

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 3, 2017
Time of Incident:	7:45 PM
Location of Incident:	800 N. Kedzie Avenue
Date of COPA Notification:	September 26, 2017
Time of COPA Notification:	11:42AM

II. INVOLVED PARTIES

Involved Officer #1:	██████████ # ██████████ Employee # ██████████ Date of Appointment: ██████████ 2014; Police Officer; Unit ██████████ DOB: ██████████ 1984; Male; White
Involved Officer #2:	██████████ # ██████████; Employee # ██████████ Date of Appointment: ██████████ 2002; Police Officer; Unit ██████████ DOB: ██████████, 1979; Male; Hispanic
Involved Individual #1:	██████████ DOB: ██████████ 1992; Female; Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged that on May 3, 2017, at approximately 7:45 PM, in the vicinity of 800 N. Kedzie, Officer ██████████ threw the complainant's, ██████████ cellular phone to the ground.	Not Sustained
	2. Handcuffed ██████████ too tightly.	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.

	3. Arrested [REDACTED] without justification.	Exonerated
Officer [REDACTED] # [REDACTED]	1. It is alleged that on May 3, 2017, at approximately 7:45 PM, in the vicinity of 800 N. Kedzie Avenue, Officer [REDACTED] arrested the complainant, [REDACTED] without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2 – Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person while on or off duty.

Federal Laws

1. 4th Amendment

V. INVESTIGATION

a. Interviews

During her interview with the **Civilian Office of Police Accountability (COPA)**, on **October 4, 2017**, [REDACTED] stated that on May 3, 2017, at approximately 7:45 PM, she entered her vehicle and backed into a vehicle that was parked behind her vehicle. [REDACTED] related that the owner of the vehicle, now known as [REDACTED] exited the store and asked [REDACTED] for her insurance information. [REDACTED] stated that after she refused to give [REDACTED] her insurance information, [REDACTED] called the police for assistance.

[REDACTED] stated when the responding officers, now known as Officers [REDACTED] and [REDACTED] arrived at the scene she attempted to explain what occurred. Dixon stated Officer [REDACTED] stated words to the effect of, “Shut up no, one is talking to you.”² [REDACTED] related that she instantly became upset and defensive. [REDACTED] stated at that she then began arguing with Officer [REDACTED]

[REDACTED] related that Officers [REDACTED] and [REDACTED] approached her and asked her if she had consumed any alcoholic beverages. [REDACTED] stated she informed Officers [REDACTED] and [REDACTED] that she had not consumed any alcoholic beverages. [REDACTED] added that she refused to take a breathalyzer

² Attachment #8 - Digital recorded statement of complainant, [REDACTED] 4:00 – 4:02

upon the officers' request. [REDACTED] walked away from Officers [REDACTED] and [REDACTED] to retrieve her cellular phone from her vehicle. [REDACTED] stated that Officer [REDACTED] grabbed her cellular phone from her hand and threw it to the ground. [REDACTED] admitted to being irate during her interaction with Officers [REDACTED] and [REDACTED] added that Officer [REDACTED] handcuffed her too tightly. [REDACTED] stated that she sustained bruises and swelling to her wrists as a result of this incident.³

In his statement to COPA on August 23, 2018, Officer [REDACTED] stated that he was assigned to Beat [REDACTED] along with Officer [REDACTED]. Officer [REDACTED] related that he and Officer [REDACTED] were dispatched to the location of the incident regarding an auto accident. Officer [REDACTED] related that when he and Officer [REDACTED] arrived at 800 N. Kedzie, he and Officer [REDACTED] approached both parties involved in the auto accident. Officer [REDACTED] spoke with [REDACTED] while Officer [REDACTED] spoke with [REDACTED]. Officer [REDACTED] described [REDACTED] as being very uncooperative.

Officer [REDACTED] related that while he was speaking with [REDACTED] he smelled alcohol emitting from [REDACTED] breath. Officer [REDACTED] stated that [REDACTED] began talking loudly and yelled at Officer [REDACTED]. Officer [REDACTED] informed [REDACTED] that he was not talking to her. [REDACTED] continued to yell at Officer [REDACTED] and refused to listen to Officer [REDACTED] or Officer [REDACTED]. Officer [REDACTED] related that Officer [REDACTED] approached the area and attempted to handcuff [REDACTED]. [REDACTED] flung her arms and pulled away. Officer [REDACTED] assisted Officer [REDACTED] by placing [REDACTED] arms behind her back. Officer [REDACTED] charged [REDACTED] with DUI because alcohol was emitting from her breath. Officer [REDACTED] added that [REDACTED] was charged with Child Endangered because she failed to place [REDACTED] inside a child safety seat. Officer [REDACTED] denied observing Officer [REDACTED] and/or any Department throw [REDACTED] cellular phone to the ground or handcuff [REDACTED] too tightly.⁴

