

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	August 13 2017
Time of Incident:	12:52 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	August 14 2017
Time of COPA Notification:	11:04 a.m.

On August 13, 2017, Officer [REDACTED] and Officer [REDACTED] were near [REDACTED] when they were alerted by a citizen to a physical altercation taking place between mother and daughter, [REDACTED] and [REDACTED]. Officer [REDACTED] physically interceded in the fight between the two women. Officer [REDACTED] eventually handcuffed [REDACTED] to control and calm the situation. Neither woman was arrested nor provided medical treatment. Officer [REDACTED] and Officer [REDACTED] notified OEMC about the incident but did not complete any reports.

[REDACTED] contacted the Chicago Police Department and made a complaint taken by Sgt. [REDACTED] that a unit from District [REDACTED] dislocated her elbow. Based on its review of the evidence, COPA brought allegations against Officer [REDACTED] and Officer [REDACTED], and after conducting a thorough investigation, COPA determined that the evidence supports a finding of Not Sustained for excessive force and the use of profanity and a finding of Sustained for failure to complete an Investigatory Stop Report.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], * [REDACTED], [REDACTED], 2002, PO, District [REDACTED], [REDACTED] 1972, Male, African American
Involved Officer #2:	[REDACTED], * [REDACTED], [REDACTED], 1998 District [REDACTED], [REDACTED] 2969, Male, Caucasian
Subject #1:	[REDACTED], [REDACTED] 1973, Female, African American

III. ALLEGATIONS

<sup>1</sup> 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.

Officer	Allegation	Finding
Officer: [REDACTED]	<p>1. It is alleged that on 13 August 2017, at approximately 12:52 p.m., at or about [REDACTED], Officer [REDACTED] injured complainant by using unnecessary force when he attempted to take the complainant to the ground and that he injured complainant when he pushed and bent complainant's elbow.</p> <p>2. It is alleged that on August 13, 2017, at approximately 12:52 p.m., at or about [REDACTED], Officer [REDACTED] disrespected the complainant when he used profanity towards the complainant.</p> <p>3. It is alleged, through the Civilian Office of Police Accountability, that on August 13, 2017, Officer [REDACTED] failed to complete an Investigatory Stop Report.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p>
Officer: [REDACTED]	<p>1. It is alleged, through the Civilian Office of Police Accountability, that on August 13, 2017, Officer [REDACTED] failed to complete an Investigatory Stop Report.</p>	Sustained

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 8 Disrespect to or maltreatment of any person, while on or off duty

General Orders

1. General Order G03-02 The Use of Force
2. General Order G03-02-01 The Use of Force Model
3. Special Order S04-13-09 Investigatory Stop System

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**Special Orders**

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1. S04-13-09

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**Federal Laws**

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1. Graham v. Connor, 490 U.S. 386 (1989)

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**State Laws**

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1. 725 ILCS 5/107-14 delineates the authority for conducting an Investigatory Stop

**V. INVESTIGATION<sup>2</sup>****a. Interviews**

In an interview with C.O.P.A. on August 16, 2017<sup>3</sup> ██████████ stated that on the date in question, August 13, 2017, there was an altercation between her and her daughter. ██████████ stated that her daughter, ██████████, struck her in the face with a closed fist and they began to struggle with each other. ██████████ stated that the dark-skinned officer told them to stop the fighting and to “let each other go.”<sup>4</sup> ██████████ further stated that an officer was standing in between her and her daughter, while trying to diffuse the situation by telling them to “calm down,”<sup>5</sup> but her daughter continued to strike her. ██████████ said the dark-skinned officer pushed her and her daughter. ██████████ said the dark-skinned officer continued to push her and she responded by telling the officer “I am her mother.”<sup>6</sup>

██████████ said the officer responded by “snatching her arm,”<sup>7</sup> which was later described as, “grabbing her wrist,”<sup>8</sup> and trying to take her to the ground. ██████████ said when she did not go to the ground, the officer pulled her wrist again. ██████████ said she asked the officer why he was pulling her arm behind her if she was not being arrested. ██████████ said the officer continued to pull and “jerked”<sup>9</sup> her arm and that she felt a “pop.”<sup>10</sup> ██████████ said the officer fractured her elbow and that

