

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 23, 2017
Time of Incident:	4:10 PM
Location of Incident:	████████████████████
Date of COPA Notification:	February 7, 2018
Time of COPA Notification:	9:26 AM

On October 23, 2017, the complainant, ██████████ was arrested for trespassing at ██████████ ██████████ accused Officers ██████████ and ██████████ of arresting him without justification, causing his property to get lost, and handcuffing him too tightly. Further, ██████████ related an unidentified officer tightened his handcuffs when he complained. ██████████ also accused Officer ██████████ of forcing ██████████ into the squadrol, causing his tooth to break, and mocking ██████████ After reviewing available evidence, all allegations were Unfounded - except for failing to secure ██████████ property, which was Sustained against Officers ██████████ and ██████████ COPA’s findings are further discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1	██████████ Star # ██████████ Employee # ██████████ Date of Appointment: J ██████████ 1999, Police Officer, ██████████ District, Date of Birth: ██████████ 1973, Male, White
Involved Officer #2:	██████████ Star # ██████████ Employee # ██████████ Date of Appointment: ██████████ 2003, Police Officer, ██████████ District, Date of Birth: ██████████ 1978, Female, Black
Involved Officer #3:	██████████ Star # ██████████ Employee # ██████████ Date of Appointment: ██████████ 1996, Police Officer, ██████████ District, Date of Birth: ██████████, 1971, Male, White
Involved Officer #4:	Unknown
Involved Individual #1:	██████████ Date of Birth: ██████████ 1962, Male, White

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
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<p>Officer ██████</p>	<p>1. Arrested ██████ without justification, in violation of Rule 6.¹</p> <p>2. Failed to adequately secure and inventory ██████ belongings (specifically a tray of tools) while arresting him, resulting in loss of his personal effects, in violation of Rule 6 and Rule 40.</p> <p>3. Handcuffed ██████ too tightly, in violation of Rule 6 and Rule 9.</p>	<p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p>
<p>Officer ██████</p>	<p>1. Arrested ██████ without justification, in violation of Rule 6.</p> <p>2. Failed to adequately secure and inventory ██████ belongings while arresting him, resulting in loss of his personal effects, in violation of Rule 6 and Rule 40.</p> <p>3. Handcuffed ██████ too tightly, in violation of Rule 6 and Rule 9.</p>	<p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p>
<p>Officer Unknown:</p>	<p>1. Tightened ██████ handcuffs after he complained they were too tight, in violation of Rule 6 and Rule 9.</p>	<p>Unfounded</p>
<p>Officer ██████</p>	<p>1. Used excessive force putting ██████ into the squadrol, in violation of Rule 6 and Rule 9.</p> <p>2. Caused ██████ to break his tooth, in violation of Rule 6 and Rule 9.</p> <p>3. Mocked ██████ with words to the effect of, “smile for the camera” and “have a good time,” in violation of Rule 6 and Rule 8.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

¹ This allegation was not served to Officer ██████ or Officer ██████ as COPA was able to independently Unfound this allegation. COPA’s findings are further discussed in the Analysis portion of this report.

² No allegations were served to Officer ██████ as COPA was able to independently Unfound all allegations. COPA’s findings are further discussed in the Analysis portion of this report.

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1. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
 2. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
 3. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 4. **Rule 40:** Prohibits failure to inventory and process recovered property in conformance with Department orders.
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General Orders

1. **G02-01:** Human Rights and Human Resources.
 2. **G03-02:** Use of Force.
 3. **G03-02-01:** Force Options.
 4. **G06-01-04:** Arrestee and In-Custody Communications.³
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Special Orders

1. **S07-01-01:** Inventorying Arrestees' Personal Property.⁴
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Federal Laws

1. **Fourth Amendment to the United States Constitution:** guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION⁵

a. Interviews

The complainant, ██████████ was interviewed by COPA on February 14, 2018.⁶ ██████████ stated that on October 23, 2017, he heard an argument happening on the first floor while doing laundry in the basement. He also heard people asking where ██████████ was and questioning if ██████████ committed suicide. When he was trying to get into his second-floor dwelling, an unknown male told ██████████ he was going to be arrested. ██████████ went back downstairs and around the gate, where he saw someone changing the locks. ██████████ walked through a gate towards the alley, when he was arrested in the alley. ██████████ related that two Chicago Police officers (Officers

³ The Arrestee and In-Custody Communications policy referenced in this report was effective from May 8, 2017 until October 31, 2017 (See Att. 38).

