“CPD”) members arrested her husband without justification. The evidence shows that a store employee called for CPD assistance and told officers on the scene that the Complainant’s husband had splashed water in his face, after which the employee hit the Complainant’s husband in self-defense. The store employee signed a complaint and the CPD members arrested the Complainant’s husband. The officers are exonerated of the allegations of false arrest because the alleged victim’s signed complaint gave the officers probable cause to arrest the Complainant’s husband.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] / Employee # [REDACTED] Date of Appointment: [REDACTED], 2016 PO / District [REDACTED] Date of Birth: [REDACTED], 1994 Male / White Hispanic
Involved Officer #2:	[REDACTED] Star # [REDACTED] / Employee # [REDACTED] Date of Appointment: [REDACTED], 2006 PO / District [REDACTED] Date of Birth: [REDACTED], 1980 Male / Hispanic
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1979 Female / White Hispanic
Involved Individual #2:	[REDACTED] Date of Birth: [REDACTED], 1977 Male / White Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	It is alleged that, on October 13, 2018, at or near [REDACTED], around 3:30 pm, Officer [REDACTED] arrested [REDACTED] without justification.	Exonerated
Officer [REDACTED]	It is alleged that, on October 13, 2018, at or near [REDACTED], around 3:30 pm, Officer [REDACTED] arrested Jose [REDACTED] without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules – The following acts are prohibited:

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Federal Laws

1. Fourth Amendment to the United States Constitution

State Laws

1. 725 ILCS 5/107-2(c) – Arrest by Peace Officer

INVESTIGATION¹

COPA began its investigation by interviewing the Complainant, who is the wife of the arrestee. COPA also obtained documents from CPD as well as video and audio recordings from CPD and the Officer of Emergency Management and Communications (“OEMC”).

a. Interviews

COPA interviewed ██████████ on October 15, 2018. ██████████ stated that she was at a store with ██████████ on October 13, 2018. ██████████ stated that there was an altercation between one of the store employees and ██████████. According to ██████████, the store employee, now known as ██████████, slapped ██████████. When asked, ██████████ stated that she did not see if ██████████ threw water on ██████████; however, she conceded that ██████████ did have water with him and that she saw ██████████ with water on him.

b. Digital Evidence

COPA reviewed Body-Worn camera footage from Officers ██████████ and ██████████. The following is a summary of the pertinent points.²

Officers ██████████ and ██████████ arrived at the convenient store and spoke with ██████████ and ██████████. ██████████ complained that ██████████ was bothering patrons, and the officers stated that if he goes inside the premises, they will arrest him for trespassing. They informed ██████████ that as long as ██████████ stays on the sidewalk, he is not trespassing.

After the first interaction, the officers return to the scene. ██████████ is still complaining and reminds the officers that ██████████ threw water at him. ██████████ states that the interaction was recorded on the store’s security system but that he does not know how to work it. The officers ask ██████████ if wants to press charges and he responds in the affirmative. ██████████ signs a complaint and the officers arrest ██████████ for simple assault.

c. Documentary Evidence

COPA reviewed CPD records. An Arrest Report and an Original Case Incident Report described the events shown in the video footage accurately. In sum, the reports indicate that the offender, ██████████ was placed in custody after the victim and complainant ██████████ related that ██████████ threw water at him and approached him in a menacing manner causing

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

² Attachment 16

him to be in fear of receiving a battery. The reports further indicate that [REDACTED] struck [REDACTED] with a closed fist in self-defense.³

V. ANALYSIS

The officers are exonerated of the allegations. A police officer may arrest a person if he “has reasonable grounds to believe that the person is committing or has committed a crime.”⁴ Officers [REDACTED] and [REDACTED] reported to the store multiple times. [REDACTED] told the officers that [REDACTED] started the physical altercation by throwing water at him, after which he defended himself by hitting [REDACTED]. After [REDACTED] indicated that he would like to press charges and that he would sign a complaint, the officers arrested [REDACTED] for simple assault. [REDACTED] can be seen on the officer’s body worn camera signing the complaint.

The officers had reasonable grounds to believe that [REDACTED] committed a crime based on [REDACTED] statement; therefore, [REDACTED] arrest was valid. Accordingly, the officers are exonerated of the allegations.

VI. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	It is alleged that, on October 13, 2018, at or near [REDACTED], around 3:30 pm, Officer [REDACTED] arrested [REDACTED] without justification.	Exonerated
Officer [REDACTED]	It is alleged that, on October 13, 2018, at or near [REDACTED], around 3:30 pm, Officer [REDACTED] arrested [REDACTED] without justification.	Exonerated

Approved:

[REDACTED]

5/30/19

 [REDACTED]
 Deputy Chief Administrator – Chief Investigator

 Date

³ Attachment 11, 12
⁴ 725 ILCS 5/107-2(c)

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	██
Deputy Chief Administrator:	████████████████████