

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|---|
| Date of Incident: | May 2, 2018 |
| Time of Incident: | 2:20 pm |
| Location of Incident: | 3510 S. Michigan Avenue, Chicago, IL 60653 (Public Safety Headquarters) |
| Date of COPA Notification: | May 3, 2018 |
| Time of COPA Notification: | 8:57 pm |

Mr. [REDACTED] was at Public Safety Headquarters (PSHQ) registering as a gun offender with Officer [REDACTED]. Upon completing his registration, an unaccompanied [REDACTED] exited the building, spun around a few times, and fell to the ground. Once on the ground, several Department Members offered [REDACTED] assistance and contacted the Chicago Fire Department. CFD transported [REDACTED] to Mercy Hospital.

While at Mercy Hospital, [REDACTED] spoke with Sergeant [REDACTED] and made the allegations detailed below. Sgt. [REDACTED] notified COPA and completed an Initiation Report. COPA’s investigation determined that the allegation is **unfounded**.

II. INVOLVED PARTIES

| | |
|-------------------------|---|
| Involved Officer #1: | Officer [REDACTED] Star # [REDACTED] / Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2005 Unit: [REDACTED] Date of Birth: [REDACTED] 1977 Female / Hispanic |
| Involved Individual #1: | [REDACTED] Date of Birth: [REDACTED] 1990 Male / Black |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|--------------------|--|--------------------------|
| Officer [REDACTED] | 1. Pushed [REDACTED] to the ground, without justification, in violation of Rule 9. | Unfounded. |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION¹

a. Interviews²

In a **statement to COPA**³ on May 7, 2018, **Mr. ██████████** stated that he was at PSHQ registering as a gun offender. During his registration, ██████████ was having difficulty understanding and completing the document and required assistance from Officer ██████████. Officer ██████████ requested information from ██████████ and he provided responses in Spanish. Officer ██████████ requested that he provide information in English. Once completing his registration, Officer ██████████ requested that he leave the registration office, but he did not leave. As ██████████ was standing in the registration office, Officer ██████████ approached him and pushed him towards the door. Once he was outside the door Officer ██████████ pushed him to the ground. ██████████ refused offers of assistance from Department Members and demanded not to be touched.⁴

██████████ explained that he suffered back, and shoulder pain related to being pushed to the ground. ██████████ was treated by CFD and transported to Mercy Hospital. While receiving treatment, ██████████ was informed that he did not suffer any broken bones or injuries but was being provided medication to treat his pre-existing conditions. During his statement ██████████ remarked that he was suffering from backpain prior to his arrival at PSHQ.⁵ While at the hospital ██████████ spoke with Sgt. ██████████ and made the allegations against Officer ██████████.

In a **statement to COPA**⁶ on July 19, 2018, **Officer ██████████** stated she was working in the registration office within PSHQ, registering various convicted criminals. While she was working, ██████████ entered the office and explained he needed to register as a gun offender. Officer ██████████ assisted in completing the paperwork and explaining the process to ██████████. As Officer ██████████ was assisting ██████████ he complained about having to register and muttered “why the fuck am I here?”⁷ Once ██████████ was registered, he was upset with having to register and refused to leave the office. Officer ██████████ requested that ██████████ leave the office several times, but he remained. Officer ██████████ approached ██████████ and without making physical contact, escorted him out of the open set of interior office doors and held open the building’s exterior door. As

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis. COPA requested surveillance footage from PSHQ. COPA was provided three files of footage; however, none of the footage depicts ██████████ fall. The footage does depict CFD responding and transporting ██████████ from the location. Att. 22.

² As detailed in the Case Log, ██████████ never responded to requests for statements. Additionally, Sgt. ██████████ retired from the Department on July 17, 2018. Att. 40.

³ Att. 8.

⁴ Relevant portion at 15:27 of Att. 8.

⁵ Relevant portion at 14:22 of Att. 8.

⁶ Att. 29

⁷ *Id.* at 4:09.

█████ exited the building he stopped, pirouetted, and laid on the ground. Once █████ was on the ground, Officer █████ offered him medical attention, but █████ responded with “fuck you”⁸ and refused her offer. CFD was requested, responded, and transported █████ to the hospital. Officer █████ had no knowledge if █████ had been transported to the hospital.

Officer █████ was clear that at no time did she make physical contact with █████ She recalled Officer █████ and two civilian bystanders, █████ standing outside the door and observed █████ actions. Officer █████ recalled █████ complaining of backpain.

In a **statement to COPA**⁹ on February 7, 2019, **Witness Detective** █████ stated he observed █████ expressing his displeasure with the criminal registration process as he was signing the required paperwork. After █████ completed the registration process he was asked to leave the office. █████ was escorted, but not physically touched, by Department Members from the registration office and outside of the building. Det. █████ did not observe any incident outside the building but did subsequently go outside and observed █████ lying on the ground. █████ told Det. █████ that he has asthma and needed his inhaler. Det. █████ offered █████ medical assistance, but █████ declined the offer. After speaking with █████ Det. █████ learned from a civilian bystander that █████ had exited the building, twirled around and fell to the ground.