⁴ Inventorying Arrestees' Personal Property policy referenced in this report was effective from December 4, 2015 until November 30, 2017 (See Att. 37).

⁵ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁶ Att. 5

██████████ and ██████████ were ready with handcuffs. ██████████ denied resisting arrest, but stated he was questioning it. The officers took ██████████ money and personal effects and threw them on the ground, which he never got back. ██████████ stated that it is possible the property was lost or taken by an onlooker. After he was handcuffed, the officers walked ██████████ to the front of the building.

Per ██████████ the officers handcuffed him too tightly and when he complained, an officer tightened them. ██████████ described this third officer as a male wearing a black stocking cap who was about 5'8," with light hair and facial hair. The officers told ██████████ to go sit in their police car, but he was not under arrest. ██████████ was leaning against the police car with his back against the vehicle. The officers called another officer, who arrived with a squadrol. ██████████ related that the door to the squadrol was high and the squadrol officer (identified as Officer ██████████) forced him in. ██████████ stated he may have been resisting to get in the squadrol, because he wanted more information about his arrest. The squadrol officer told ██████████ to "smile for the camera" and "have a good time" because the officer was wearing a body worn camera (BWC). After ██████████ got into the squadrol, he was laying down. When he tried to get up, his tooth broke. ██████████ elaborated that he did not hit anything, but because he was handcuffed and clenched his jaw, his tooth broke. Eventually, ██████████ sat up with the officer's assistance and the squadrol drove off. ██████████ did not go to the hospital but told officers at the station about his tooth.

At the police station, ██████████ needed to make a phone call, but officers refused to get his mother's phone number for him. ██████████ had the number in his wallet, which was inventoried. Officers refused to let ██████████ get the number himself, and they refused to complete a Google search to get the number or make the call on ██████████ behalf.⁷ ██████████ did not believe he was trespassing because he was not aware he should not be at ██████████. According to ██████████ he owned the building, but it went into foreclosure.

██████████ also submitted an **online complaint** to COPA on February 5, 2018.⁸ ██████████ wrote that he was arrested for trespassing while exiting into the alley. ██████████ told the officers he was locked out of his home, but the officers detained him, told him to get into their police car, and said he was not under arrest. ██████████ told the officers his belongings were on the ground and "blowing in the ally [*sic*]." The officers called for an assist unit and pushed him "over and over again while [██████████] was standing next to the police car." ██████████ was escorted to a squadrol where he was "aggressively and repeatedly pushing into the back of the vehicle head first." ██████████ also wrote that his handcuffs were too tight and he was unable to sit up from the floor of the squadrol. An officer also told ██████████ to smile because they had BWCs on. When ██████████ was released at the station, he was not given his wallet or his other belongings. ██████████ was not allowed to make his free call at the police station because the number he needed was in his wallet. Additionally, ██████████ two "front teeth were broken when the officer pushed [him] into the police van vehicle."

⁷ An allegation was not served related to ██████████ claim of not being able to make a phone call. Per General Order G06-01-04 (the Arrestee and In-Custody Communications policy in effect on October 23, 2017), arrestees were allowed "a reasonable number of telephone calls to communicate with their attorney, family, or friends within a reasonable period of time after their arrival." This policy has no obligations for officers to obtain a phone number or make a phone call for an arrestee, and this is therefore not misconduct.

