

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	October 22, 2018
Time of Incident:	5:13 p.m.
Location of Incident:	5101 South Wentworth Avenue, Chicago, Illinois
Date of COPA Notification:	October 26, 2018
Time of COPA Notification:	11:12 a.m.

██████████ (██████████) alleged she was detained longer than necessary following her October 22, 2018, arrest and she was verbally abused by Detention Aides ██████████ (“DA ██████████” and ██████████ (“DA ██████████” while in lockup. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation.

COPA found no evidence of misconduct in the amount of time ██████████ was detained in lockup. ██████████ does not allege she was detained by any particular Department Member or for a specific reason, longer than necessary. ██████████ just believed the process should not have taken as long.<sup>1</sup> Department Reports indicate ██████████ was released approximately one hour after charges against her were approved. Based on the evidence, no misconduct occurred related to the amount of time ██████████ was detained. Accordingly, no allegation was served.

COPA found there was insufficient evidence to determine whether DA ██████████ or DA ██████████ verbally abused ██████████. A detailed analysis of COPA’s findings is discussed below.

**II. INVOLVED PARTIES**

Involved Detention Aide #1:	██████████ employee ID# ██████████ Date of Appointment: ██████████, 2014, Detention Aide, Unit ██████████ DOB: ██████████ 1982, Female, Black
Involved Detention Aide #2:	██████████ employee ID# ██████████ Date of Appointment: ██████████ 2014, Detention Aide, Unit ██████████ DOB: ██████████ 1977, Female, Black
Involved Individual #1:	██████████ DOB: ██████████ 1960, Female, Black

<sup>1</sup> During her interview with COPA, ██████████ attorney, ██████████ ██████████ indicated he believed ██████████ was held for an unusually long time for a misdemeanor charge, and further stated he did not believe it was a coincidence she was released while he was on the phone with the Department asking about her detention.

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Detention Aide ██████████	It is alleged that on October 22, 2018, in the vicinity of 5101 South Wentworth Avenue, between 2:00 p.m. and 5:15 p.m., you engaged in an unjustified verbal altercation with ██████████ by using profanity, to the effect of “motherfucking ass;” shit;” and “ass.”	Not Sustained
Detention Aide ██████████	It is alleged that on October 22, 2018, in the vicinity of 5101 South Wentworth Avenue, between 2:00 p.m. and 5:15 p.m., you engaged in an unjustified verbal altercation with ██████████ by using profanity, to the effect of “motherfucking ass;” shit;” and “ass.”	Not Sustained

**IV. APPLICABLE RULES AND LAWS**

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

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

**a. Interviews<sup>3</sup>**

In an **interview with COPA**, on November 1, 2018, ██████████ (██████████) stated that on October 22, 2018, at approximately 9:30 to 10:00 in the morning, officers came to her door and told her they had to take her into the police station for questioning. The officers transported her to the police station, located at 51st and Wentworth, and placed her in a room. After waiting about thirty minutes, a female officer,<sup>4</sup> entered the room, searched her, told her she was under arrest, and was going to jail. ██████████ was taken downstairs where she was fingerprinted and placed into a cell. At approximately 1:00 p.m., a female Detention Aide told ██████████ that her fingerprints had cleared and she should be going home in about an hour, further explaining that paperwork must be received from upstairs before ██████████ could be released.

After the shift changed, ██████████ had interactions with two female Detention Aides<sup>5</sup> that she indicated were unprofessional. The Detention Aide 1<sup>6</sup>, directed profanity at ██████████ on

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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> COPA was unable to locate and interview the other female detained in lockup who was present during a portion of this incident. Attachment 40.

<sup>4</sup> Now known as Detective ██████████, star ██████████

<sup>5</sup> COPA, based on ██████████ description, was unable to confirm the identity of the Detention Aide 1 and Detention Aide 2. Therefore, DA ██████████ and DA ██████████ were both served the allegation.

<sup>6</sup> ██████████ described her as a female in her 40s, Black, medium brown complexion, short at about 5’2” or 5’3”, long hair pulled back, and she wore a lot of makeup.

multiple occasions, specifically saying, “sit [your] ass down;” “sit [your] motherfucking ass down somewhere;” “your motherfucking ass getting ready to be released;”<sup>7</sup> and “get all your shit and bring your ass.”<sup>8</sup> Detention Aide 2<sup>9</sup> used profanity when speaking to other employees, but ██████ did not specifically hear profanity in the mumbled responses directed towards her.<sup>10</sup>

In an **interview with COPA**, on March 12, 2019, **Detention Aide ██████ employee # ██████** (“DA ██████ provided a physical description of herself as a Black woman, light skinned, 5’6 1/2”, and long black hair, which was the same on the date of this incident. DA ██████ confirmed she was working as a Detention Aide with DA ██████ in the District ██████ female lockup, on October 22, 2018, when ██████ was detained. DA ██████ recognized ██████ by her face, but did not recall any specific interactions with her. DA ██████ stated, at some point while inside her cell, ██████ yelled, but DA ██████ did not know whether ██████ was yelling in anger or what she said. DA ██████ denied using profanity while at work, denied the allegation and denied hearing DA ██████ use such language toward ██████<sup>12</sup>