In his statement to COPA on August 23, 2018, Officer [REDACTED] stated that he was assigned to Beat [REDACTED] along with Officer [REDACTED]. Officer [REDACTED] related that he was dispatched to a disturbance at an auto accident. Officer [REDACTED] stated that when he arrived at the location of incident, he observed [REDACTED] and [REDACTED] yelling at each other. Officer [REDACTED] observed one vehicle facing northbound in a [REDACTED] lot and another vehicle facing southbound. Officer [REDACTED] related that he spoke with [REDACTED] while Officer [REDACTED] spoke with [REDACTED]. Officer [REDACTED] added that while speaking with [REDACTED] he observed a trail of an unknown liquid and a plastic cup on the ground. Officer [REDACTED] stated that [REDACTED] appeared to be distraught as [REDACTED] was yelling towards [REDACTED].

Officer [REDACTED] stated that while he was gathering information from [REDACTED] began yelling at him (Officer [REDACTED] and telling him to stop yelling at her. Officer [REDACTED] stated that he turned towards [REDACTED] and explained that he was not yelling at her. Officer [REDACTED] related that he then approached [REDACTED] and smelled alcohol emitting from her breath. Officer [REDACTED] continued that he attempted to calm [REDACTED] down, but [REDACTED] became irate and belligerent. Officer [REDACTED] related that he and Officer [REDACTED] placed handcuffs on [REDACTED] and placed [REDACTED] inside their assigned vehicle. Officer [REDACTED] added that [REDACTED] resisted by pulling away as they were handcuffing her. Officer [REDACTED] stated that he requested assistance via Department radio because a crowd gathered in the immediate area.

Officer [REDACTED] stated that [REDACTED] was charged with DUI because she was combative, she had a strong odor of alcohol emitting from her breath, she was staggering and had glassy eyes. Officer

³ Attachment #8 – Digital recorded statement of [REDACTED]

⁴ Attachment #48 – Digital recorded statement of Officer [REDACTED]

█████ added that he used Department tactics, consistent with his training, when he placed █████ into custody. Officer █████ related that he grabbed for █████ wrist in a proper fashion, while placing the cuff on her wrists with the assistance of his partner. Officer █████ stated that █████ never complained that the handcuffs were too tight. Further, Officer █████ denied throwing █████ cellular phone to the ground.⁵

In her statement to COPA on August 07, 2018 Officer █████ stated that on the date and time of the incident she was dressed in Department uniform and assigned to Beat █████ along with Officer █████ Officer █████ related that she responded to the location of the incident regarding the minor child at the scene. Officer █████ stated that she never had any interaction with █████ Officer █████ stated that she relocated to Mount Sinai Hospital with the child on the scene. Officer █████ related that she did not observe any Department member commit the acts alleged by █████⁶

In his statement to COPA on August 22, 2018, Sgt. █████ stated that he was dressed in Department uniform and assigned to Beat █████ on date and time of the incident. Sgt. █████ responded to a call from Beat █████ for assistance regarding an arrest in which a crowd was gathering. Sgt. █████ related that he did not observe █████ being placed into custody as she was inside the squadrol when he arrived. Sgt. █████ related that he recalled hearing █████ yelling about her child being inside her vehicle. Sgt. █████ stated that he did not have any physical interaction with █████ Sgt. █████ did not recall having verbal interaction with █████ Sgt. █████ stated he did not observe any Department member commit the acts alleged by █████

In his statement to COPA on August 23, 2018, Officer █████ stated that he was assigned to Beat █████ along with Officer █████ Officer █████ related that according to Department reports, he responded to the location of the incident to transport █████ to the █████ District Station. Officer █████ stated that he could not recall anything regarding the arrest of █████ Officer █████ related that he did not observe █████ arrest. Officer █████ stated that he did not observe any Department member commit the acts alleged by █████⁸

In his statement to COPA on August 23, 2018, Officer █████ stated that he was assigned to Beat █████ along with Officer █████ Officer █████ related that according to █████ arrest report, he responded to the location of incident to transport █████ to the █████ District Station. Officer █████ stated that he did not recall any interaction that he had with █████ Officer █████ stated that he did not observe any Department member commit the acts alleged by █████⁹