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<sup>2</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>3</sup> Att. 10 <sup>4</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 3:29)

<sup>4</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 3:29)

<sup>5</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 3:47)

<sup>6</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 12:42)

<sup>7</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 13:40)

<sup>8</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 14:05)

<sup>9</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 16:28)

<sup>10</sup> See Audio Recorded Statement of Ms. ██████████ (Att. 10 at 15:33)

the officer still handcuffed her despite her complaints about the pain in her elbow to which he responded by making a joke by stating “you need medical attention now?”<sup>11</sup> [REDACTED] decided to seek medical attention after the incident.

In an interview with COPA, on April 27, 2018, accused officer, [REDACTED] provided a description of the incident and stated that he and Officer [REDACTED] were working on August 13, 2017 around [REDACTED] when a woman waved down the officers to a physical altercation taking place. Officer [REDACTED] said that he and his partner drove in the direction of the altercation and he exited the vehicle and instructed two females, identified as [REDACTED] and [REDACTED] to stop. Officer [REDACTED] said he got in between the two women. Officer [REDACTED] said [REDACTED] continued to “go after”<sup>13</sup> [REDACTED]. Officer [REDACTED] denied trying to take [REDACTED] to the ground, but stated that he had to restrain [REDACTED] prior to handcuffing her.

Officer [REDACTED] said [REDACTED] and [REDACTED] both declined to sign complaints or seek medical attention.

Officer [REDACTED] denied using profanity towards [REDACTED]. Further, Officer [REDACTED] said [REDACTED] did not complain about any injuries nor did he see visible injuries. Officer [REDACTED] said he didn’t arrest either party because he did not believe it was worthy of a domestic battery charge or a simple battery and neither party wanted to sign complaints.

Officer [REDACTED] said the event was documented through dispatch and the call labeled the incident as a code 1F, which means “Domestic and Peace Restored.”<sup>14</sup> Officer [REDACTED] said the reason an Investigatory Stop Report was not completed is because of the training he received and interpretation that “we are not required to complete an Investigatory Stop Report”<sup>15</sup> if there is a hand waver or a call of 911 service.

In an interview with COPA, on April 27, 2018, accused officer, [REDACTED]<sup>16</sup> provided a description about the incident that occurred on August 13, 2017. Officer [REDACTED] stated that he was working with Officer [REDACTED]. Officer [REDACTED] responded to a citizen who directed the officers toward a physical altercation taking place. Officer [REDACTED] stated that he parked the vehicle while Officer [REDACTED] exited the vehicle to tend to the situation.

Officer [REDACTED] denied seeing Officer [REDACTED] placing handcuffs on [REDACTED] or physically assaulting her. Officer [REDACTED] did not witness his partner’s attempt to take [REDACTED] to the ground nor did Officer [REDACTED] explain why [REDACTED] was being detained. Officer [REDACTED] said the entire incident took about three minutes to complete

<sup>11</sup> See Audio Recorded Statement of Ms. [REDACTED] (Att. 10 at 16:36)

<sup>12</sup> Att. 20<sup>13</sup> See Audio Recorded Statement Police Officer [REDACTED] (Att. 20 at 6:50)

<sup>13</sup> See Audio Recorded Statement Police Officer [REDACTED] (Att. 20 at 6:50)

<sup>14</sup> See Audio Recorded Statement of Police Officer [REDACTED] (Att. 20 at 10:19 – 10:22)

<sup>15</sup> See Audio Recorded Statement of Police Officer [REDACTED] (Att. 20 at 10:51 -11:08)

<sup>16</sup> Att. 24

Officer [REDACTED] did not recall [REDACTED] ever complaining about pain or discomfort while in handcuffs. Officer [REDACTED] stated that all parties were asked if they wanted to file complaints or seek medical treatment to which they both declined. Officer [REDACTED] said the contact was not documented because, "based on the training at the time, citizen's initiation contact did not require an Investigatory Stop Report."<sup>17</sup>

### b. Physical Evidence

**Medical Records from the University of Chicago show that Ms. [REDACTED] was seen, treated, and discharged from the emergency room on August 13, 2017.**<sup>18</sup> The Medical Records and notes show no fracture or malalignment identified. The records further show no elbow joint effusion present. The report was signed by [REDACTED] MD on August 14, 2017. The Discharge instructions for [REDACTED] states that she was seen at the [REDACTED] Emergency Department for elbow pain. [REDACTED] was diagnosed with a sprained elbow. She was instructed to wear a sling for comfort and to follow up with her primary doctor and a joint specialist.

