

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 15, 2015
Time of Incident:	5:50 p.m.
Location of Incident:	██████████
Date of COPA Notification:	May 15, 2015
Time of COPA Notification:	8:15p.m.

While on routine patrol, Officers ██████████, ██████████ and ██████████ observed two male subjects engaged in a suspect narcotic transaction. When the officers stopped and approached the subjects, one of the males fled and a foot pursuit ensued. After failing to apprehend the subject, one of the officers picked up a book bag that was hanging on a gate near the area they believed the suspect tossed the suspect narcotics. As one of the officers searched the bag, ██████████, who was eight months pregnant at the time and holding a child in her arms, approached and asked officers why they had her son’s bookbag. ██████████ reported that the officers directed racial slurs and profanity at her and one of the officers pushed her and punched her in the stomach. COPA finds that the allegations are Sustained in part.

INVOLVED PARTIES

Involved Officer #1:	██████████, Star # ██████████, Employee # ██████████, DOA ██████████, 07, Police Officer, Unit ██████████, DOB ██████████, 1984, Male, White
Involved Officer #2:	██████████, Star # ██████████, Employee# ██████████, DOA ██████████, 1997, Police Officer, Unit ██████████, DOB ██████████, 1967, Male, Hispanic
Involved Officer #3:	██████████, Star # ██████████, Employee # ██████████, DOA ██████████, 1997, Police Officer, Unit ██████████, DOB ██████████, 1972, Male, White
Involved Individual #1:	██████████, DOB ██████████, 1987, Female, Black
Involved Individual #2:	██████████, DOB ██████████, 1985, Female, Black
Involved Individual #3:	██████████, DOB ██████████, 1940, Female, Black

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.

Involved Individual #4: [REDACTED] DOB [REDACTED], 1970, Female, Black

Involved Individual #5: [REDACTED], DOB [REDACTED], 1976, Female, Black

II. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	<p>1. [REDACTED] alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused called her a black bitch in violation of Rule 8 and Rule 9.</p> <p>2. [REDACTED] also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused stated words to the effect of, "Get your black ass away from here," in violation of Rule 8 and Rule 9.</p> <p>3. It is also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused failed to document his encounter with [REDACTED] in a contact card or other appropriate Department report in violation of Rule 10.</p> <p>4. It is further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused observed Officer [REDACTED] push [REDACTED] and failed to report it in violation of Rule 22.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p>
Officer [REDACTED] [REDACTED]	<p>1. [REDACTED] alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused called her a black bitch in violation of Rule 8 and Rule 9.</p> <p>2. [REDACTED] also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused stated words to the effect of, "Get your black ass</p>	<p>Unfounded</p> <p>Unfounded</p>

	<p>away from here,” in violation of Rule 8 and Rule 9.</p> <p>3. It is also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused failed to document his encounter with [REDACTED] in a contact card or other appropriate Department report in violation of Rule 10.</p> <p>4. It is further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused observed Officer [REDACTED] push [REDACTED] and failed to report it in violation of Rule 22.</p>	<p>Exonerated</p> <p>Not Sustained</p>
<p>Officer [REDACTED]</p>	<p>1. [REDACTED] alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused pushed her in violation of Rule 8 and Rule 9.</p> <p>2. [REDACTED] also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused punched her in violation of Rule 8 and Rule 9.</p> <p>3. [REDACTED] further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused stated words to the effect of, “You better be lucky I didn’t hit your black ass hard enough to make you lose that damn baby,” in violation of Rule 8 and Rule 9.</p> <p>4. [REDACTED] alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused stated words to the effect of, “You keep sitting your ass around here having fucking kids so keep sitting your ass around having kids” in violation of Rule 8 and Rule 9.</p> <p>5. It is alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused called [REDACTED]</p>	<p>Sustained / 7 days</p> <p>Sustained / 15 days</p> <p>Sustained / 5 days</p> <p>Not Sustained</p> <p>Not Sustained</p>

<p>██████████ a bitch and/or black bitch in violation of Rule 8 and Rule 9.</p>	<p>Not Sustained</p>
<p>6. It is alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████ ██████████, the accused called ██████████ ██████████ a bitch and/or black bitch in violation of Rule 8 and Rule 9.</p>	
<p>7. It is also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████ ██████████ he accused stated words to the effect of, “You black motherfuckers don’t want to do anything but sell drugs,” in violation of Rule 8 and Rule 9.</p>	<p>Not Sustained</p>
<p>8. It is further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████ ██████████, the accused failed to document his encounter with ██████████ in a contact card or other appropriate Department report in violation of Rule 10.</p>	<p>Sustained / 1 day</p>

III. APPLICABLE RULES AND LAWS

Rules

1. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
2. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
3. Rule 10 – Inattention to duty
4. Rule 22 – Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

IV. INVESTIGATION

a. Interviews

In an audio interview on May 16, 2015, **complainant** ██████████ stated that she and her sons had just come back from the park and were standing outside their residence when they witnessed an unknown male walking up the street. Three police officers exited their vehicle and began chasing the unknown male. ██████████ witnessed the unknown male get away from the police and she began to laugh. ██████████ described the first officer as Caucasian, about 5’8-5’9, with black hair, wearing plain clothes that still distinguished him as a police officer. ██████████

██████████ described the second officer as Caucasian, wearing a hat, with a few tattoos, dark hair, brown eyes, and taller than the other two officers with some facial hair. The third officer was described as Caucasian, approximately the same height as the first officer, with brown-black hair, and a moustache.