⁸ Att. 16

Officer ██████ was interviewed by COPA on August 7, 2018.⁹ On October 23, 2017, Officer ██████ and Officer ██████ responded to ██████ for a call of an evicted tenant who had returned to the property. Officer ██████ saw ██████ exit the backyard into the alley. ██████ was placed into custody but resisted walking to the squad car. ██████ did not listen to verbal commands and did not want to be arrested. When the officers first approached ██████ he had a tray of tools. The tray was placed on top of a garbage can and Officer ██████ handcuffed ██████. Officer ██████ denied that the handcuffs were too tight. Officer ██████ stated ██████ complained about everything, including the handcuffs. Officer ██████ denied tightening ██████ handcuffs, but the handcuffs may have tightened on their own while ██████ flailed. Officer ██████ denied that any officer was in the alley besides himself and Officer ██████. Officer ██████ asserted that ██████ was told he was under arrest. ██████ would stop walking while the officers escorted him, would not get into the squad car, and would not get into the squadrol. Officer ██████ denied telling ██████ to smile or have a good time when putting him in the squadrol and denied hearing another officer make such a comment. Officer ██████ and Officer ██████ put ██████ into the squadrol. Officer ██████ denied that ██████ was pushed into the squadrol or that ██████ tooth broke. Officer ██████ did not hear ██████ state he needed medical treatment for his tooth. Officer ██████ believed Officer ██████ had grabbed ██████ tray of tools when she went into the alley. Officer ██████ completed the inventory and thought the tools may have belonged to workers at the property.

COPA interviewed Officer ██████ on January 11, 2019.¹⁰ Officer ██████ was partnered with Officer ██████ on October 23, 2017, when they responded to ██████ for a trespassing call. Officer ██████ recalled that ██████ was entering this property without the owner's permission. Officer ██████ believed she had responded to additional calls at this address, but not for trespassing.

After watching her BWC, Officer ██████ recalled the incident. ██████ emerged from the rear of the building and the officers encountered him in the alley. Officer ██████ related ██████ was holding papers and additional items. Some items ██████ put down and others were dropped from his hands. ██████ attempted to walk away from the officers and ignored their instructions. Both officers handcuffed ██████ with each officer taking control of one of ██████ hands. ██████ was pulling away and was difficult to cuff. Officer ██████ denied tightening ██████ handcuffs and did not see another officer tighten his handcuffs. Officer ██████ denied that there were any officers in the alley aside from herself and Officer ██████. Officer ██████ stated ██████ was not handcuffed too tightly. She elaborated that ██████ was not cooperating, which caused the handcuffs to tighten. Officer ██████ related that because ██████ was difficult to handcuff, they did not have the opportunity to double-lock the cuffs. Officer ██████ heard ██████ complain of pain, but she believed it was self-inflicted from him pushing his handcuffs into the squad car when he was leaning against the car. Officer ██████ asserted she and Officer ██████ told ██████ he was under arrest.

Once in handcuffs, ██████ continued ignoring verbal commands and would not sit inside the officers' squad car. The officers called for assist and a squadrol responded. Officer ██████ did not hear an officer tell ██████ to smile for the camera or have a good time. Officer ██████ stated

⁹ Att. 41

¹⁰ Atts. 46, 47

█████ ignored commands to sit inside the wagon. █████ eventually calmed down and sat in the wagon. Officer █████ believed █████ was trying to “defeat the arrest” and evade officers.¹¹ Officer █████ denied that █████ was pushed into the squadrol. Officer █████ stated she retrieved █████ items from the alley. After watching her BWC, Officer █████ saw █████ put a black tool tray on a garbage can at the onset of their encounter. She also acknowledged the tray was still on the trash can when she returned to the alley to collect █████ property, per BWC. Officer █████ did not remember taking the tray. She thought that either her partner may have retrieved the tray, or it may have belonged to the building owner.

