

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	June 22, 2016/ 11:02 p.m./ [REDACTED] Chicago, Illinois 60629
Date/Time of COPA Notification:	June 23, 2016/ 12:33 a.m.
Involved Officer #1:	[REDACTED] Star# [REDACTED] Employee ID# [REDACTED] DOA: [REDACTED]00, Rank: Police Officer, Unit of assignment: [REDACTED] District, DOB: [REDACTED]71, Female, Hispanic.
Involved Officer #2:	[REDACTED] Star# [REDACTED] Employee ID# [REDACTED] DOA: [REDACTED]99, Rank: Police Officer, Unit of assignment: [REDACTED] District, DOB: [REDACTED]74, Male, Hispanic.
Involved Officer #3:	[REDACTED] Star# [REDACTED] Employee ID# [REDACTED] DOA: [REDACTED]07, Rank: Police Officer, Unit of assignment: [REDACTED] District, DOB: [REDACTED]78, Male, White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED]94, Female, Hispanic.
Case Type:	04F-Escape / 01B-Racial/Ethnic

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged by [REDACTED] that on June 22, 2016, at approximately 11:02 p.m., at [REDACTED] Chicago, Illinois 60629, Office [REDACTED] refused to communicate with her in Spanish.	Not Sustained
	2. It is alleged by [REDACTED] that on June 22, 2016, at approximately 11:02 p.m., at [REDACTED] Chicago, Illinois 60629, Officer [REDACTED] made insulting comments to her in Spanish.	Not Sustained

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.

Officer ██████████	1.It is alleged by COPA-Deputy Chief Administrator Angela Hearts-Glass that on June 22, 2016, at approximately 11:02 p.m., at ██████████ St. Chicago, Illinois 60629, Officer ██████████ failed to properly place ██████████ into custody which allowed him to jump from the 2 nd -floor window.	Unfounded
Officer ██████████	1.It is alleged by COPA-Deputy Chief Administrator Angela-Hearts-Glass that on June 22, 2016, at approximately 11:02 p.m., at ██████████ ██████████ Chicago, Illinois 60629, Officer ██████████ failed to properly place ██████████ into custody which allowed him to jump from the 2nd-floor window.	Unfounded

II. SUMMARY OF EVIDENCE²

On June 22, 2016, the complainant, ██████████ (“██████████”) called 911 and asked for Spanish speaking police officers to respond to ██████████ in Chicago because her cousin, ██████████ (“██████████” husband, ██████████ (“██████████”) battered her. Shortly thereafter, Officers ██████████ (“Office ██████████”) and ██████████ (“██████████”) responded. Officer ██████████ was met by ██████████ and ██████████ who attempted to inform her of ██████████ actions. ██████████ alleged that that Officer ██████████ was rude and would not listen to her or communicate with her in Spanish. Officers ██████████ and ██████████ toured the area for ██████████ with negative results.

At approximately 11:02 p.m., Officers ██████████ (“██████████”) and ██████████ (“██████████”) responded to the same residence after ██████████ return to the home. Officers ██████████ and ██████████ reported observing ██████████ laying face up on a bed in the living room in a highly intoxicated state. Officers ██████████ and ██████████ attempted to place ██████████ in custody for the domestic battery by cuffing him in the front. ██████████ reportedly resisted the arrest and despite verbal commands and physical restraints, expeditiously ran and lunged headfirst through the open apartment window. Officers ██████████ and ██████████ made an unsuccessful attempt at pulling ██████████ back into the apartment. Officers ██████████ and ██████████ immediately requested emergency medical services. ██████████ informed Officer ██████████ and ██████████ that ██████████ previously asked the family to buy a gun to kill him because he did not want to live anymore. ██████████ survived the fall from the window, sustaining fractures to his vertebrae.³ On March 23, 2017, ██████████ pled guilty to aggravated battery and was sentenced to three years in the Illinois Department of Corrections.⁴

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 Attachment 33

⁴ 16CR ██████████

III. ANALYSIS AND CONCLUSION

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.

Officer [REDACTED]

COPA finds the allegation against Officer [REDACTED] to be Not Sustained. COPA finds that with the available statement evidence, it is not possible to reach a conclusive determination based on the preponderance of evidence that Officer [REDACTED] committed misconduct. Officer [REDACTED] stated that she responded to the residence and she acted accordingly in communicating with the parties. Officer [REDACTED] did state that she focused on communicating with [REDACTED] because she was the victim. Officer [REDACTED] stated that [REDACTED] became frustrated with her because she did not want to hear about [REDACTED] actions on another date and time. Officer [REDACTED] as a witness, could not recall the alleged incident. [REDACTED] husband also stated that while Officer [REDACTED] seemed frustrated, she did not disrespect them. It is likely that Officer [REDACTED] chose to speak to [REDACTED] because she wanted to hear about the evening's events directly from her. [REDACTED] spoke English and Officer [REDACTED] likely spoke to her in English. It is also likely that [REDACTED] attempted to provide Officer [REDACTED] with additional information that she

considered important, consistently interrupting Officer [redacted] and [redacted] causing Officer [redacted] to become frustrated. With the limited evidence, however, it is not possible to determine if Officer [redacted] actions rose to the level of misconduct.

Officers [redacted] and [redacted]

COPA finds the allegations against Officer [redacted] and [redacted] to be Unfounded. When Officers [redacted] and [redacted] first observed [redacted] he was lying face up in an intoxicated state. Officer [redacted] and [redacted] handcuffed [redacted] in the front because it was the most feasible option at the time.⁵ Officers [redacted] and [redacted] used their discretion in order to avoid a confrontation with a highly intoxicated [redacted]. Officers [redacted] and [redacted] and the civilian witnesses present stated that [redacted] was about 2 to 3 feet from the apartment’s open window and within seconds of being handcuffed, dashed towards the window and lunged through it. [redacted] actions were abrupt and unpredictable, and not expected by either Officers [redacted] or [redacted]. Despite this, Officers [redacted] and [redacted] reacted quickly by running after [redacted] and trying to pull him back inside. [redacted] advanced progress through the window and considerable size made Officers [redacted] and [redacted] attempt unsuccessful. COPA finds that although [redacted] was able to jump out of the window, it was due to no fault of the officers, as his actions could not have been anticipated and these allegations must be Unfounded.

Approved:

[Redacted signature area]

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

7-31-19

Date

⁵ GO6-01-02 Restraining Arrestees Effective 1/1/2016, states that when feasible, an arrestee will be handcuffed with both hands behind the back and palms positioned outwards.

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela-Hearts-Glass