██████████ stated the first officer came back near ██████████ and picked up her son's bookbag. ██████████ approached the officer and asked for her son's bookbag, as it had nothing to do with the situation involving the unknown male. ██████████ stated the first officer, who was searching her son's bookbag, began calling her a "black bitch" and said, "get your black ass away from here." She stated that the officer then made an accusation that the drugs belonged to her since they were near her son's book bag. ██████████, again, asked for the bookbag.

At this point, the second officer walked up and interfered with the conversation. ██████████ stated that the second officer said, "This bitch has been laughing the whole time." ██████████ told the officer he was getting disrespectful and she turned around to get her ID to prove that she lived at the residence and the bag was her son's. As ██████████ was getting ready to walk away, the officer forcefully pushed her backwards, while she was holding her one-year old son. ██████████ stated that she told the officer she was going to call for a supervisor. The officer then walked up to ██████████ and punched her on her right side. After she was punched, ██████████ told the officer, "You are the people that we are supposed to call for problems like this and you mean to tell me you just punched me and I'm eight months pregnant?". The second officer responded to her and said, "You black bitch! You better be lucky I didn't hit you hard enough and make you lose that damn baby. You keep sitting your ass around here having fucking kids so keep sitting your ass around having kids."

██████████ related that her sister then came over and told the officer she saw him punch ██████████. ██████████ and her sister then began to point out the cameras around the building. After ██████████ and her sister stated they were going to have the photos released, the officer started to calm down. ██████████ stated people began to come out and record with their phones. The incident ended with the officers getting into their brown SUV. The officer who punched her was laughing while holding his phone up as if he was recording ██████████. ██████████ didn't have any interaction with the third officer. ██████████ went to ██████████ after experiencing uterine contractions. ██████████ stated she did not have a visible bruise from this incident but did feel pain when touched where she was punched.

In an audio interview on May 16, 2015, **complainant** ██████████, sister of victim, ██████████, stated that she was inside of the house and her sister was outside playing with their children. While she was cooking, she noticed the police outside of her apartment building. ██████████ stated that one of the officers called a man from off his porch and searched him. The other male suspect who was with the man fled. As the suspect was running, a few people who were outside began to laugh, including ██████████. ██████████ stated that after the police came back from chasing the suspect one of the officers stated, "This the black bitch that was standing here laughing the whole time," referring to ██████████. ██████████ stated that one of the children's bookbags was hanging on a post next to the grass. When the police were chasing the suspect, the suspect threw a clear, plastic bag of weed down near the hanging bookbag.

As one of the officers began to search the bag, ██████████ heard her sister asking the police to return her baby's bookbag and that she didn't have anything to do with the male who they were chasing. ██████████, who was holding her one-year-old in her arms, approached one of the officers. The officer pushed ██████████ on her shoulders, and she stumbled a few steps. When she stepped towards the officer again, the same officer punched her on the side of the stomach.

After observing the incident from the window, ██████████ left her apartment and exited the building. As ██████████ approached the scene, the same officer stated, "Here comes another black bitch. Why are you coming to help this black bitch?" While ██████████ is consoling ██████████, the officer stated, "Bitch, I should've punched you harder and killed that little motherfucker." ██████████ stated the officer kept saying things like "you black motherfuckers kill me. You're so worried about watching us, the police, you don't care about the drug dealers." ██████████ asked about the drug dealers to which the officer responded, "Right. Exactly what I mean. A dumb, black bitch." ██████████ tried to explain to the officer that they had nothing to do with the suspect they were chasing and that the officer was terrifying her kids. The officer responded to her and said, "oh, who gives a fuck? You black motherfuckers don't wanna do anything but sell drugs." ██████████ stated that ██████████ called the officer a bitch and walked down the street to call a supervisor. ██████████ asked the officer how he would feel if his relatives were in ██████████ position. The officer responded by saying, "oh, they won't be standing on the block. That's all you black motherfuckers do." ██████████ stated she told the officer there were cameras around the building and the officer said, "oh, who gives a fuck – you black motherfuckers don't know what to do." ██████████ alleged that the officer referred to them as black bitches and black motherfuckers, stated that blacks only want to sell drugs, have babies, and stand outside.

After the officers left the scene, ██████████ called the police to report the officer who punched her sister and obtained the license plate numbers of the officers' vehicles. ██████████ identified her neighbors, ██████████ and ██████████, as witnesses to the incident. ██████████ described the first officer as Caucasian, 5'10"- 6'0", light colored hair, with a hat, some facial hairs, in his 30's, buff, and wearing jeans and a police vest. ██████████ described the second officer as Hispanic, 5'8", in his 30's, average build, wearing a vest. ██████████ was unable to describe the third officer.²

In an audio statement on May 20, 2015, ██████████ related that she was at her mother's house visiting and braiding her brother's hair. Her brother, ██████████,³ exited the house briefly to retrieve an item from the car, when a male approached him. Although she could not hear the conversation, she observed her brother shake his head. Moments later, police officer rapidly responded to the location and the male threw a bag of drugs and fled on foot, followed by one of the officers. The people on the block started laughing. Another officer detained her brother, while her brother was explaining that he lived in ██████████ and did not know the male. ██████████ added that she could hear the conversation between the officer and ██████████ because she had stepped outside of the gate.