Once at the police station, the building owner arrived and signed complaints. The owner related he had initially allowed █████ to re-enter the building, but █████ took advantage and was no longer allowed. Officer █████ was not aware of █████ having a broken tooth or requesting medical care. Officer █████ related █████ was allowed to make a phone call after he was finger printed.

b. Digital Evidence

The following **Body Worn Camera** (BWC) video footage was obtained from Officer █████ and Officer █████ from █████ October 23, 2017 arrest.¹² No BWC footage was available from Officer █████ or Officer █████ In Car Camera (ICC) for Beat █████ (Officers █████ and █████ was purged prior to COPA’s request and no ICC was located for Beat █████ (Officers █████ and █████

Officer █████

The officers arrived at █████ at about 4:12 PM and parked in the alley to the west of the dwelling. Officer █████ exited the car and she and her partner were met by a male (identified as a tenant named █████ and a second male who stated his name was █████ (identified as an employee of the building’s owner). █████ told the officers █████ was not supposed to be there and had recently learned from neighbors that █████ bought a gun. █████ pointed the officers to the rear of the home and instructed them to go through the back gate. Officer █████ followed Officer █████ down the alley.

At approximately 4:12 PM, █████ emerged from the gate with papers and miscellaneous objects in his hands. The officers and █████ were walking towards each other as Officer █████ had his right arm extended towards █████ The officers told █████ to put the items down as Officer █████ tried to grab █████ right arm and Officer █████ reached for his left arm. █████ tried to keep the items in his hands and talk to the officers as the officers put him into handcuffs. █████ was handcuffed at about 4:13 PM. He shouted, asked for help, and complained the cuffs were too tight. █████ told the officers he was not trespassing as he was in a public area and was told he could be in the public area, just not in a unit.

¹¹ Approximately 14:28 minute mark of Att. 46.

¹² Att. 40

At about 4:14 PM, the officers started walking with ██████ and he was complaining about his handcuffs.¹³ The officers tried to place ██████ in the back of their squad car, but he resisted and stated he wanted to get his money from the alley. ██████ told the officers to stop pushing him and that he wanted to stand his ground because he did not do anything wrong. The officers insisted he had to sit down and Officer ██████ would get his money for him. ██████ continued refusing to get into the vehicle and was leaning against the squad car. At about 4:18 PM, Officer ██████ told him he was under arrest for trespassing. Officer ██████ grabbed ██████ left arm and he complained she was hurting him to the point he was unable to move. ██████ was continuously moving his body and told Officer ██████ it was “involuntary.”¹⁴ At 4:20 PM, ██████ asked if he would be arrested if he got in the car and Officer ██████ told him he was already arrested. ██████ again asked for his handcuffs to be loosened. Officer ██████ told ██████ it hurt because he kept moving, but ██████ stated it was because Officer ██████ was pulling his arm. ██████ was continuously moving, shouting, and refusing to get into the squad car. At 4:22 PM, the officers told ██████ they called a wagon to transport him because he was not cooperating. ██████ told the officers he was not cooperating because he was not guilty of anything. ██████ started crying and was upset.

At approximately 4:24 PM, the squadrol arrived. Officers ██████ and ██████ escorted ██████ to the wagon while ██████ resisted. At about 4:24 PM, Officer ██████ and the squadrol officers put ██████ into the back of the wagon. ██████ got into the vehicle slowly and at about 4:25 PM, started coming back out. Officer ██████ and one of the squadrol officers proceeded to push ██████ back into the squadrol. ██████ continued to resist. He refused to get into the vehicle and insisted the officers read him his rights. At about 4:26 PM, ██████ showed the officers his teeth and indicated it broke “last time.” Officer ██████ then went to the squad car, seemingly to get a Taser. When Officer ██████ returned to the squadrol at about 4:26 PM, a squadrol officer told her they got ██████ into the van. Officer ██████ then went into the alley to get ██████ belongings, including money, papers, and his wallet. The black tray of tools was seen still on the garbage, at about 4:26 PM (see Photo 1).



Photo 1

¹³ There was no third officer who tightened the handcuffs.

¹⁴ Approximately 2119z minute mark.

