

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 16, 2018
Time of Incident:	Approximately 11:40am
Location of Incident:	██████████
Date of COPA Notification:	September 14, 2018
Time of COPA Notification:	4:25pm

On July 16, 2018, at approximately 4:25pm, at or near ██████████ Chicago Police Department (“CPD”) Officer ██████████ (“Officer ██████████ and Officer ██████████ (“Officer ██████████ went to the residence of ██████████ (██████████) in response to a call for service concerning a battery involving ██████████ and his tenant, ██████████ (██████████) Following the incident, ██████████ alleged that Officers ██████████ and ██████████ arrested him without justification. The Civilian Office of Police Accountability (“COPA”) investigated and reached findings of exonerated and unfounded for all allegations.

**II. INVOLVED PARTIES**

Involved Officer #1:	Police Officer ██████████ Star # ██████████, Employee # ██████████, DOA: ██████████ 2016, DOB: ██████████, 1982, Unit ██████████ F/W
Involved Officer #2:	Police Officer ██████████ # ██████████, Employee # ██████████, DOA: ██████████, 2017, DOB: ██████████ 1986, Unit ██████████ F/WBH
Involved Individual #1:	██████████ DOB: ██████████, 1961, Male/Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer ██████████	It is alleged by ██████████ that on or about July 16, 2018, at approximately 11:40am, at or near ██████████ that Officer ██████████ ██████████ committed misconduct through the following acts or omissions:	

	<p>1. Arrested [REDACTED] without justification.</p> <p>It is alleged by COPA that on or about July 16, 2018, at approximately 11:40am, at or near [REDACTED] that Officer [REDACTED] committed misconduct through the following acts or omissions:</p> <p>2. failed to comply with CPD Directive Special Order S03-14, by failing to activate her body worn camera.</p>	<p>Exonerated</p> <p>Unfounded</p>
<p>Officer [REDACTED]</p>	<p>It is alleged by [REDACTED] that on or about July 16, 2018, at approximately 11:40am, at or near [REDACTED] that Officer [REDACTED], committed misconduct through the following acts or omissions:</p> <p>1. Arrested [REDACTED] without justification.</p> <p>It is alleged by COPA that on or about July 16, 2018, at approximately 11:40am, at or near [REDACTED] that Officer [REDACTED] committed misconduct through the following acts or omissions:</p> <p>2. failed to comply with CPD Directive Special Order S03-14, by failing to activate her body worn camera.</p>	<p>Exonerated</p> <p>Unfounded</p>

**IV. APPLICABLE RULES AND LAWS**

<p>Rules</p>
<p>1.Rule 6, Prohibits disobedience of an order or directive, whether written or oral.</p>
<p>Special Orders</p>
<p>1.CPD Directive Special Order S03-14.</p>

## V. INVESTIGATION<sup>1</sup>

### a. Interviews

██████████

During an interview with COPA investigators, ██████ stated that on July 16, 2018, at 11:40am, he was at his residence located at ██████ when he went to the attic and asked ██████ to leave.<sup>2, 3</sup> ██████ responded by telling ██████ that he was tired of his shit, that he was going to call the police, and threatened ██████ with violence to his family. ██████ left the attic and called the police. Officer ██████ and Officer ██████ responded and conversed with ██████ and ██████ separately outside the building. Officer ██████ and Officer ██████ ignored ██████ when ██████ informed them that ██████ threatened him and his family and told ██████ that he was under arrest for pushing ██████<sup>4</sup>

*Officer ██████*

During an interview with COPA investigators, Officer ██████ stated that on July 16, 2018, at 11:40am, she and her partner, Officer ██████ responded to a battery call at ██████. The officers met with ██████ who was standing alone outside. ██████ told Officers ██████ and ██████ that he and ██████ argued while he was moving out of ██████ building, and during the argument, ██████ pushed him and also struck him on the chin. Meanwhile, ██████ exited the building and told Officers ██████ and ██████ that he owned the building. An argument arose between ██████ and ██████ signed a complaint against ██████ and ██████ was taken into custody without incident.<sup>5</sup>

Officer ██████ stated that her body worn camera was positioned on the middle of her vest. Officer ██████ assumed that she turned on her body worn camera but did not recall when she turned it on.<sup>6</sup> Officer ██████ stated on or about Sunday, May 26, 2019, upon receipt of the notification of the allegations, she and Officer ██████ were inside the ██████ District Station and attempted to view their respective body worn camera footage. Officer ██████ was unable to view her footage because she forgot her password and could not log onto the system. According to Officer ██████ Officer ██████ was successful in viewing her body worn camera footage.<sup>7</sup>

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> ██████ owns a two flat at that location and rents out one of the units and the attic.

<sup>3</sup> ██████ rents out the attic to ██████ and hired ██████ to cut the lawn at various properties that he owns. Attempts to contact and interview ██████ were unsuccessful.

<sup>4</sup> Attachment 6.

<sup>5</sup> Officer ██████ did not recall ██████ telling her or Officer ██████ anything about ██████ having threatened him or his family with bodily harm.

<sup>6</sup> Officer ██████ stated that it was possible that she did not turn on her body worn camera at the beginning of the incident.

<sup>7</sup> Attachment 24.

