

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	July 30, 2014/2:00 a.m./7100 S. Vincennes Ave.
Date/Time of COPA Notification:	July 31, 2014/11:07 a.m.
Involved Officer #1:	██████████ Star # ██████ Employee ID# ██████ Date of Appointment: ██████ 2009, Police Officer, █████ District, Date of Birth: ██████ 1978, Male, Hispanic
Involved Officer #2:	██████████ Star # ██████ Employee ID# ██████ Date of Appointment: ██████ 2009, Police Officer, ██████ District, Date of Birth: ██████ 1985, Male, Hispanic
Involved Officer #3:	██████████ Star # ██████ Employee ID# ██████ Date of Appointment: ██████ 2012, Police Officer, ██████ District, Date of Birth: ██████ 1982, Male, Black
Involved Officer #4:	██████████ Star # ██████ Employee ID# ██████ Date of Appointment: ██████ 2006, Police Officer, ██████ District, Date of Birth: ██████ 1983, Male, White
Involved Officer #5	██████████ Star # ██████ Employee ID # ██████ Date of Appointment: ██████ 2007, Police Officer, █████ District, Date of Birth: ██████ 1982, Male, Hispanic
Involved Officer #6	██████████ Star # ██████ Employee ID # ██████ Date of Appointment: ██████ 2007, Police Officer, ██████ District, Date of Birth: ██████ 1983, Male, White
Involved Officer #7	██████████ Star # ██████ Employee ID# ██████ Date of Appointment: ██████ 2012, Police Officer/Field Training Officer, ██████ or ██████ District, Date of Birth: ██████ 1983, Male, Hispanic
Involved Officer #8	██████████ Star # ██████ Employee ID# ██████ Date of Appointment: ██████ 2012, Police Officer, ██████ District, Date of Birth: ██████ 1982, Male, Asian

¹ 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.

	<p>██████████ head on the floor of the squadrol, kicked; and punched Mr. ██████████ about the body; and threw Mr. ██████████ onto a hospital gurney while he was in handcuffs.</p> <p>2. It is further alleged that on the same date, you failed to complete a TRR report regarding your contact with Mr. ██████████</p>	<p>Exonerated</p>
<p>Officer ██████████</p>	<p>1. It is alleged that on 30 July 2014, at approximately 0300 hours, in the vicinity of 7100 S. Vincennes, you: tripped Mr. ██████████ to the ground, slammed Mr. ██████████ head on the floor of the squadrol, kicked; and punched Mr. ██████████ about the body; and threw Mr. ██████████ onto a hospital gurney while he was in handcuffs.</p> <p>2. It is further alleged that on the same date, you failed to complete a TRR report regarding your contact with Mr. ██████████</p>	<p>Not Sustained</p> <p>Exonerated</p>
<p>Officer ██████████</p>	<p>1. It is alleged that on 30 July 2014, at approximately 0300 hours, in the vicinity of 7100 S. Vincennes, you: tripped Mr. ██████████ to the ground, slammed Mr. ██████████ head on the floor of the squadrol, kicked; and punched Mr. ██████████ about the body; and threw Mr. ██████████ onto a hospital gurney while he was in handcuffs.</p> <p>2. It is further alleged that on the same date, you failed to complete a TRR report regarding your contact with Mr. ██████████</p>	<p>Not Sustained</p> <p>Exonerated</p>
<p>Officer ██████████</p>	<p>1. It is alleged that on 30 July 2014, at approximately 0300 hours, in the vicinity of 7100 S. Vincennes, you: tripped Mr. ██████████ to the ground, slammed Mr. ██████████ head on the floor of the squadrol, kicked; and punched Mr. ██████████ about the body; and threw Mr. ██████████ onto a hospital gurney while he was in handcuffs.</p> <p>2. It is further alleged that on the same date, you failed to complete a TRR report regarding your contact with Mr. ██████████</p>	<p>Not Sustained</p> <p>Exonerated</p>
<p>Officer ██████████</p>	<p>1. It is alleged that on 30 July 2014, at approximately 0300 hours, in the vicinity of 7100 S. Vincennes, you: tripped Mr. ██████████ to the ground, slammed Mr. ██████████ head on the floor of the squadrol, kicked; and punched Mr. ██████████ about the body; and threw Mr. ██████████ onto a hospital gurney while he was in handcuffs.</p>	<p>Not Sustained</p>

	2. It is further alleged that on the same date, you failed to complete a TRR report regarding your contact with Mr. [REDACTED]	Exonerated
--	--	------------

II. SUMMARY OF EVIDENCE²

On July 30, 2014, the complainant, [REDACTED] ([REDACTED]) was transported with injuries to St. Bernard Hospital by Chicago Police Officers for an involuntary mental health evaluation. Officers were dispatched to 7100 S. Vincennes Avenue because a woman called 911 reporting she was being followed by a man and provided a description. Officers conducted a field interview and determined [REDACTED] was in an incoherent state of mind.