In a **statement to COPA**¹⁰ on February 19, 2019, **Witness Officer** █████ stated he was outside of the PSHQ when he observed █████ exit the building, spin around and fall to the ground. Officer █████ was clear that as █████ exited the building he was alone, and no person was making physical contact with him. Officer █████ spoke with █████ who claimed that he was pushed out of the door. █████ complained that both his head and chest hurt. Officer █████ at no time observed Officer █████ make physical contact with █████ Once █████ was on the ground, he requested medical assistance. CFD was contacted and responded to the location.

COPA attempted to contact the two civilian witnesses, █████ and █████ who were alleged to have witnessed the events. However, COPA was unable to interview either witness.¹²

b. Documentary Evidence

Sgt. █████ Initiation Report¹³ details that he responded to Mercy Hospital to register a complaint from █████ provided Sgt. █████ with a Gun Offender Registration form¹⁴ and accused the officer who completed the form (█████) of pushing him while he was registering at PSHQ. █████ informed Sgt. █████ that he was slowly walking out of the

⁸ *Id.* at 9:25.

⁹ Att. 46.

¹⁰ Att. 50.

¹¹ As documented on the Record and in Attachment 49, Officer █████ waived his right to representation.

¹² Att. 43 and 44.

¹³ Att. 5.

¹⁴ Att. 12.

building when Officer ██████ pushed him causing him to fall to the ground. ██████ informed Sgt. ██████ that was suffering headache, and back and shoulder pain.

Original Case Incident Reports¹⁵ detail that ██████ was at PSHQ to register as a convicted gun offender. Once his registration was complete, ██████ refused Officer ██████ request to exit the building. Officer ██████ directed ██████ from the building but ██████ instead “twirled 2 times then fell to the ground.”¹⁶ Once on the ground ██████ refused to get up but did request medical treatment. CFD responded, treated, and transported ██████ to Mercy Hospital for complaints of head and arm pain.¹⁷ Additionally, the reports also detail ██████ battery complaint that was detailed in Sgt. ██████ Initiation Report.¹⁸

Medical Records¹⁹ detail that he complained of being pushed to the ground by Officer ██████ and was suffering head and back pain. The records detail that witnesses on scene informed CFD that ██████ exited the building, laid on the ground, and claimed that he was pushed. CFD transported ██████ to Mercy Hospital.²⁰ Additionally, the records detail that ██████ suffered no injuries because of his fall.²¹

Several **To/From Reports**²² detail ██████ presence at PSHQ to register as a gun offender. Once his registration was complete, ██████ was observed, by civilian bystanders and Department Members, exiting the building alone, spinning around a few times, and falling to the ground.²³ Once on the ground, ██████ initially denied offers of medical treatment²⁴ but eventually requested medical assistance. CFD was contacted, responded, treated, and transported ██████ to Mercy Hospital.²⁵ Finally, the reports detail that Sergeant ██████ responded and conducted an on-scene investigation during which she located two civilian witnesses both of whom relayed that ██████ was alone when he fell to the ground.²⁶

VI. LEGAL STANDARD

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;

¹⁵ Atts. 13 and 14.

¹⁶ Att. 14.

¹⁷ Att. 14

¹⁸ Att. 13.

¹⁹ Atts. 24 and 45.

²⁰ Pg. 3 of Att. 24.

²¹ Pgs. 7 and 9 of Att. 45.

²² COPA did not request the To/From Reports; however, Officer ██████ provided the reports during her statement. Since the reports directly relate to this investigation and appear to have been completed contemporaneously to the interaction with ██████ COPA elected to use the reports in our investigation. Further the accounts detailed in these reports are consistent with the information obtained during the Department Member statements. Atts. 30 to 33.

²³ Detailed by Sgt. ██████ and Officers ██████ and ██████ in Atts. 30, 31 and 33 respectively.

²⁴ Detailed by Detective ██████ in Att. 32.

²⁵ Detailed by Sgt. ██████ in Att. 30.

²⁶ Detailed by Sgt. ██████ in Att. 30.

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.

VII. ANALYSIS

COPA recommends a finding of **Unfounded** for the allegation against Officer ██████████

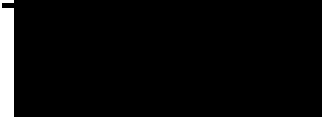
Here, COPA located no evidence to support ██████████ allegation. In fact, the evidence located by COPA directly refutes ██████████ allegation. Specifically, the information detailed in the Original Case Incident Reports, the contemporaneous accounts provided to Sgt. ██████████ by two civilian bystanders, the contemporaneous accounts of Det. ██████████ and Officers ██████████ and ██████████ and Officer ██████████ statement to COPA all refute ██████████ allegation. Based on the lack of evidence to support ██████████ allegation and the amount of evidence that refutes the allegation, COPA determined that there is clear and convincing evidence that this allegation is false or not factual, in that ██████████ fall was not a result of action taken by Officer ██████████ but rather a self-induced action.

VIII. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|--------------------|---|--------------------------|
| Officer ██████████ | 1. Pushed ██████████ to the ground without justification, in violation of Rule 9. | Unfounded. |

Approved:



March 29, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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