

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 14, 2018
Time of Incident:	Approximately 12:30 a.m.
Location of Incident:	1021 W. Thorndale Ave., Chicago, Illinois
Date of COPA Notification:	December 13, 2018
Time of COPA Notification:	Approximately 10:27 a.m.

██████████ (██████████) complained that Chicago Police Department (“CPD”) officers falsely arrested him in connection with an incident involving alleged domestic violence. Body-worn camera footage that captured ██████████ arrest disproves the complaint. That footage shows the arresting officers responding to a 911 call reporting that ██████████ was on the scene and that he had violated an order of protection. The footage then shows the 911 caller providing the officers with documentation establishing that the ██████████ was the subject of an order of protection and further establishes that ██████████ was the named offender in a prior case report alleging assault. The officers then arrested ██████████ for the prior assault, after the victim positively identified him as the offender.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 2007, Rank: Police Officer; Unit of Assignment: ██████████ DOB: ██████████ 1978, F/W
Involved Officer #2:	██████████ Star # ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 1999; Rank: Police Officer; Unit of Assignment: ██████████ DOB: ██████████ 1972, M/S
Involved Individual #1:	██████████ DOB: ██████████ 1984, M/B

III. ALLEGATIONS

Officer	Allegation	Findings
Officer ██████████	1. On July 14, 2018, at 1021 W. Thorndale Ave., Chicago, Illinois, the accused arrested the Complainant without justification.	Exonerated
Officer ██████████	1. On July 14, 2018, at 1021 W. Thorndale Ave., Chicago, Illinois, the accused arrested the Complainant without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1, CPD Rules of Conduct (prohibiting the violation of any law or ordinance).
 2. Rule 8, CPD Rules of Conduct (prohibiting disrespect to or maltreatment of any person).
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Federal Laws

1. U.S. Constitution, Fourth Amendment
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State Laws

1. 725 ILCS 5/107-2(1)(c)

V. INVESTIGATION¹

a. Interviews

█████
█████ gave an audio recorded interview on December 13, 2018.² In non-verbatim summary, █████ complained that he had been falsely arrested by CPD officers, now known to be Officers █████ (“Officer █████ and █████ (“Officer █████ and that the arresting officers falsified reports connected with his arrest. █████ reported that he had been acquitted of all charges arising out of the arrest.

b. Digital Evidence

Body-worn Camera (“BWC”)

COPA reviewed BWC footage that captured █████ arrest.³ In material summary, that footage shows Officers █████ and █████ arriving at an apartment building having an address of █████ in Chicago, Illinois at approximately 12:25 a.m. on July 14, 2018, where they are greeted by a woman who informs the officers that █████ had attempted to gain entry to her apartment through a bathroom window. The officers enter the apartment. Officer █████ walks past a bathroom and then informs Officer █████ that saw a subject just outside the bathroom window. The woman shows Officer █████ a copy of a CPD case report and court documentation which she states contains an order of protection against █████ Officer █████ then leaves the apartment building with the woman and they walk towards the building’s rear. Officer █████ and the woman then encounter █████ and the woman identifies █████ to Officer █████ Officer █████ then detains █████ and notifies Officer █████ who comes to the scene. Officers █████ and █████ then handcuff █████ and place him in to their CPD vehicle. █████ complains that he lives at the

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 a is an audio recording of that interview.

³ Attachment b.

location and that the woman does not have the right to be there. A CPD sergeant arrives at the scene and he discusses the matter with [REDACTED] and Officers [REDACTED] and [REDACTED]. The sergeant then directs the officers to charge [REDACTED] with assault (which is the offense listed in the case report), and he informs [REDACTED] that will be charged with assault.⁴

c. Documentary Evidence

Event Query Report

In material summary, an Event Query Report⁵ shows that a woman called 911 at approximately 12:18 a.m. on July 14, 2018 and reported that [REDACTED] had violated an order of protection by entering or by trying to enter a residence at [REDACTED] through a bathroom window. The report further shows that OEMC then dispatched CPD officers (now known to be Officers [REDACTED] and [REDACTED]) to the scene at approximately 12:22 a.m.

Supplementary Report

Officers [REDACTED] and [REDACTED] submitted a supplementary report dated July 14, 2018⁶ in which they stated, in material summary, that they arrested [REDACTED] upon the signed complaints of a victim after [REDACTED] had been observed trying to enter the victim's apartment through a bathroom window, that [REDACTED] was the subject of an order of protection, and that a previously submitted case report named [REDACTED] as an offender having committed an assault.

Arrest Report

Officer [REDACTED] submitted an arrest report in connection with the incident⁷ in which he stated, in material summary, that he and Officer [REDACTED] arrested [REDACTED] after [REDACTED] made contact with a victim through a bathroom window in violation of an order of protection and that [REDACTED] was the named offender in a recent case report accusing him of assault against the same victim.

Original Incident Case Report

An original incident case report dated July 12, 2018⁸ lists [REDACTED] as the named offender in an assault alleged to have taken place on July 4, 2018.

⁴Court records show that on November 6, 2018, [REDACTED] was in fact found not guilty of charges arising out of the incident. See Attachment c.

⁵Attachment d.

⁶Attachment e.

⁷Attachment f.

⁸Attachment g.

VI. ANALYSIS

COPA’s investigation of the incident revealed that the actions of Officers [REDACTED] and [REDACTED] were proper. Specifically, we find that their arrest of [REDACTED] did not violate applicable Illinois state law, nor the Fourth Amendment’s prohibition against unreasonable seizures. Considering the information known to Officers [REDACTED] and [REDACTED] at the time of the arrest as shown by BWC footage (i.e. that [REDACTED] was the listed offender in a documented assault that occurred 2 days prior, and that the victim identified [REDACTED] in person) we conclude that reasonable grounds existed for the officers to believe that [REDACTED] had committed the crime of assault.⁹ Accordingly, COPA finds probable cause existed for [REDACTED] arrest and therefore Officers [REDACTED] and [REDACTED] are exonerated.

VII. CONCLUSION

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

Officer	Allegation	Findings
Officer [REDACTED]	1. On July 14, 2018, at 1021 W. Thorndale Ave., Chicago, Illinois, the accused arrested the Complainant without justification.	Exonerated
Officer [REDACTED]	1. On July 14, 2018, at 1021 W. Thorndale Ave., Chicago, Illinois, the accused arrested the Complainant without justification	Exonerated

Approved:

[REDACTED]

June 28, 2019

 Andrea Kersten
 Deputy Chief Investigator

 Date

⁹Under Illinois law, a police officer may arrest a person when he or she “has reasonable grounds to believe that the person is committing or has committed an offense.” 725 ILCS 5/107-2(1)(c). Under the Fourth Amendment, the standard is similar: probable cause, which exists “where an arresting officer has knowledge of facts and circumstances that would have led a reasonable person to conclude the defendant has committed or is committing a crime.” People v. Jones, 215 Ill.2d 261, 273-74 (2005); United States v. Watson, 423 U.S. 411 (1976) (“the Fourth Amendment permits a duly authorized law enforcement officer to make a warrantless arrest in a public place ... after developing probable cause for arrest.”). Moreover, an unverified complaint of a single putative victim can by itself be sufficient to establish probable cause. Beauchamp v. City of Noblesville, 320 F.3d 733, 743 (7th Cir. 2003).

Appendix A

Assigned Investigative Staff

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