

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	May 30, 2015, 4:30 a.m.
Date/Time of COPA Notification:	May 30, 2015, 12:00 p.m.
Involved Officer #1:	Officer [REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2006, Police Officer, District [REDACTED], DOB: [REDACTED], 1978, M, Black.
Involved Officer #2:	Officer [REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2004, Police Officer, District [REDACTED], DOB: [REDACTED], 1972, M, Black.
Involved Individual #1:	Victim [REDACTED] [REDACTED], 25, F, Hispanic, [REDACTED].
Involved Individual #2:	Victim [REDACTED], 28, M, Hispanic, [REDACTED].
Involved Individual #3:	Complainant [REDACTED], 46, F, Hispanic, [REDACTED].
Involved Individual #4:	Witness [REDACTED], 23, F, Hispanic, [REDACTED].
Involved Individual #5:	Witness [REDACTED], 23, M, Hispanic, [REDACTED].
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] grabbed [REDACTED] [REDACTED], without justification, in violation of Rule 9.	Exonerated.

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>2. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] slammed [REDACTED] on the ground, without justification, in violation of Rule 8.</p> <p>3. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] arrested [REDACTED] without justification in violation of Rule 1.</p> <p>4. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] kicked [REDACTED] about the body while she was on the ground, without justification, in violation of Rule 8.</p> <p>5. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] dragged [REDACTED] on the ground, without justification, in violation of Rule 8.</p> <p>6. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] pushed [REDACTED] against a wall, without justification, in violation of Rule,</p> <p>7. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] punched [REDACTED] in the stomach while she was on the ground, without justification, in violation of Rule 8.</p>	<p>Exonerated.</p> <p>Unfounded.</p> <p>Unfounded.</p> <p>Unfounded.</p> <p>Unfounded.</p> <p>Exonerated.</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged that on or about May 30, 2015, at approximately 4:30 a.m., Officer [REDACTED] tasered [REDACTED] without justification, in violation of Rule 8.</p>	<p>Exonerated.</p>

II. SUMMARY OF EVIDENCE²

At approximately 3:41 a.m. on May 30, 2015, [REDACTED] was shot in the foot. He was transported to [REDACTED] accompanied by Beat [REDACTED]. Mr. [REDACTED] refused treatment and exited the hospital with his sister and a group of friends, who attempted to convince him to obtain treatment. Mr. [REDACTED] and his sister [REDACTED] engaged in an argument that turned into a physical fight outside the hospital, with the siblings striking each other. Officers [REDACTED] and [REDACTED] intervened to separate the siblings, who were highly intoxicated by description and admission. According to the officers' reports and statements, Mr. [REDACTED] attempted to strike Officer [REDACTED], who then discharged his taser into Mr. [REDACTED] and handcuffed him. In response, Ms. [REDACTED] struck Officer [REDACTED]; Officer [REDACTED] grabbed her and handcuffed her as she struggled and fought him. During their struggle, Ms. [REDACTED] was taken to the ground, where officers and witnesses reported she was kicking and resisting. Officer [REDACTED] reported she kicked him in the groin and in response he delivered a closed-hand punch to her thigh. According to witnesses who protested Ms. [REDACTED] being punched, Officer [REDACTED] exclaimed, "She hit me in my balls!"³

Both [REDACTED] and [REDACTED] were arrested and then received medical treatment.⁴ Ms. [REDACTED] received stitches for a 1 cm laceration above her eye and a fracture to her knee. Mr. [REDACTED] received treatment for the gunshot in his foot. Due to her intoxication, Ms. [REDACTED] reportedly did not remember most of her interaction with police, including whether or not she kicked an officer.

Officers [REDACTED] documented in his TRR and in his statement that he grabbed Ms. [REDACTED] and conducted an emergency takedown on her, and reported that he punched her leg after she kicked him. He denied that he punched her in the stomach, dragging, kicking or pushing her against a wall. Similarly, Officer [REDACTED] reported that Ms. [REDACTED] attacked and kicked Officer [REDACTED] in the groin. Officer [REDACTED] agreed that he deployed a Taser at Mr. [REDACTED] because he had battered his sister, was preparing to punch a male bystander and was not following instructions.

COPA reviewed all relevant reports including arrest reports, original case incident reports, Detective supplementary report, evidence technician photos, statements of involved parties and event query reports. There was no video footage that captured the incident.

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.

³ Attachment 22, transcript of witness [REDACTED], page 12, Lines 14-15.

⁴ On July 26, 2016, Ms. [REDACTED] pleaded guilty to charges of aggravated battery of an officer(s) and was sentenced to probation and community service.

III. 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;
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

COPA finds that Allegations #1-3 that Officer ██████████ grabbed and slammed Ms. ██████████ to the ground and arrested her without justification are Exonerated. The evidence clearly established that prior to her arrest, Ms. ██████████ was fighting with her brother and then became an assailant to the officers when she struck and/or kicked at them. Therefore, the force used against Ms. ██████████ was within policy and her arrest was warranted.

COPA finds that Allegations #4-7 that Officer ██████████ punched Ms. ██████████ in the stomach, kicked her about the body, dragged her on the ground and pushed her against a wall are Not Sustained. There are competing descriptions about the incident from Mr. and Ms. ██████████, witnesses and the officers. There is no video or audio evidence to establish clearly and convincingly the actions of Ms. ██████████ or the use of force employed by Officer ██████████.

COPA finds that Allegation #1 that Officer ██████████ tasered Mr. ██████████ without justification is Exonerated. The evidence clearly established that officer engaged Mr.

_____ because he battered his sister and then did not follow verbal commands. The use of a Taser on an assailant is within policy.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

6-21-19

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████████████
Deputy Chief Administrator:	Angela Hearts-Glass