In his statement to COPA on October 3, 2018, Officer █████ stated that he was assigned to Beat █████ along with Officer █████ Officer █████ responded to the location of the incident regarding a request for assistance. Upon arrival, Officer █████ observed numerous officers on the scene. Officer █████ related that when he arrived at the location of the incident everything appeared to be resolved. Officer █████ does not recall seeing █████ while at the location of the

⁵ Attachment #42 – Digital recorded statement of Officer █████

⁶ Attachment #32 – Digital recorded statement of Officer █████

⁷ Attachment #38 – Digital recorded statement of Sgt. █████

⁸ Attachment #43 – Digital recorded statement of Officer █████

⁹ Attachment #44 – Digital recorded statement of Officer █████

incident. Officer ██████ did not observe any Department member commit the acts alleged by ██████¹⁰

Attempts made to interview the possible witnesses, ██████ and ██████ who were identified in the Department reports were met with negative results.¹¹

b. Digital Evidence

COPA obtained and reviewed video footage from the **In-Car Camera of Beat ██████** (vehicle # ██████). At 19:45:20 of the camera footage, ██████ is seen seated on the back seat of the squad car with her hands handcuffed behind her back. ██████ appears to be visibly upset and moving side to side while handcuffed behind her back. At this point of the video, there is no audio. At 19:45:51 of the camera footage, ██████ uses her left foot to kick at the caged back passenger (driver side) window of the squad car. At 19:46:06 of the camera footage, ██████ utilized her left foot to kick at the caged back passenger (driver side) window. At 19:46:23 there is audio and ██████ is heard referring to officer's as a stupid bitch. At 19:49:46 ██████ utilized her left foot to kick the aforementioned window. At 19:46:52 an unknown officer opened the door to assist ██████ with exiting the squad car. At 19:50:00 ██████ exited the squad car and requested to see her baby. ██████ then tells the officers to let her go and requested a white shirt. Video ended at 19:59:43 without any additional incidents.¹²

On November 17, 2017, ██████ submitted a **photograph** to COPA via email. ██████ stated that she sustained a bruise on both arms as a result of her contact with the accused officers. ██████ added that she was unable to photograph her left arm. The photograph depicts what appears to be marks on the right wrist.¹³

c. Documentary Evidence

According to the **Arrest, Case Report and Illinois Traffic Crash Report**, ██████ was arrested on May 3, 2017 at 7:45 pm at 800 N. Kedzie Avenue and charged with Driving Under the Influence (DUI), Endangering a child along with several traffic violations. It is reported that the arresting officers were dispatched to a disturbance at an auto accident. Upon arrival the arresting officers observed ██████ staggering around her vehicle and yelling at ██████. The arresting officers approached ██████ and ██████ to obtain information regarding the accident.

The arresting officers reported that they smelled a strong scent of alcohol from ██████ breath. While Officer ██████ was speaking with ██████ began shouting at Officer ██████ stating, "Stop yelling at me."¹⁴ Officer ██████ explained to ██████ that he was not yelling at her at which time, ██████ began to verbally assault Officer ██████. The arresting officers placed ██████ into custody and requested additional units as a crowd began to gather.

¹⁰ Attachment #49 – Digital recorded statement of Officer ██████

¹¹ Attachments #22, 50 – Investigator Case Log

¹² Attachment #18 – In-Car Video from Beat ██████ (Vehicle # ██████)

¹³ Attachment #20 – Photograph submitted by ██████ via email

¹⁴ Attachment #4, Arrest Report of ██████ Page 3

█████ refused to enter the arresting officers' vehicle and was then placed inside Beat █████ (squadrol). After █████ was placed inside Beat █████ the arresting officers spoke with █████ related that he observed █████ reverse her vehicle and strike his vehicle on the rear passenger bumper. █████ exited her vehicle with a clear plastic cup containing an unknown pink liquid and threw it at █████

The arresting officers reported that they spoke with █████ who stated that he observed █████ strike █████ vehicle with her vehicle. █████ added that █████ then became involved in a verbal altercation with █████

During an inspection, the arresting officers found a child, █████ in the back seat of █████ vehicle without a child safety seat and no restraints. Beat █████ along with ambulance 15 transported █████ to Mt. Sinai Hospital for observations. █████ was later taken into custody by her grandfather, Albert Dean. █████ refused the field sobriety test along with the breathalyzer.