Officer [REDACTED]

Officer [REDACTED] BWC began at approximately 4:07 PM. Officer [REDACTED] parked the squad car in the alley on the side of the building and exited the vehicle. After [REDACTED] and [REDACTED] spoke to the officers and directed them to the rear, Officer [REDACTED] walked down the alley and [REDACTED] exited the gate. Officer [REDACTED] told [REDACTED] to “put the shit down” at about 4:12 PM.¹⁵ [REDACTED] was holding a yogurt, a tray of tools, and miscellaneous papers. When [REDACTED] did not put down the objects, Officer [REDACTED] grabbed [REDACTED] arms while [REDACTED] resisted. Some of [REDACTED] items dropped on the ground, but [REDACTED] put his tray of tools on top of a garbage can. Officer [REDACTED] grabbed [REDACTED] right arm at about 4:12 PM and handcuffed [REDACTED] while Officer [REDACTED] assisted. [REDACTED] continued pulling his arms away. Once in handcuffs, Officer [REDACTED] conducted a pat-down. At about 4:14 PM, Officer [REDACTED] told [REDACTED] he was under arrest for trespassing.

The officers attempted to place [REDACTED] in the rear of their squad car at roughly 4:15 PM. [REDACTED] resisted and refused to get into the car. [REDACTED] continued refusing to get into the car and argued with the officers. The officers told him multiple times he was under arrest for trespassing and that needed to get into the car. At about 4:23 PM, [REDACTED] argued with Officer [REDACTED] about having his rights read and Officer [REDACTED] responded with, “show me your law degree.”¹⁶

At about 4:24 PM, the squadrol arrived and Officer [REDACTED] escorted [REDACTED] towards it. An officer, believed to be Officer [REDACTED] told [REDACTED] to stop resisting because he was on camera. Officer [REDACTED] unlocked the squadrol door and Officer [REDACTED] tried to get [REDACTED] inside. [REDACTED] continued resisting and struggling with the officers. At 4:15 PM, [REDACTED] was pushed onto the squadrol floor and told the officers not to break his tooth because officers had previously broken one. The officers, including Officer [REDACTED] then helped [REDACTED] get into a seated position. After [REDACTED] was upright again, he continued resisting and refusing to sit in the wagon because he wanted the officers to read him his rights. The officers kept trying to push him into the wagon. Once they got [REDACTED] in, they locked the doors.

c. Physical Evidence

No physical evidence was obtained related to the present investigation.

d. Documentary Evidence

[REDACTED] **Arrest Report** was obtained from October 23, 2017 with **RD # [REDACTED]**¹⁷ [REDACTED] was arrested for criminal trespass to land in the alley behind [REDACTED]

¹⁵ COPA ultimately did not give Officer [REDACTED] an allegation for using profanity as he was not irate or using the language about a civilian. However, COPA admonishes Officer [REDACTED] to use language more becoming of a Chicago police officer.

¹⁶ COPA ultimately did not give Officer [REDACTED] an allegation for this comment as it was a stressful situation and [REDACTED] was being difficult. Officer [REDACTED] ultimately ceased arguing with [REDACTED] and largely handled the incident professionally. However, COPA admonishes Officer [REDACTED] to engage in conversation that better affords civilians respect and dignity. Officers encounter arrestees who are belligerent and uncooperative, but Department members cannot allow this to frustrate them to the point of being unprofessional or disrespectful.

¹⁷ Att. 10

was arrested by Officers [REDACTED] and [REDACTED] (Beat [REDACTED]), “on a signed complaint after [REDACTED] returned and remained on property after being evicted.” The victim was reported as [REDACTED] with an address of [REDACTED] was evicted pursuant to Cook County Sheriff’s Police eviction notice 17M[REDACTED]. [REDACTED] was transported to the [REDACTED] District by Beat [REDACTED] which was manned by Officers [REDACTED] and [REDACTED] was received in lockup at approximately 6:59 PM and was released at roughly 8:25 PM.

An **Original Incident Case Report** was obtained for **RD # [REDACTED]**¹⁸ In addition to [REDACTED] an individual named [REDACTED] was reported both as a victim and as [REDACTED] landlord. An individual named [REDACTED] observed [REDACTED] at [REDACTED] and called the police at the direction of his employer, [REDACTED] was reported as the property’s building manager. The responding officers saw [REDACTED] walking out of the rear of the residence, told him to put his hands behind his back, and related he was under arrest for trespassing. [REDACTED] would “not listen to police direction and would not [...] safely sit into [*sic*] the rear of Beat [REDACTED] vehicle and stood outside of the police vehicle.” The officers then requested assistance from Officers [REDACTED] and [REDACTED] (Beat [REDACTED]) to transport [REDACTED] in a squadrol. After [REDACTED] was placed in the squadrol, civilians came forward and gave their contact info to the arresting officers “as witnesses that [REDACTED] [...] would not cooperate.”

