

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	January 22, 2019 / 11:07AM / ■ W 47 <sup>th</sup> Street, Chicago, Illinois 60609
Date/Time of COPA Notification:	January 23, 2019 / 12:10PM
Involved Officer #1:	■■■■■■■■■■ #■■■■■■■■■■ / Employee ID #■■■■■■■■■■ / Date of Appointment: ■■■■■■■■■■, 2016 / Police Officer / Unit ■■■■■■■■■■ / DOB ■■■■■■■■■■ 1991 / Male / Black
Involved Officer #2:	■■■■■■■■■■ Star# ■■■■■■■■■■ / Employee ID #■■■■■■■■■■ / Date of Appointment: ■■■■■■■■■■, 2017 / Police Officer / Unit ■■■■■■■■■■ / DOB ■■■■■■■■■■ 1982 / Male / Black
Involved Individual #1:	■■■■■■■■■■ / ■■■■■■■■■■ 1987 / Female / Black
Case Type:	4 <sup>th</sup> Amendment

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer ■■■■■■■■■■	It is alleged that on or about January 9, 2019, at or near ■■■ W 47 <sup>th</sup> Street, at approximately 11:07 a.m., Officer ■■■■■■■■■■ arrested ■■■■■■■■■■ without justification.	Exonerated
Officer ■■■■■■■■■■	It is alleged that on or about January 9, 2019, at or near ■■■ W 47 <sup>th</sup> Street, at approximately 11:07 a.m., Officer ■■■■■■■■■■ arrested ■■■■■■■■■■ without justification.	Exonerated

**II. SUMMARY OF EVIDENCE**

After an investigation which included a review of various body worn cameras<sup>1</sup>, Chicago Police Department (“CPD”) documentation, and an interview of the complaint, ■■■■■■■■■■ (■■■■■■■■■■<sup>2</sup>, COPA finds that the following occurred:

On January 22, 2019, ■■■■■■■■■■ went to ■■■■■■■■■■ Elementary School to receive bus passes for her children. Due to a holiday the day before, ■■■■■■■■■■ received enough bus passes for four days, instead of the usual five. ■■■■■■■■■■ became upset with school staff. A school security officer attempted to escort ■■■■■■■■■■ from the building, and she struck him. ■■■■■■■■■■ left the building and called 911. A

<sup>1</sup> Attachment 20  
<sup>2</sup> Attachment 6

school administrator also called 911. CPD Officers ██████ and ██████ responded to the school. They encountered ██████ outside the school and spoke with her about what happened. The officers then went in the school and conducted field interviews. Multiple witnesses told the officers that ██████ struck the school security officer and threatened to strike the staff member who gave her bus passes. The school security officer stated that he wished to sign a complaint against ██████ for striking him. The officers also observed that the school security officer had a red mark on his face where ██████ struck him. While the officers interviewed witnesses, ██████ re-entered the building. ██████ attempted to engage in another physical altercation with a group of bystanders in a hallway, so the officers arrested her. ██████ alleges that she was arrested without justification.<sup>3</sup>

In ██████ February 7, 2019, statement to COPA, ██████ admitted striking a staff member. ██████ claims she did not intend to strike the staff member but did so when she attempted to latch onto the staff member to stop him from removing her from the building. ██████ said that she was let back into the school by another parent. That parent had informed ██████ that the officers were speaking with the school administrators but ignoring ██████ side of the story. ██████ claims that the officers never interviewed her to hear her side of the story. ██████ claimed that she was falsely arrested because she was the person who called 911, and the person who calls 911 should not be arrested.

### 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.

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.

---

<sup>3</sup> ██████ also alleged that her handcuffs were too tight. However, a review of the relevant body worn camera footage shows that while ██████ was handcuffed, she complained to the officers that her cuffs were too tight. In this instance, because the officers then loosened the cuffs for her. Because the officers on scene contemporaneously addressed ██████ complaint that her cuffs were too tight, it is not necessary for them to respond to this allegation. (Attachment 20)

**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**

COPA recommends a finding of Exonerated for Allegation 1 against Officer [REDACTED] and Allegation 1 against Officer [REDACTED]

It is not misconduct for a police officer to arrest someone who called 911, so long as that arrest is not made for arbitrary, capricious, or unjustified reasons. Here, Officers [REDACTED] and [REDACTED] performed their due diligence by interviewing witnesses and verifying that the victim wished to sign a complaint, all before arresting [REDACTED]. As such, we find the officers did not arrest [REDACTED] without justification and Allegation 1 against Officer [REDACTED] and Allegation 1 against Officer [REDACTED] are exonerated.

Approved:

[REDACTED]

July 29, 2019

---

Andrea Kersten  
*Deputy Chief Investigator*

---

Date

Appendix A

Assigned Investigative Staff

---

<b>Squad:</b>	3
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	Andrea Kersten