According to the **lockup screening log**, █████ was received in lockup on May 3, 2017 at 8:20 pm. It is reported that █████ was under the influence of alcohol/drugs, displayed signs of alcohol/drug withdrawal and appeared to be irrational. It is also noted that █████ was uncooperative, combative and spitting at Officer █████ was photographed and fingerprinted on May 4, 2017, at approximately 2:00 am.¹⁵

According to the **Event Query Report** on May 3, 2017, at approximately 7:29 pm, Beat █████ was dispatched to investigate an auto accident that occurred in the vicinity of 3210 W. Chicago Avenue. At approximately 7:45 pm Beat █████ requested assistance. At 7:49 pm Beat 1154 reported that █████ was attempting to break out the windows. At 8:01 pm Beat █████ transported █████ to the █████ District. At 8:37 pm Beat █████ accompanied Ambulance █████ to Mount Sinai Hospital with █████¹⁶

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.

¹⁵ Attachments #4, 16, 19

¹⁶ Attachment #15

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with 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 conduct complied with Department policy than that it did not, 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.

VII. ANALYSIS

1. Officer [REDACTED]

COPA recommends a finding of **Not Sustained** for **Allegations #1 and 2** against **Officer [REDACTED]** alleged that Officer [REDACTED] threw her cellular phone to the ground and handcuffed her too tightly. [REDACTED] provided COPA with a photograph of her wrist. The photograph depicts what appear to be marks on the right wrist. [REDACTED] did not seek medical attention regarding any injuries that she may have sustained during her contact with Officer [REDACTED]. According to Officers [REDACTED] and [REDACTED] was flinging her arms and pulling away as they were handcuffing her. Leaving the possibility of the handcuffs being placed on too tightly. However, the In-Car camera video from Beat [REDACTED] was handcuffed behind her back and appeared to be visibly upset. While in the back seat of Beat [REDACTED] was moving side to side and kicking the cage inside the vehicle. The alleged injury may have been related to [REDACTED] action in the back seat of the vehicle. Officer [REDACTED] denied throwing [REDACTED] cellular phone to the ground and handcuffing [REDACTED] too tightly. The witness officers denied observing Officer [REDACTED] commit the act alleged against him. There is insufficient evidence to prove or disprove the allegations.

COPA recommends a finding of **Exonerated** for **Allegation #3** against **Officer [REDACTED]** alleged that Officers [REDACTED] and [REDACTED] arrested her without justification. [REDACTED] denied consuming any alcoholic beverages. Officer [REDACTED] related that [REDACTED] was arrested and charged with Driving Under the Influence (DUI) along with other charges. Officer [REDACTED] stated that based on his experience, a person under the influence of drugs and/or alcohol has glassy blood shot eyes, they become irate very quickly, combative, strong odor of alcohol and staggering. Officer [REDACTED] related that [REDACTED] was combative, she had a strong odor of alcohol emitting from her breath, she was staggering and had glassy eyes. According to the lockup screening log, [REDACTED] appeared to be under the influence of alcohol/drug, displayed signs of alcohol/drug withdrawal and appeared to be irrational. Based on the available evidence Officer [REDACTED] was justified for arresting [REDACTED].

2. Officer [REDACTED]

COPA recommends a finding of **Exonerated** for **Allegation #1** against **Officer [REDACTED]** alleged that Officers [REDACTED] and [REDACTED] arrested her without justification. [REDACTED] denied consuming any alcoholic beverages. Officer [REDACTED] stated that [REDACTED] was arrested and charged

with DUI because alcohol emitted from her breath. Officer [REDACTED] added that [REDACTED] was combative, she was staggering and had glassy eyes. According to the lockup screening log, [REDACTED] appeared to be under the influence of alcohol/drug, displayed signs of alcohol/drug withdrawal and appeared to be irrational. Based on the available evidence Officer [REDACTED] was justified for arresting [REDACTED]

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that on May 3, 2017, at approximately 7:45 PM, in the vicinity of 800 N. Kedzie Avenue, Officer [REDACTED] threw the complainant's, [REDACTED] cellular phone to the ground. 2. Handcuffed [REDACTED] too tightly. 3. Arrested [REDACTED] without justification.	Not Sustained Not Sustained Exonerated
Officer [REDACTED]	1. It is alleged that on May 3, 2017, at approximately 7:45 PM, in the vicinity of 800 N. Kedzie Avenue, Officer [REDACTED] arrested [REDACTED] without justification.	Exonerated

Approved:

[REDACTED]

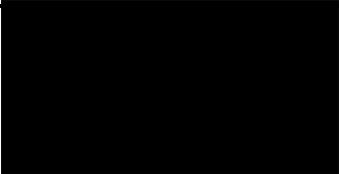
January 20, 2020

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

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