Inventory Sheets were also identified for **RD # [REDACTED]**¹⁹ Jewelry, a “yellow envelope containing misc [*sic*] papers,” and a wallet were inventoried on October 23, 2017.

An **Original Incident Report** was located for [REDACTED] arrest the following day, on October 24, 2017, with **RD # [REDACTED]**²⁰ [REDACTED] was again arrested for criminal trespass to land at [REDACTED] inside the property’s garage. The victims were reported as Deming Place LLC and [REDACTED] both with an address of 1440 N. Kingsbury. Deming Place LLC was listed as the building manager at [REDACTED] Officers arrived on scene, spoke with [REDACTED] and were told [REDACTED] was asleep in the garage. Complaints were signed and [REDACTED] was arrested. An Arrest Report was also obtained for **RD # [REDACTED]** with similar content.²¹

The following **Office of Emergency Management and Communications (OEMC) Event Queries** were obtained in relation to [REDACTED] October 23, 2017 arrest.

- Per **Event Number [REDACTED]** a premise check was requested at [REDACTED] at approximately 10:29 AM.²² Beat [REDACTED] was dispatched. A **Call for Service** was located with the same event number with no additional details.²³
- According to **Event Number [REDACTED]** [REDACTED] called at about 12:02 PM.²⁴ [REDACTED] related that he is the property manager of [REDACTED] and [REDACTED] who was evicted by the Sheriff’s office, returned and was refusing to leave. [REDACTED] reported

¹⁸ Att. 12

¹⁹ Att. 33

²⁰ Att. 11

²¹ Att. 17

²² Att. 34

²³ Att. 28

²⁴ Att. 35

██████████ was in the back of the property and a description was given. Beat ██████████ was dispatched at 12:05 PM. At 12:13 PM, Beat ██████████ related that Beat ██████████ was on scene earlier during the eviction. Beat ██████████ was called to assist at 12:26 PM. The event was closed at 12:31 PM and Beat ██████████ reported the scene was “under control.” A similar **Call for Service** was identified for Event Number ██████████ that related the offender was gone when Beat ██████████ arrived.²⁵

- **Event Number** ██████████ related that ██████████ called the police at approximately 4:03 PM to report criminal trespass at ██████████²⁶ ██████████ related that a white male was evicted that day but refused to leave. The caller related that ██████████ may have been on the back stairs “but is known to climb on the roof as well.” The caller further related that ██████████ “seems to be a little unstable and was scene [sic] buying a weapon last week.” ██████████ was not on scene, but related he had employees available at the location. ██████████ also agreed to sign complaints. Beat ██████████ was dispatched at roughly 4:05 PM. Beat ██████████ was called to assist at about 4:20 PM. At roughly 4:26 PM, Beat ██████████ went to the ██████████ District with one arrestee. A **Call for Service** with the same event number related that the building’s owner wanted to sign complaints.²⁷
- **Event Number** ██████████ was initiated at 4:09 PM when a caller named ██████████ (believed to be the first-floor resident, ██████████ related an evicted tenant was doing laundry at ██████████²⁸ A **Call for Service** with the same event number provided no additional information.²⁹

The following dockets were obtained from the **Cook County Circuit Court** in relation to ██████████ arrest on October 23 & 24, 2017:

- Per ██████████ arrest report from October 23, 2017, he was arrested pursuant to Cook County Sheriff’s Police eviction notice 17M ██████████³⁰ On July 17, 2017, Deming Place LLC filed a mortgage foreclosure eviction against ██████████ and additional occupants. ██████████ was served on July 24, 2017. The sheriff eviction worksheet was filed on September 12, 2017. ██████████ filed a petition on February 6, 2018, two days after he submitted his online complaint to COPA.
- **Case Number** ██████████ was filed on October 25, 2017.³¹ ██████████ was charged with misdemeanor criminal trespass to land. A judgement of nolle prosequi was entered on October 9, 2018.³²