### c. Documentary Evidence

**COPA received a report from Sgt. [REDACTED] that provided a summary of his interaction with Ms. [REDACTED] and observation at [REDACTED] hospital.**<sup>19</sup> Sgt. [REDACTED] was contacted by Bt. [REDACTED] at the hospital at approximately 1914 hrs. on August 13, 2017. Upon arrival at the hospital, Sgt. [REDACTED] was informed that [REDACTED] was alleging a [REDACTED] District unit dislocated her elbow. Sgt. [REDACTED] spoke with [REDACTED] and she related that there was a domestic altercation with her daughter earlier in the day at the [REDACTED]. [REDACTED] related to Sgt. [REDACTED] that her daughter was physically punching her in the head and body with closed fists. [REDACTED] said police officers arrived in a squadrol marked [REDACTED]. [REDACTED] said the officer exited the vehicle and attempted to separate her and her daughter. [REDACTED] said in the process of separating the [REDACTED] from her, the officer stepped on her foot and broke her toenail. Sgt. [REDACTED] completed a visual inspection and noticed that [REDACTED] had sandals on her feet and no visual sign of damage was observed.

[REDACTED] stated that a dark-skinned officer forcefully grabbed her by the arm and twisted it. [REDACTED] further stated the officer pulled her arm and pushed her to the ground unsuccessfully. [REDACTED] said she left the scene on her own and decided to seek medical treatment hours later. An event query was completed, and it was discovered that there was a disturbance call at [REDACTED] at 1252 hours that was coded as [REDACTED] by Bt. [REDACTED] watch. It was discovered that Officer [REDACTED] and [REDACTED] were Bt. [REDACTED] and driving Squadrol [REDACTED].

**A copy of the Office of Emergency Management and Communications Event Query Report was obtained.**<sup>20</sup> The event query shows the date, time and address of the incident. It

<sup>17</sup> See Audio Recorded Statement of Police Officer [REDACTED] (Att. 24 at 7:48 – 7:52)

<sup>18</sup> Att.14

<sup>19</sup> See Initiation Report (Att. 4)

<sup>20</sup> See O.E.M.C. Event Query (Att. 5)

further confirms the information reported by Officer [REDACTED], Officer [REDACTED] and Ms. [REDACTED] about the location of the incident. The report shows that the incident took a total of fourteen minutes to complete.

#### d. Additional Evidence

COPA attempted to interview [REDACTED] by requesting her to respond by August 25, 2017 to the letter sent on August 15, 2017. [REDACTED] never responded to the letter sent to her. Multiple phone calls were made to [REDACTED]'s home and she responded by informing the investigator that she did not wish to cooperate.

### VI. ANALYSIS

COPA finds Allegation 1 that Officer [REDACTED] used unnecessary force while detaining [REDACTED] **Not Sustained.** [REDACTED] admitted that as Officer [REDACTED] physically interceded in the fight, she resisted his attempts to control her causing him to increase the force used. By both accounts, Officer [REDACTED] had to physically restrain [REDACTED] and eventually handcuff her.

While both Officer [REDACTED] and Officer [REDACTED] state that [REDACTED] never complained of pain, refused medical attention and was not in any obvious pain; [REDACTED] did seek medical attention after the incident. However, the medical records report no fractures, as claimed by [REDACTED], and no malalignment identified. Swelling was noted.