² Att. 11-13

³ It should be noted that ██████████ failed to cooperate with the investigation.

One of the officers then walked off and started searching a book bag that was on the scene. A young lady, who appeared to be pregnant, approached, snatched the bag from the officer, and loudly asked why he was going through her son's bag. The pair exchanged words and, as the pregnant lady was walking away, one of the officers punched her on the right side of the stomach. [REDACTED] ran inside the house to retrieve her cellphone to call her father who is a retired police officer. After numerous attempts to reach her father, she returned to the front porch and observed "white shirts" and an ambulance on the scene. The officers let her brother go and they went back inside of the house.

[REDACTED] stated that she did not know the lady who was punched, but her uncle knows her. [REDACTED] stated that she couldn't hear the officer talking to the lady, but she did hear the lady state words to the effect of, "You stupid MF! It's cameras over here. You talking about you want to kill my baby? You MF, you gonna hope my baby die?" [REDACTED] stated that when the woman mentioned the cameras, the officer's entire demeanor changed. He didn't appear to be as aggressive as he was when he punched the lady on the stomach.⁴

During an audio statement on May 20, 2015, [REDACTED] related that on the date of the incident, she recently returned home and went to raise her bedroom window to get some air. She looked out and observed the police handcuffing a male down the street. She then observed the same officer punch her neighbor, who was pregnant and holding a baby. [REDACTED] could not articulate how many times the officer struck the woman; she just recalled the pregnant woman backing away from the officer after she was punched. [REDACTED] related that there were approximately three officers on the scene. [REDACTED] described the accused officer as a tall, Caucasian, young, big guy wearing a vest and a cap while the other two officers were Caucasian and more petite. [REDACTED] stated that he did not hear the conversation between the pregnant lady and the officer who pushed her, but she did hear the woman state to the officer, "Your momma is a bitch!" as if she was responding to a comment from the officer. [REDACTED] believes the pregnant woman's name is "[REDACTED]" and has known her most of her life and considers her to be an associate and a neighbor.⁵

On May 20, 2015, during an audio statement, [REDACTED] related that she was outside talking to [REDACTED], her neighbor, [REDACTED], and one of her cousins (name unknown), when she observed a [REDACTED] carrying three white plain clothed officers pull up. The officers exited the vehicle and began harassing two males who were sitting on a nearby porch. The officers pushed one of the males to the ground and handcuffed him. The other male fled, and the shorter officer chased him through the park. After the officer failed to capture the male, he came back and started searching [REDACTED] son's backpack. [REDACTED] became angry and asked the officer why they were searching her son's bookbag. One of the officers responded, "Nigger, mind your own business." The taller officer then punched [REDACTED] on her stomach. [REDACTED] was eight or nine months was pregnant at the time and holding one of her children in her arms. [REDACTED] immediately checked on [REDACTED] condition and grabbed her child from her arms. The taller officer then told [REDACTED] that the next time she jumped in something that did not concern her, he was going to kill her "nigga baby." [REDACTED] described the accused officer as being the taller officer of the three, approximately 5'11, and "cocky." [REDACTED] related the second

⁴ Att. 30, 31

⁵ Att. 34, 35

officer was the only officer doing all the verbal insults, and the other two didn't get involved. Although [REDACTED] stated she couldn't see the officer's badge number, she reported that the officers were in a SUV bearing Municipal Plate number "[REDACTED]." [REDACTED] cousin was also present and witnessed the incident, but [REDACTED] stated her cousin did not wish to be involved in the investigation. [REDACTED] stated that the officers released the handcuffed male and did not arrest him.⁶

During a digitally recorded statement at COPA on May 8, 2019, **Accused Officer** [REDACTED] related that he was assigned to a tactical team and his tour of duty began at approximately 1730 hours. Officer [REDACTED] was working in civilian dress with Officers [REDACTED], and [REDACTED]. While on routine patrol in the vicinity of [REDACTED] and [REDACTED], he observed two black males exchanging unknown items. Officer [REDACTED] approached the individual to conduct a field interview at which time one of the suspects fled on foot. Officer [REDACTED] exited the vehicle and pursued the suspect for approximately two to five minutes, leaving his partners on the scene. After Officer [REDACTED] lost sight of the suspect, he returned to where the foot chase originated and joined Officer [REDACTED] in canvassing the area for discarded contraband. Officer [REDACTED] stated he did not find any contraband on the front lawn, sidewalk, or the street the suspect ran down. Officer [REDACTED] saw an unattended bookbag in the approximate area of where the individual ran from. He began to search the backpack to see if there was any contraband or a weapon.