²⁵ Att. 28

²⁶ Att. 14

²⁷ Att. 28

²⁸ Att. 36

²⁹ Att. 28

³⁰ Atts. 39, 53

³¹ Att. 25

³² Att. 52

- **Case Number** ██████████ was filed on November 1, 2017.³³ ██████████ was again charged with misdemeanor criminal trespass to land. On June 4, 2018, ██████████ was sentenced to 50 hours of community service.
- **Case Number 15-CH-████████** was filed on October 23, 2015 by JP Morgan Chasebank.³⁴ ██████████ his former co-owner ██████████ and any additional occupants were named as the defendants. A default judgment was entered on May 17, 2016, with a judgement of foreclosure and sale. On March 1, 2017, approval of sale was filed, along with a certificate of publication and a report of sale and distribution. On June 1, 2017, mortgage foreclosure was disposed, and the sheriff's sale was approved.

Property details for ██████████ were located through the **Cook County Recorder of Deeds**.³⁵ ██████████ obtained the deed to the property on June 29, 2006. Chase filed a Lis Pendens Foreclosure on April 6, 2011 and on October 30, 2015. On June 16, 2017, the property was deeded to Deming Place LLC.

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

³³ Att. 24

³⁴ Att. 26

³⁵ Att. 32

“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

Allegation 1 against **Officer [REDACTED]** and **Officer [REDACTED]** that they arrested [REDACTED] without justification, is **Exonerated**. [REDACTED] told COPA he was not aware he was evicted from [REDACTED]. However, available evidence disproves [REDACTED] claim. [REDACTED] October 23, 2017 arrest report states that he was arrested on a signed complaint for remaining at [REDACTED] after he was evicted pursuant to a Cook County Sheriff’s Police eviction notice. Per Cook County Case Number 17M [REDACTED] [REDACTED] was served with his eviction notice on July 24, 2017. When [REDACTED] called the police at approximately 4:03 PM, he reported that [REDACTED] was evicted earlier in the day and refused to leave. Additionally, per the docket for 15-CH-[REDACTED] a default judgment, a judgement of foreclosure and sale, an approval of sale, a certificate of publication, a report of sale and distribution, a mortgage foreclosure, and an approval of sheriff’s sale were all filed prior to October 23, 2017. [REDACTED] claim that he was unaware of these events in not credible as [REDACTED] too filed motions, exhibits, certificates, etc. between the time of the default judgement and the time the sheriff’s sale was approved. A notice of sale was also published in the *Lawndale News*³⁶ on August 11, 2016, confirming the property was no longer legally owned by [REDACTED]. The overwhelming evidence indicates that [REDACTED] was aware he was not allowed at [REDACTED] but he choose to remain anyway. Since he was trespassing, the arrest was justified and this allegation is Exonerated.

Allegation 2 against **Officer [REDACTED]** and **Officer [REDACTED]** that they failed to adequately secure and inventory [REDACTED] belongings while arresting him, resulting in loss of his personal effects, is **Sustained**. BWC shows that [REDACTED] was holding a tray of tools at the onset of his encounter with the officers. He put the tray on top of a garbage can before he was handcuffed. Once he was put in the squadrol, Officer [REDACTED] went to retrieve his items and the tray was left on top of the garbage can. [REDACTED] inventoried items did not include the tray of tools. Per S0-07-01-01, the officers were required to inventory “all personal property in possession of an arrestee.” The items were not inventoried, and this allegation is Sustained.

Allegation 3 against **Officer [REDACTED]** and [REDACTED] that they handcuffed [REDACTED] too tightly, is **Unfounded**. BWC showed that [REDACTED] was resisting the officers and did not want to be handcuffed. Had he complied, the officers could have double-locked his handcuffs. Instead he tried to evade cuffing. Once he was in cuffs, he continued to resist the officers and his struggling likely caused the handcuffs to tighten. COPA believes the officers did not cuff [REDACTED] too tightly. Rather, his actions caused the handcuffs to tighten. Additionally, handcuffs are not intended to be comfortable. As such, this allegation is Unfounded.