[REDACTED] reported injuries far more severe than was noted on the medical records. Moreover, the evidence suggests she was involved in a fight prior to Officer [REDACTED] involvement. Finally, [REDACTED] admitted to resisting Officer [REDACTED] attempts to break up the fight causing him to increase his level of aggression. In sum, there is evidence that suggests Officer [REDACTED] could have caused the injury, yet the evidence suggests he may have been justified in his level of force. Additionally, the evidence does not clearly indicate Officer [REDACTED] caused the injury at all. therefore, the evidence is insufficient to prove or disprove Officer [REDACTED] used unnecessary force that caused the injury to [REDACTED].

COPA finds Allegation 2 that Officer [REDACTED] used profanity while detaining [REDACTED] is **Not Sustained.** [REDACTED] claimed Officer [REDACTED] used profanity toward her while Officer [REDACTED] denied doing so. No independent witnesses or evidence exists to prove or disprove the allegations. Moreover, COPA lacks evidence to suggest either party is more credible than the other. Therefore, the allegation is **Not Sustained.**

COPA finds Allegation 3 that Officer [REDACTED] and Allegation 1 that Officer [REDACTED] failed to complete an ISR after detaining [REDACTED] is **Sustained.** Officer [REDACTED] physically interceded in the fight, and eventually placed handcuffs on [REDACTED]. Officer [REDACTED] admitted to seeing [REDACTED] in handcuffs but ever asked why. According to S04-13-09 Investigatory Stop System, both officers are required to complete an ISR when they detain or participate in the detention of a citizen for any length of time where the contact is not consensual. Clearly handcuffs are a temporary

detention. Additionally, given the Officers own description of the incident, Officer [REDACTED] should have completed a TRR. Therefore, these allegations are sustained.

## **I. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **a. Officer [REDACTED]**

#### **i. Complimentary and Disciplinary History**

COPA has reviewed both the officers complimentary and disciplinary history.

#### **ii. Recommended Penalty, by Allegation**

##### **1. Allegation No. 3**

Officer [REDACTED] attempted to intercede a fight and using his discretion believed the public good was better served by not making any arrests. His efforts to assist mother and daughter [REDACTED] and [REDACTED] are mitigating factors. Officer [REDACTED] should be applauded for his efforts and his compassion, however situations where officers act without documenting their efforts pose problems. In this case, [REDACTED] sought medical attention and attributed her injury to the Officer [REDACTED]. COPA does not find enough evidence exists to determine his culpability in causing that injury.

However, the lack of reporting, especially when an ISR is specifically warranted by the special order, is troubling for both the public and the officer. Here, an ISR and possibly even TRR could have helped absolve Officer [REDACTED] of any allegation of misconduct as opposed to creating more questions. While COPA recommends on a violation noted, we strongly encourage Officers to document all interactions, especially those where handcuffs are placed on a citizen.

### **b. Officer [REDACTED]**

#### **i. Complimentary and Disciplinary History**

COPA has reviewed both the officers complimentary and disciplinary history.

#### **ii. Recommended Penalty, by Allegation**

##### **1. Allegation No. No. 3**

As stated above, COPA stresses the necessity of documentation of interactions with the public, especially in situations where a person is handcuffed. Although Officer [REDACTED] did not participate in the handcuffing he was aware it happened and was obligated to create an ISR. COPA recommends a violation noted.

II. CONCLUSION

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

Officer	Allegation	Finding
Officer: [REDACTED]	<p>1. It is alleged that on August 13, 2017, at approximately 1252 hours, at or about [REDACTED], Officer [REDACTED] injured complainant by using unnecessary force when he attempted to take the complainant to the ground and that he injured complainant when he pushed and bent complainant's elbow.</p> <p>2. It is alleged that on August 13, 2017, at approximately 12:52 p.m., at or about [REDACTED], Officer [REDACTED] disrespected the complainant when he used profanity towards the complainant.</p> <p>3. It is alleged, through the Civilian Office of Police Accountability, that on August 13, 2017, Officer [REDACTED] failed to complete an Investigatory Stop Report.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p>
Officer: [REDACTED]	<p>1. It is alleged, through the Civilian Office of Police Accountability, that on August 13, 2017, Officer [REDACTED] failed to complete an Investigatory Stop Report.</p>	<p>Sustained</p>

Approved [REDACTED]

*Deputy Chief Administrator – Chief Investigator*

Date

1/28/19



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]	