Officer [REDACTED] stated while he was searching a bag, a female (now known as [REDACTED]) approached him. Officer [REDACTED] recognized [REDACTED] as one of the individuals that was mocking him during the foot chase when he couldn't catch the suspect. Officer [REDACTED] stated that [REDACTED] was angry because he had picked up a book bag that she said belonged to one of her kids. Officer [REDACTED] explained to [REDACTED] that he was conducting a narcotics investigation and he wanted to look and make sure there wasn't any contraband or any kind of dangerous weapon that could be left on the street. Officer [REDACTED] stated [REDACTED] was still angry and continued yelling about how she didn't want him going through her child's bookbag. Officer [REDACTED] approached [REDACTED] and explained that they were conducting an investigation and she needed to back up. Officer [REDACTED] placed himself between Officer [REDACTED] and [REDACTED] so that he was face to face with her. Officer [REDACTED] then pointed westward while instructing [REDACTED] to back up from the scene. Officer [REDACTED] walked westward, facing her, while she was backing up.

Officer [REDACTED] stated that Officer [REDACTED] was loud but not using profanity. He recalled that [REDACTED] was screaming and using profanity. Officer [REDACTED] denied calling [REDACTED] a black bitch. Furthermore, Officer [REDACTED] related that he did not observe Officer [REDACTED] push or punch [REDACTED] and did not hear Officer [REDACTED] make any derogatory and/or racially charged statements to any individuals on the scene. Although the distance varied during the incident, Officer [REDACTED] stated that he was approximately five to fifteen feet away from Officer [REDACTED] and [REDACTED]. Officer [REDACTED] believed that when he saw a child's school papers in the bag, he gave the bookbag to one of [REDACTED] kids.

⁶ Att. 26, 27

After being provided the opportunity to review video footage of the incident, Officer ██████ stated he believed there was slight contact made between Officer ██████ and ██████. Officer ██████ stated that, in the video, it appears that Officer ██████ brushed against ██████ when he was directing her to back up.

Officer ██████ stated he and the other two officers were returning to the ██████ District tactical office when they heard the call requesting a supervisor at the address of ██████ and ██████. Officer ██████ denied discussing the allegations with Officers ██████ and ██████.

Officer ██████ stated he was 5'8," and approximately 165 pounds at the time of the incident. Officer ██████ described Officer ██████ as 6'2" and approximately 235 pounds. Officer ██████ described Officer ██████ as 5'10" and 210 pounds. Officer ██████ described ██████ as 5'7" and 160 pounds.⁷

During a digitally recorded statement at COPA on May 8, 2019, **Accused Officer ██████** stated he was on duty, dressed in civilian attire and working with Officer ██████ and Officer ██████. Officer ██████ stated he and the other officers were occupants in a ██████, which he was driving, when they observed what they believed to be a hand-to-hand narcotic transaction between two black males. Officer ██████ stopped the vehicle and Officer ██████ exited the vehicle. One of the males ran westbound on ██████ and Officer ██████ pursued him on foot. Officer ██████ stated he and Officer ██████ got out of the vehicle and approached the other male who didn't run. Officer ██████ decided that the other male appeared cooperative, so he returned to the police vehicle and drove in the direction Officer ██████ and the other male. Officer ██████ stated after he and Officer ██████ failed to catch the suspect, they returned to the scene where Officer ██████ was. Officer ██████ stated although he did not see either individual drop anything, he searched the area looking for narcotics while Officer ██████ searched a book bag that was on the scene. Officer ██████ stated he believes Officer ██████ searched the bag because he thought there were narcotics or a weapon in the bag.

Officer ██████ stated he recalls there being a black pregnant woman, ██████, on the scene who was angry when Officer ██████ searched the bookbag because it belonged to her son. Officer ██████ and ██████ were screaming at each other, but Officer ██████ did not know exactly what was being said. After reviewing the video, Officer ██████ stated that the woman was standing approximately five feet from Officer ██████ when Officer ██████ pushed ██████. However, he did not see or know that Officer ██████ pushed ██████ on the date and time in question. Officer ██████ stated he did not have any conversations with ██████, did not call ██████ a bitch and did not tell her to get her black ass away. Officer ██████ stated he spoke with ██████, the male who was still on the scene, and ran his name. Officer ██████ stated he did not hear Officer ██████, or any department member make any derogatory or racially charged statements.⁸

During an audio statement on August 1, 2019, **Accused Officer ██████** related that on the date and time in question, he and his partners, Officers ██████ and ██████, were headed

⁷ Att. 76

⁸ Att. 77

eastbound on [REDACTED], on routine patrol, when they observed what appeared to be two males involved in a suspect narcotic transaction. Officer [REDACTED] exited the vehicle and one of the males ran westbound; Officer [REDACTED] chased after him. Officer [REDACTED] approached the other male, who had started walking eastbound and away from the officers. Officer [REDACTED] asked the man (now known as [REDACTED]) to stop at which time he complied. Officer [REDACTED] conducted a field interview of [REDACTED] and a name check to make sure he didn't have any warrants. In the meantime, Officer [REDACTED] was searching the area for any suspect narcotics that could've been discarded.

Officer [REDACTED] related that he believed that Officer [REDACTED] was searching a book bag that was hanging on a fence unattended and near the same area where they observed the suspected narcotics transaction, during his encounter with [REDACTED]. [REDACTED] approached the officers, and Officer [REDACTED] instructed her to step back. Officer [REDACTED] recognized [REDACTED] as one of the people laughing at and mocking them when they couldn't apprehend the suspect who ran away. Officer [REDACTED] recalled [REDACTED] holding a baby in her arms at the time but stated that he didn't recall noticing that she was pregnant on the scene. However, when he saw her on the evening news, he observed her to be visibly pregnant. Officer [REDACTED] related that [REDACTED] initially complied with his orders instructing her to get back, but then, she returned. At that time, Officer [REDACTED] pointed westward, indicating the direction he wanted her to go in, and sternly instructed her to get back until they were finished. Officer [REDACTED] stated that he was a few feet away from her at the time. Officer [REDACTED] recalled hearing [REDACTED] and her sister accuse him of striking [REDACTED] as hard as he could and making her fall. Officer [REDACTED] stated that when he heard [REDACTED] make the allegation, he didn't respond because he knew that he had not punched her, and he didn't want to argue with her.

Officer [REDACTED] recalled asking [REDACTED] how she's supporting a man who is selling drugs in front of her kids. Officer [REDACTED] denied calling [REDACTED] and her sister a bitch and/or black bitch. Furthermore, he denied making any racially charged comments. While Officer [REDACTED] vehemently denied pushing or punching [REDACTED], he stated that, after watching the video, he realized that it was possible that he brushed against her as he was turning around to walk in the opposite direction of [REDACTED].

Prior to the statement, Officer [REDACTED] was given the opportunity to watch two videos related to the incident. Officer [REDACTED] stated that prior to the date of the statement, he did not know there was any video footage relative to the incident, He did, however, see a news story regarding the incident on FOX news the day after it occurred.⁹

b. Digital Evidence

POD Footage was requested for cameras located at [REDACTED] and [REDACTED]. Footage was not available due to both cameras being inoperable.¹⁰

According to the **Office of Emergency Management Communication transmissions**, both [REDACTED] and [REDACTED] called 911 after the incident and reported that an officer

⁹ Att. 86, 87

¹⁰ Att. 41

punched the pregnant [REDACTED] on the stomach. [REDACTED] also mentioned that the officer pushed [REDACTED]. Additionally, [REDACTED] reported that an officer was looking through her son's bag, and when she asked for the bag, the officer called her an "ugly bitch" before punching her on the stomach.¹¹

[REDACTED] apartment building **Video Surveillance**¹² was obtained from the law firm of [REDACTED]. The footage captured the incident involving [REDACTED] and Officer [REDACTED].¹³ Though the video is without audio, Officer [REDACTED] is seen exchanging words with [REDACTED] as he pointed to the west and walked toward her in an aggressive manner. As [REDACTED] was walking backward in front of Officer [REDACTED], Officer [REDACTED] pushed [REDACTED] on her stomach and turned away from her.¹⁴ [REDACTED] stepped backward but remained standing. At one point in the video, both Officer [REDACTED] and [REDACTED] briefly walked west out of the camera's view and could not be seen.

c. Physical Evidence

Evidence Technician Photographs of [REDACTED] do not depict any signs of visible injury.¹⁵

d. Documentary Evidence

In his **Initiation Report**, Sgt. [REDACTED], # [REDACTED], Unit [REDACTED] related that victim, [REDACTED], who was eight months pregnant at the time, reported that on May 15, 2015, at approximately 1700 hours, in the vicinity of [REDACTED], she observed 3 male white officers dressed in plainclothes chasing an unknown male. When the officers couldn't catch the male, she and her friends began to laugh. One of the officers grabbed her son's bookbag and she asked the officer to return it. One of the officers stated, "These black bitches have been laughing the whole time," and pushed [REDACTED] while she was holding her one-year-old child in her arms. [REDACTED] called the officer a bitch and told him that she could provide identification to prove her residency. The same officer then punched [REDACTED] on the right side of the stomach. [REDACTED] called 911 and CFD paramedics transported her to [REDACTED] for medical treatment. Although [REDACTED] only provided descriptions of two of the involved officers, Sgt. [REDACTED] listed Officer [REDACTED], Officer [REDACTED], Officer [REDACTED], and Officer [REDACTED] as the accused officers.¹⁶

According to the May 15, 2015, **Unit Query** for [REDACTED], Officer [REDACTED] ran [REDACTED] name via the Portable Data Terminal at approximately 6:01P.¹⁷

The **Global Positioning System** (GPS) report places Vehicle # [REDACTED] in stationary position from 5:58:10pm until 6:05:41p. According to CPD's Attendance and Assignment Record, Beat

¹¹ Att. 42-48

¹² Att. 49, 50

¹³ Att. 50 at 17:53

¹⁴ Id. at 17:54

¹⁵ Att. 53

¹⁶ Att. 4

¹⁷ Att. 15

Officer [REDACTED] and Officer [REDACTED], were assigned to Vehicle [REDACTED] on the date and time of the incident. Vehicle [REDACTED] is an unmarked smoke stone [REDACTED] Vehicle that is equipped with a GPS system but no in car camera.¹⁸

Officers [REDACTED] and [REDACTED] documented in a **Contact Card** that on May 15, 2015, at approximately 1800 hours, at [REDACTED], after observing [REDACTED] in a suspect hand to hand transaction with an unknown black male, in an area known for narcotics activity, they conducted a name check and field investigation.¹⁹

According to **CFD Incident Report#** [REDACTED], on May 15, 2015, at 6:17pm. Ambulance 10 was dispatched to call of a person injured from a fall. Upon arrival, [REDACTED] told CFD personnel that an officer punched her on the stomach, and she was eight months pregnant. Paramedics indicated that no signs of trauma or blood was noted, and [REDACTED] stated that she could feel the baby moving. [REDACTED] was transported to [REDACTED].²⁰

According to [REDACTED] **Medical Records**, [REDACTED] sought treatment at the facility on May 5, 2015. [REDACTED] reported that during an altercation with a police officer, he hit her with his fist on her right side and forcefully pushed her. [REDACTED] stated that she did not fall or lose consciousness. Furthermore, she reported that she was not bleeding or in pain. [REDACTED] was diagnosed with Abdominal Trauma and discharged home with a reactive nonstress test (NST).^{21 22}

V. 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

¹⁸ Att. 17, 18, 59

¹⁹ Att. 54

²⁰ Att. 24

²¹ A nonstress test is a common prenatal test used to check on a baby's health.

²² Att. 55

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.

VI. ANALYSIS

COPA finds that **Allegations #1-2**, that Officer ██████ called ██████ a black bitch and stated words to the effect of, "Get your black ass away from here," are **Not Sustained** against Officer ██████. ██████ alleged that the officer who was searching her bag called her a black bitch and stated words to the effect of, "Get your black ass away from here." Based off his own statement and self-identification in the video, the officer who was searching ██████ bag was Officer ██████. Officer ██████ denied the allegations and his partners, Officers ██████ and ██████, denied hearing Officer ██████ making racial comments to ██████. Witnesses ██████, ██████ and ██████ did not hear the conversation between ██████ and Officer ██████. Witness ██████ stated that an officer stated words to the effect of, "Nigger, mind your business." Yet, even the victim ██████ never made allegations that any of the officers used that word. Although a video of the incident was obtained from the building's management company, the surveillance footage lacked audio. Therefore, there is insufficient evidence to either prove or disprove the allegations and they are Not Sustained.

COPA determines that **Allegation #3**, that Officer ██████ failed to document his contact with ██████ in a contact card or other appropriate Department report, is **Exonerated**. Officer ██████ and his partners were conducting a street stop which did not involve ██████, and Officer ██████ had no physical contact with ██████. ██████ was not detained. A contact card was generated for ██████, one of the subjects of the investigatory stops. Although Officer ██████ had dialogue with ██████, he was not required to document his conversation with her. Therefore, this allegation is Exonerated.

COPA concludes that **Allegation #4**, that Officer ██████ observed Officer ██████ push ██████ and failed to report it, is **Not Sustained**. Officer ██████ denied the allegation and stated that he did not know Officer ██████ pushed ██████ until he watched the video at the COPA office. He related that he had no knowledge of the misconduct at the time of the incident. While Officer ██████ was standing within a few feet from Officer ██████ when he pushed ██████, Officer ██████ related that he was focusing his attention on the bookbag and only heard the some of the dialogue between Officer ██████ and ██████. Although there is a video of the incident, it cannot be determined if Officer ██████ observed Officer ██████ actions. Therefore, this allegation is Not Sustained.

COPA determines that **Allegations #1 and 2** against Officer ██████, that he called ██████ a black bitch, stated words to the effect of, "Get your black ass away from here," are

Unfounded. [REDACTED] only made allegations against two of the officers, the officer who searched her son's bookbag and the officer who made physical contact with her. This investigation revealed that Officer [REDACTED] searched the bag and Officer [REDACTED] made physical contact with [REDACTED]. Therefore, COPA finds by clear and convincing evidence that Officer [REDACTED] was not involved in these allegations and the conduct did not occur, so these allegations are Unfounded.

COPA determines that **Allegation #3**, that Officer [REDACTED] failed to document his contact with [REDACTED] in a contact card or other appropriate Department report, is **Exonerated**. Officer [REDACTED] and his partners were conducting a street stop which did not involve [REDACTED], and Officer [REDACTED] had no physical contact with [REDACTED]. [REDACTED] was not detained. A contact card was generated for [REDACTED], one of the subjects of the investigatory stops. Therefore, Officer [REDACTED] was not required to document his interaction with her. Therefore, this allegation is Exonerated.