Allegation 1 against an **Unknown Officer**, that he tightened [REDACTED] handcuffs after he complained they were too tight, is **Unfounded**. Video evidence indicates this never occurred. [REDACTED] asserted there was a third officer in the alley when he was cuffed but this is not supported by video evidence. Because BWC depicts this allegation never happened, it is Unfounded.

³⁶ The August 11, 2016 issue of the *Lawndale News* published a public notice of sale for [REDACTED] Att. 31.

Allegations 1, 2, and 3 against **Officer [REDACTED]** that he used excessive force putting **[REDACTED]** into the squadrol, caused **[REDACTED]** to break his tooth, and mocked **[REDACTED]** with words to the effect of, “smile for the camera” and “have a good time,” are all **Unfounded**. Video evidence indicates none of these actions occurred and they are all Unfounded.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer [REDACTED]

i. Complimentary and Disciplinary History

Officer **[REDACTED]** has no relevant disciplinary history. Officer **[REDACTED]** has one (1) award of valor, forty-one (41) honorable mentions, one (1) department commendation and two (2) lifesaving awards.

ii. Recommended Penalty, by Allegation

1. Allegation: Failed to secure property of arrestee

Officer **[REDACTED]** and Officer **[REDACTED]** were dealing with a noncompliant subject who repeatedly resisted efforts to be secured in cuffs, sit in the squad and sit in the squadrol that was called. The property was placed on a garbage can to effect the arrest as quickly and safely as possible. Neither officer intentionally failed to secure the property. Their attention was directed toward securing the subject and as a result both officers inadvertently left the items. Given the violation was unintentional, COPA recommends a violation noted for both officers

b. Officer [REDACTED]

i. Complimentary and Disciplinary History

Officer **[REDACTED]** has no relevant disciplinary history. Officer **[REDACTED]** has eleven (11) honorable mentions, one (1) Police Officer of the month awards, one (1) unit meritorious performance awards and one (1) lifesaving award.

ii. Recommended Penalty, by Allegation

1. Allegation: Failed to secure property of arrestee

See above. Copa recommends violation noted.

IX. CONCLUSION

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

Officer	Allegation	Finding/ Recommendation
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<p>Officer [REDACTED]</p>	<p>1. Arrested [REDACTED] without justification, in violation of Rule 6.</p> <p>2. Failed to adequately secure and inventory [REDACTED] belongings (specifically a tray of tools) while arresting him, resulting in loss of his personal effects, in violation of Rule 6 and Rule 40.</p> <p>3. Handcuffed [REDACTED] too tightly, in violation of Rule 6 and Rule 9.</p>	<p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p>
<p>Officer [REDACTED]</p>	<p>1. Arrested [REDACTED] without justification, in violation of Rule 6.</p> <p>2. Failed to adequately secure and inventory [REDACTED] belongings while arresting him, resulting in loss of his personal effects, in violation of Rule 6 and Rule 40.</p> <p>3. Handcuffed [REDACTED] too tightly, in violation of Rule 6 and Rule 9.</p>	<p>Exonerated</p> <p>Sustained</p> <p>Unfounded</p>
<p>Officer Unknown:</p>	<p>1. Tightened [REDACTED] handcuffs after he complained they were too tight, in violation of Rule 6 and Rule 9.</p>	<p>Unfounded</p>
<p>Officer [REDACTED]</p>	<p>1. Used excessive force putting [REDACTED] into the squadrol, in violation of Rule 6 and Rule 9.</p> <p>2. Caused [REDACTED] to break his tooth, in violation of Rule 6 and Rule 9.</p> <p>3. Mocked [REDACTED] with words to the effect of, "smile for the camera" and "have a good time," in violation of Rule 6 and Rule 8.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

Approved:

[REDACTED]

July 8, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

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