In an **interview with COPA**, on March 15, 2019, **Detention Aide ██████ employee # ██████** (“DA ██████ provided a physical description of herself as black, medium complexion, 5’0”, 182 pounds, dark brown/black shoulder length hair, which was the same on the date of this incident.<sup>13</sup> DA ██████ confirmed she was working as a Detention Aide with DA ██████ in the District ██████ female lockup, on October 22, 2018, when ██████ was detained. DA ██████ recognized ██████ but did not recall any interaction with her. DA ██████ denied the allegation, stating she does not talk in that manner, and denied hearing DA ██████ using such language toward ██████<sup>15</sup>

In an **interview with COPA**, on April 3, 2019, **Sergeant ██████ star # ██████** (“Sgt. ██████ stated, on October 22, 2018, he was working as the District Desk Sergeant and one of his duties was to perform periodic visual checks of the lockup area. Sgt. ██████ did not recall ██████ or whether he had any interaction with her. Sgt. ██████ denied hearing DA ██████ or DA ██████ use profanity toward ██████ Sgt. ██████ stated he has not heard DA ██████ or DA ██████ speak in the manner alleged.<sup>18</sup>

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<sup>7</sup> Attachment 8, 16:15-16:17.

<sup>8</sup> *Id.* at 16:23-16:25.

<sup>9</sup> ██████ described her as female, Black, 5’6”, honey blond hair in braids, and heavier weight than herself.

<sup>10</sup> Attachment 8.

<sup>11</sup> DA ██████ described DA ██████ as Black, 2 shades browner complexion than DA ██████ 5’2”, but could not recall how she was wearing her hair.

<sup>12</sup> Attachment 29.

<sup>13</sup> DA ██████ provided photographs of herself from the day before and after the incident. These photographs show her hair was black just past the shoulders in length and pulled back.

<sup>14</sup> DA ██████ described DA ██████ as Black, light complexion, 5’&”, long black hair, and medium build, approximately 190 pounds.

<sup>15</sup> Attachment 36.

<sup>16</sup> Sgt. ██████ described DA ██████ as a female, African-American, 5’1” or 5’2”, with short black hair.

<sup>17</sup> Sgt. ██████ described DA ██████ as a female, African-American, 5’10”, with shorter brownish-black hair.

<sup>18</sup> Attachment 39.

### b. Documentary Evidence

According to **Department Reports**, on October 22, 2018, at approximately 10:45 a.m., [REDACTED] was arrested by the fugitive apprehension unit and transported to District [REDACTED]. Detective [REDACTED] was notified of the arrest. [REDACTED] was received in District [REDACTED] lockup at 12:36 p.m. Final approval of the charges were entered at 4:14 p.m. [REDACTED] was released from lockup at 5:15 p.m.<sup>19</sup>

## 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;
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

This case presents issues of fact that cannot be resolved one way or another. There are no witness statements or video evidence to corroborate the incident as described by [REDACTED] COPA also finds [REDACTED] DA [REDACTED] and DA [REDACTED] to be equally credible. Therefore, there is insufficient evidence to determine, by a preponderance of the evidence, that DA [REDACTED] or DA [REDACTED] engaged in an unjustified verbal altercation, and there is insufficient evidence to determine, by clear and convincing evidence, that DA [REDACTED] or DA [REDACTED] did not engage in an unjustified

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<sup>19</sup> Attachment 10, 12.

verbal altercation. Thus, COPA finds the allegation that DA [REDACTED] and DA [REDACTED] engaged in an unjustified verbal altercation with [REDACTED] by using profanity, to the effect of “motherfucking ass;” shit;” and “ass” is **Not Sustained**.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding
Detention Aide [REDACTED]	It is alleged that on October 22, 2018, in the vicinity of 5101 South Wentworth Avenue, between 2:00 p.m. and 5:15 p.m., you engaged in an unjustified verbal altercation with [REDACTED] by using profanity, to the effect of “motherfucking ass;” shit;” and “ass.”	Not Sustained
Detention Aide [REDACTED]	It is alleged that on October 22, 2018, in the vicinity of 5101 South Wentworth Avenue, between 2:00 p.m. and 5:15 p.m., you engaged in an unjustified verbal altercation with [REDACTED] by using profanity, to the effect of “motherfucking ass;” shit;” and “ass.”	Not Sustained

Approved:

[REDACTED]

July 25, 2019

\_\_\_\_\_  
 Andrea Kersten  
 Deputy Chief Administrator – Chief Investigator

\_\_\_\_\_  
 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	████████████████████
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten