

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	December 16, 2016; 9:23 a.m.; 3120 W. Taylor Street
Date/Time of COPA Notification:	December 21, 2016; 1:01 p.m.
Involved Officer #1:	██████████ star# ██████ employee ID# ██████ Date of Appointment: ██████ 2004; Police Officer; Unit of Assignment: ██████ District; Date Of Birth: ██████ 1974; Male; White.
Involved Officer #2:	██████████ star# ██████ employee ID# ██████ Date of Appointment: ██████ 2013; Police Officer; Unit of Assignment: ██████ District; Date of Birth: ██████ 1986; Male; White.
Involved Officer #3:	██████████ star# ██████ employee ID# ██████ Date of Appointment: ██████ 2006; Detective; Unit of Assignment: ██████ Date of Birth: ██████ 1982; Male; Asian.
Involved Individual #1:	██████████ DOB: ██████ 1999; Male; Black.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████ ██████████	1. It is alleged that Officer ██████ tackled ██████ to the ground, in violation of Rule 8.	Exonerated
	2. It is alleged that Officer ██████ kicked ██████ in violation of Rule 8.	Unfounded
Officer ██████	1. It is alleged that Officer ██████ tackled ██████ to the ground, in violation of Rule 8.	Unfounded

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>Detective [REDACTED]</p>	<p>2. It is alleged that Officer [REDACTED] kicked [REDACTED] in violation of Rule 8.</p> <p>1. It is alleged that Detective [REDACTED] punched [REDACTED] in violation of Rule 8.</p>	<p>Unfounded</p> <p>Unfounded</p>
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II. SUMMARY OF EVIDENCE²

[REDACTED] was arrested after Sgt. [REDACTED] and Officer [REDACTED] observed [REDACTED] and co-offender [REDACTED] riding in a stolen vehicle. The officers conducted a traffic stop and [REDACTED] and [REDACTED] fled from the vehicle. [REDACTED] stated that officers tackled him to the ground, kicked and punched him as he attempted to exit the vehicle; [REDACTED] denied fleeing. Officer [REDACTED] acknowledged that he performed a take down as [REDACTED] fled; and Officer [REDACTED] acknowledged that he performed an emergency handcuffing. Both officers denied that they kicked [REDACTED] and Detective [REDACTED] denied that he punched [REDACTED]. Department reports document that [REDACTED] was charged with Criminal Trespass to Vehicles and note that he was taken to St. Anthony Hospital for a scrape to his face sustained during the take down. Medical records document that [REDACTED] was running when he slipped and fell on ice, hurting the right side of his face. [REDACTED] was diagnosed with facial abrasions. There is no documentation of [REDACTED] being kicked or punched. In-car video from Sgt. [REDACTED] and Officer [REDACTED] vehicle does not depict [REDACTED] arrest; however, the audio revealed that both occupants ran from the vehicle and officers gave the direction of flight as they pursued [REDACTED] and [REDACTED].

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.

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[REDACTED] fled in a different direction and did not witness [REDACTED] arrest.

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

██████████ alleged that during his arrest, officers tackled him to the ground, kicked and punched him as he attempted to exit the vehicle. Officers ██████████ and ██████████ both stated that Officer ██████████ performed a take down as ██████████ fled and Officer ██████████ performed an emergency handcuffing. ██████████ account is not credible. He claims that he never fled; however, the available evidence suggests that ██████████ and ██████████ both fled from the vehicle. Medical records reveal that ██████████ injuries were sustained when he slipped and fell on ice, and that ██████████ never reported being kicked or punched. Therefore, the allegation that Officer ██████████ tackled ██████████ to the ground is Exonerated and the additional allegations against the involved officers are Unfounded.

Approved:

██████████

Jay Westensee
Deputy Chief Administrator – Chief Investigator

7/31/19

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	████████████████████
Deputy Chief Administrator:	Jay Westensee, #