COPA finds that **Allegation #4** against Officer [REDACTED], that he observed Officer [REDACTED] push [REDACTED] and failed to report it is **Not Sustained**. Like the account provided by Officer [REDACTED], Officer [REDACTED] also denied observing Officer [REDACTED] push [REDACTED]. Officer [REDACTED] related that he was inside of the yard searching for contraband that could've been discarded by the male subject who ran away, and his attention was not focused on Officer [REDACTED]. Officer [REDACTED] related that, based off his observations from watching the video prior to and during his statement at the COPA office, he was standing approximately five feet from Officer [REDACTED] when Officer [REDACTED] pushed [REDACTED]. The video footage shows Officer [REDACTED] searching the ground, but it does not shed light on whether he observed Officer [REDACTED] make physical contact with [REDACTED]. Thus, there is insufficient evidence to support the allegation and it is Not Sustained.

COPA concludes that **Allegation #1** against Officer [REDACTED], that he pushed [REDACTED] be **Sustained**. Video evidence supports [REDACTED] allegation in that it captures Officer [REDACTED] pushing [REDACTED]. [REDACTED] and her sister, [REDACTED], both stated that Officer [REDACTED] pushed [REDACTED]. [REDACTED] reported the push to 911 immediately following the incident. Officers [REDACTED] and [REDACTED] stated that while they were unaware of the physical contact made by Officer [REDACTED] on the date of the incident, after watching the video footage, both officers stated that it appeared that Officer [REDACTED] made contact with [REDACTED]. Throughout his statement and even after viewing the video footage, Officer [REDACTED] denied pushing [REDACTED]. However, Officer [REDACTED] stated that it is quite possible that he could have unintentionally brushed against [REDACTED]. Officer [REDACTED] subtle attempt to downplay his interaction with [REDACTED] is ineffective when the video footage clearly depicts his physical interaction with [REDACTED]. Moreover, there was no justification, nor does Officer [REDACTED] assert any justification, for his physical contact with [REDACTED], as she was not interfering in the investigation, but merely requesting that her property, that was unrelated to the incident, be returned. Therefore, Allegation #1 is Sustained.

COPA finds that **Allegation #2**, that Officer [REDACTED] punched [REDACTED], is **Sustained**. [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] all state that Officer [REDACTED] punched [REDACTED]. Although the video does not capture a punch, there were a few seconds

that Officer [REDACTED] and [REDACTED] moved out of the area of the surveillance camera and their interactions were not captured. Moreover, [REDACTED] and [REDACTED] did not have a close relationship with [REDACTED], that might give them a motive to fabricate their account of the events. Additionally, [REDACTED] immediately reported the incident to 911 and sought medical treatment. Officer [REDACTED] denied the allegation and Officers [REDACTED] and [REDACTED] denied seeing the incident. However, Officers [REDACTED] and [REDACTED] both stated they were searching the area and/or backpack and not focused on Officer [REDACTED]. Again, there was no justification for his physical contact with [REDACTED], as she was not interfering in the investigation, but merely requesting that her property, that was unrelated to the incident, be returned. Given that all the witnesses corroborate [REDACTED] account, COPA finds that it is more likely than not that this incident occurred, and Allegation #2 is Sustained.

COPA finds that **Allegation #3**, that Officer [REDACTED] stated words to the effect of, “You better be lucky I didn’t hit your black ass hard enough to make you lose that damn baby,” is **Sustained**. [REDACTED] and her sister both stated they heard Officer [REDACTED] state these words to [REDACTED]. Additionally, [REDACTED] stated she heard [REDACTED] state words to the effect of, “You stupid MF! It’s cameras over here. You talking about you want to kill my baby? You MF, you gonna hope my baby die?” [REDACTED] stated the officer told [REDACTED] that the next time she jumped in something that did not concern her, he was going to kill her “nigga baby.” Although, [REDACTED] account of the wording varies from [REDACTED] in this regard, it is a substantially similar account. Although Officer [REDACTED] denied the allegation and Officer [REDACTED] stated he did not hear this comment, the witness’s statements corroborate [REDACTED] account. Furthermore, Officer [REDACTED] stated he did not hear what Officer [REDACTED] and [REDACTED] were saying to each other. COPA finds it unlikely that the witnesses would fabricate this statement, especially given that [REDACTED] had no relationship to [REDACTED]. Therefore, COPA finds it more likely than not that Officer [REDACTED] made this statement, and Allegation #3 is Sustained.

COPA finds that **Allegations #4-7** that **Officer [REDACTED]** stated words to the effect of, “You keep sitting your ass around here having fucking kids so keep sitting your ass around having kids,” called [REDACTED] and [REDACTED] bitch and/or black bitch, and stated words to the effect of, “You black motherfuckers don’t want to do anything but sell drugs,” are **Not Sustained**. Although [REDACTED] and her sister, [REDACTED], stated that Officer [REDACTED] called them bitches and/or black bitches and made derogatory comments about black people selling drugs and having babies, Officer [REDACTED] denied the allegation. Officers [REDACTED] and [REDACTED] stated they did not hear Officer [REDACTED] make any racial comments. The remaining civilian witnesses did not relate that they heard Officer [REDACTED] say these words. Although [REDACTED] stated that she heard [REDACTED] state, “Your momma as a bitch!” as if she was responding to a comment made by Officer [REDACTED], she did not hear Officer [REDACTED] statements to [REDACTED]. None of the other witnesses stated they heard these alleged statements. The surveillance video provided a depiction of the incident without audio. Thus, there is insufficient evidence to prove or disprove the allegations and they are Not Sustained.