Officer ██████████

During an interview with COPA investigators, Officer ██████████ stated that on July 16, 2018, at 11:40am, that ██████████ and ██████████ were standing outside when she and Officer ██████████ arrived at the scene. Officer ██████████ spoke with ██████████ while Officer ██████████ spoke with ██████████ told Officer ██████████ that he wanted his keys back from ██████████ who was residing in his building. Officer ██████████ approached Officer ██████████ and ██████████ and said that ██████████ wanted to sign a complaint against ██████████ for pushing ██████████ on the chin. Officer ██████████ placed ██████████ into custody without incident.

Officer ██████████ stated that she was wearing her body worn camera on the front of her vest. Officer ██████████ activated her body worn camera on-scene and deactivated her body worn camera when she and Officer ██████████ arrived at the ██████████ District Station with ██████████ in custody. Officer ██████████ stated that upon receipt of the allegations regarding this investigation, she viewed her body worn camera footage. According to Officer ██████████ the body worn camera footage depicted Officer ██████████ activate her body worn camera while inside her vehicle. The body worn camera also depicted ██████████ signing a complaint against ██████████ and Officer ██████████ placing ██████████ in the rear of a Department vehicle.<sup>8</sup>

## **b. Documentary Evidence**

### *CPD Reports*

The related Arrest, Case and Supplementary reports document that Officer ██████████ and Officer ██████████ were dispatched to a Battery call, initiated by ██████████ at ██████████. Officer ██████████ and Officer ██████████ met with ██████████ who informed them that ██████████ pushed ██████████ with an open hand near his chin and threatened ██████████ with bodily harm during an argument regarding residency. ██████████ signed a complaint and ██████████ was taken into custody on Battery charges.<sup>9</sup>

### *Office of Emergency Management and Communications Records*

The Event Query documents that ██████████ called the police and requested assistance after his landlord threatened him and struck him.<sup>10</sup>

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<sup>8</sup> Attachment 28.

<sup>9</sup> Attachments 9, 11, and 12.

<sup>10</sup> Att. #10.

**c. Digital Evidence**<sup>11</sup>*Body Worn Camera*

Officer ██████ BWC depicts Officers ██████ arrival at the scene. ██████ and ██████ are standing outside. Officer ██████ speaks with ██████ while Officer ██████ speaks with ██████ informs Officer ██████ that ██████ struck him on the face and that he wanted to sign a complaint against ██████ states that he also called the police. ██████ signs a complaint against ██████ and ██████ is taken into custody without incident.<sup>12</sup>

Officer ██████ BWC depicts Officer ██████ speaking with ██████ tells Officer ██████ that ██████ began yelling at and threatening him after he told ██████ to move out of his building.<sup>13</sup> Officer ██████ approaches Officer ██████ and ██████ and informs ██████ that he is going to be arrested for battery because ██████ wants to sign a complaint against him. ██████ signs the complaint at the rear of the marked SUV. ██████ is taken into custody and transported to the ██████ District Station.<sup>14</sup>

**VI. LEGAL STANDARD**

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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<sup>11</sup> COPA requested BWC from CPD for this incident. COPA received a response from CPD which indicated that there was no body-worn camera footage for Officers ██████ and ██████. However, during their separate statements, Officers ██████ and ██████ both stated there was body-worn camera footage of this incident. Subsequent to the Officers' interviews, COPA again requested BWC from CPD. This second request returned BWC footage for both officers.

<sup>12</sup> Attachment 31.

<sup>13</sup> ██████ allowed ██████ to live with him after he became homeless. ██████ stopped cutting the grass around the property, so ██████ asked ██████ to move out.

<sup>14</sup> Attachment 32.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

**VII. ANALYSIS**

**Arrest**

█████ alleged that he was arrested without justification. We find that officers █████ and █████ had probable cause to arrest █████. First, the evidence indicated that █████ called the police and requested assistance because █████ threatened and struck him. Second, Officers █████ and █████ arrived and spoke with █████ who expressed that he wanted to sign a criminal complaint against █████. Significantly, video evidence depicts █████ signing a criminal complaint against █████. When considering these factors, we consequently find that the officers had probable cause to arrest █████ for battery, and therefore, the officer’s arrest was justified. Accordingly, allegation 1 against both officers is exonerated.

**BWC**

COPA alleged that Officer █████ and Officer █████ failed to comply with CPD Directive Special Order S03-14, by failing active their BWCs throughout the incident. We now find that both officers did in fact properly record their interaction with █████ and █████.

Initially, CPD forwarded documentation to COPA indicating that BWC footage for the incident was “Not Found” following a search for any relevant BWC Footage. However, following the accused officers’ assertions that incident was recorded, COPA again requested any relevant BWC footage from CPD. This second request returned relevant BWC footage from both officers capturing their interaction with █████ and █████. Therefore, the allegation 2 against both officers is unfounded.

**VIII. CONCLUSION**

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

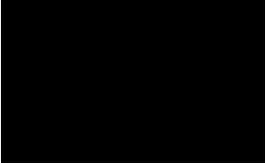
Officer	Allegation	Finding
Officer █████	It is alleged by █████ that on or about July 16, 2018, at approximately 11:40am, at or near █████ that Officer █████ committed misconduct through the following acts or omissions: <ol style="list-style-type: none"> <li data-bbox="576 1822 1016 1892">1. Arrested █████ without justification.</li> </ol>	Exonerated



Appendix A

Assigned Investigative Staff

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