In his complaint to IPRA on August 1, 2014, [REDACTED] stated after two male, Hispanic officers stopped him to offer him a ride home or to the hospital, one officer handcuffed him and proceeded to trip and kick him. The other officer punched him in the mouth and eye and also kicked him. [REDACTED] stated the officers called for back-up because they struggled to put him in their squad car and needed a bigger vehicle to transport him to a hospital for a mental health evaluation. [REDACTED] alleged more officers arrived but two officers, one black male and one black female, who arrived in a van shoved him inside. [REDACTED] also stated the officers who drove the van and shoved him inside, threw him onto a gurney after transporting him to the hospital. [REDACTED] also alleged officers slammed his head on the floor of the van. [REDACTED] stated the physical contact occurred with the 4 officers he described, and though other officers were present, they did not touch him.

It is also alleged officers failed to complete a Tactical Response Report (TRR) for the physical contact between officers and [REDACTED]

COPA reviewed all relevant reports including the Original Case Incident Report, Assignment and Attendance record, Detective Supplementary Report, Event Query reports and photographs of [REDACTED] injuries. Additionally, COPA reviewed [REDACTED] medical records from St. Bernard. COPA also reviewed interviews with the complainant and numerous officers, both accused and witnesses. There is no Body Worn Camera or In Car Camera footage. The only relevant digital evidence was obtained from the Citgo Gas Station which does not reveal any of the physical contact Mr. [REDACTED] alleged in his complaint. The footage captures four officers placing [REDACTED] into the side compartment of the police van but not able to secure the door. Two officers are then seen escorting [REDACTED] towards the back of the police van before disappearing off camera.

COPA finds the allegations against the involved officers Not Sustained and the allegation of failing to complete a TRR Exonerated. COPA’s findings are further discussed in the Analysis portion of this report.

III. LEGAL STANDARD

²COPA 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.

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

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

The involved officers listed in this complaint were identified using the Original Case Incident Report completed by Officer [REDACTED]. All allegations involving physical contact with [REDACTED] against the involved officers are Not Sustained. There is insufficient evidence to determine whether the events occurred as [REDACTED] alleged. [REDACTED] stated to COPA that officers tripped him to the ground, kicked and punched him, slammed his head on the van floor, and threw him onto a hospital gurney while handcuffed.

In his statement, [REDACTED] described the first officers to approach him as two Hispanic males. Based on the Original Case Incident Report, those two officers would have been Officer [REDACTED] and Officer [REDACTED]. [REDACTED] identified Officer [REDACTED] as the officer who initially handcuffed him, tripped him, and kicked him. [REDACTED] alleged Officer [REDACTED] kicked him but also punched him in the mouth and eye.

[REDACTED] alleged that the two officers who arrived in a police van and threw him onto a gurney as a black male and black female. This conflicts with both the [REDACTED] District's Attendance and Assignment records of the personnel assigned to the police van and the Original Case Incident

Report. Those two officers would have been Officer [REDACTED] a black male, and Officer [REDACTED] a white male. There was no black female on the scene.

Also, the surveillance footage obtained from the Citgo gas station clearly shows a white, male officer exiting from the passenger side of the police van and moving towards the front of the van before going off camera. In his testimony, [REDACTED] stated unequivocally a black female officer arrived in the police van and threw him onto a hospital gurney. Throughout his COPA statement, [REDACTED] provides descriptions of the officers who he claimed attacked him and officers who were merely present. [REDACTED] clearly distinguishes the two groups of officers. At no point does [REDACTED] state a white male officer ever having any physical contact with him. Throughout the entirety of his COPA statement, [REDACTED] also failed to describe which officers slammed his head on the floor of the van.

Chicago Police Department policy allows officers to transport persons in need of a mental health evaluation to approved medical facilities. The officer has to have “reasonable grounds.... to protect such a person and others from physical harm.” In [REDACTED] case, Officers [REDACTED] and [REDACTED] were responding to a call of a woman being followed and after speaking with him determined that [REDACTED] needed a mental health evaluation due to his incoherent responses. Officer [REDACTED] called for a squadrol per department policy and ensured [REDACTED] was transported to the designated medical facility for the [REDACTED] District.

Officer [REDACTED] completed the Original Case Incident Report for [REDACTED] transportation to St. Bernard and coded it as a non-criminal mental health transport. In the narrative, Officer [REDACTED] documented the reason for transport and also documented the injuries [REDACTED] sustained as blunt trauma because during the process of moving [REDACTED] from the side compartment of the van to the back of the van [REDACTED] hit his head on the rear compartment door causing facial injuries. [REDACTED] received medical treatment from St. Bernard’s hospital. Officer [REDACTED] consulted with his sergeant as to whether a TRR should be completed and was told that it did not have to be done since he did not engage in a physical altercation with [REDACTED]

COPA finds the allegation of failing to complete a TRR exonerated based the fact that [REDACTED] was not criminally arrested, the injuries he sustained did not result from any officer’s use of force. Officer [REDACTED] sergeant advised that a TRR was not required, and that Officer [REDACTED] did document the injuries on the Original Case Incident Report he authored. COPA found no attempt to conceal or distort the injuries [REDACTED] obtained during the early morning hours of July 30, 2014.

Approved:

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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