COPA determines that **Allegation #8**, that **Officer [REDACTED]** failed to document his contact with [REDACTED], is **Sustained**. Although [REDACTED] was not the subject of the street stop, the fact that Officer [REDACTED] made physical contact with a visibly pregnant woman who accused him, while he was on the scene, of punching her required him to document the encounter. The video

clearly depicts Officer [REDACTED] making physical contact with [REDACTED]. Even after hearing the call over the radio requesting a sergeant to the location of incident about a complaint as well as seeing the incident on the news the following day, Officer [REDACTED] still made no attempt to document his contact with [REDACTED] in a contact card, to/from report, or tactical response report as required. Therefore, this allegation is Sustained.

RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. **Officer [REDACTED]**

i. Complimentary and Disciplinary History:

1. **Complimentary:** 1 Deployment Operations Center Award, 1 Other Award, 4 Attendance Recognition Awards, 15 Emblem of Recognition of Physical Fitness Awards, 1 Presidential Election Deployment Award 2008, 161 Honorable Mentions, 5 Department Commendations, 1 2004 Crime Reduction Ribbon, 3 Complimentary Letters, 1 Honorable Mention Ribbon Award, 1 NATO Summit Service Award, 1 2009 Crime Reduction Award, 2 Unit Meritorious Performance Awards

2. **Disciplinary:** None

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** 7 days
2. **Allegation No. 2:** 15 days
3. **Allegation No. 3:** 5 days
4. **Allegation No. 8:** 1 day

COPA recognizes the delay in this investigation and has considered that in coming to its recommendation. COPA also has considered Officer [REDACTED] complimentary history. COPA finds that Officer [REDACTED] actions were completely unwarranted. Furthermore, COPA has considered the fact that the complainant was visibly pregnant, making Officer [REDACTED] conduct more egregious.

VII. CONCLUSION

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

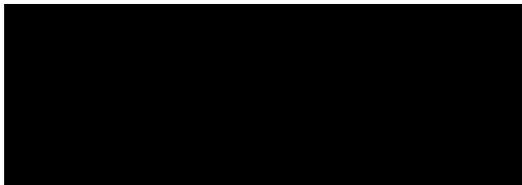
Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. [REDACTED] alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of	Not Sustained

	<p>██████████, the accused called her a black bitch in violation of Rule 8 and Rule 9.</p> <p>2. ██████████ also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused stated words to the effect of, “Get your black ass away from here,” in violation of Rule 8 and Rule 9.</p> <p>3. It is also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused failed to document his encounter with ██████████ in a contact card or other appropriate Department report in violation of Rule 10.</p> <p>4. It is further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused observed Officer ██████████ push ██████████ and failed to report it in violation of Rule 22.</p>	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p>
<p>Officer ██████████ ██████████</p>	<p>1. ██████████ alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused called her a black bitch in violation of Rule 8 and Rule 9.</p> <p>2. ██████████ also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused stated words to the effect of, “Get your black ass away from here,” in violation of Rule 8 and Rule 9.</p> <p>3. It is also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused failed to document his encounter with ██████████ in a contact card or other appropriate Department report in violation of Rule 10.</p> <p>4. It is further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused observed Officer</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Exonerated</p> <p>Not Sustained</p>

	<p>██████████ push ██████████ and failed to report it in violation of Rule 22.</p>	
<p>Officer ██████████</p>	<ol style="list-style-type: none"> <li data-bbox="532 304 1138 451">1. ██████████ alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused pushed her in violation of Rule 8 and Rule 9. <li data-bbox="532 493 1138 640">2. ██████████ also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused punched her in violation of Rule 8 and Rule 9. <li data-bbox="532 682 1138 934">3. ██████████ further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused stated words to the effect of, “You better be lucky I didn’t hit your black ass hard enough to make you lose that damn baby,” in violation of Rule 8 and Rule 9. <li data-bbox="532 976 1138 1228">4. ██████████ alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused stated words to the effect of, “You keep sitting your ass around here having fucking kids so keep sitting your ass around having kids” in violation of Rule 8 and Rule 9. <li data-bbox="532 1270 1138 1438">5. It is alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused called ██████████ a bitch and/or black bitch in violation of Rule 8 and Rule 9. <li data-bbox="532 1480 1138 1648">6. It is alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused called ██████████ a bitch and/or black bitch in violation of Rule 8 and Rule 9. <li data-bbox="532 1690 1138 1858">7. It is also alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of ██████████, the accused stated words to the effect of, “You black motherfuckers don’t want 	<p>Sustained / 7 days</p> <p>Sustained / 15 days</p> <p>Sustained / 5 days</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

to do anything but sell drugs,” in violation of Rule 8 and Rule 9.	Sustained / 1 day
8. It is further alleged that on May 15, 2015, at approximately 5:50pm, in the vicinity of [REDACTED], the accused failed to document his encounter with [REDACTED] in a contact card or other appropriate Department report in violation of Rule 10.	

Approved:



Andrea Kersten
Deputy Chief Administrator – Chief Investigator

August 29, 2019

Date

Appendix A

Assigned Investigative Staff

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