

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 15, 2019
Time of Incident:	8:25 PM
Location of Incident:	████████████████████████████████████████
Date of COPA Notification:	March 28, 2019
Time of COPA Notification:	9:42 AM

II. INVOLVED PARTIES

Accused Officer #1:	██████████, Star # ██████, Employee ID# ██████, Date of Appointment: ██████, 2017, Police Officer, Unit ██████, Date of Birth: ██████, 1992, Male, Asian.
Accused Officer #2:	██████████, Star # ██████, Employee ID# ██████, Date of Appointment: ██████, 2013, Police Officer, Unit ██████, Date of Birth: ██████, 1981. Male. White.
Involved Individual #1:	██████████, ████████████████████, ██████████, ██████, Date of Birth: ██████, 1969. Female. Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████	1. Arrested ██████, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Exonerated
Officer ██████ ██████	1. Arrested ██████, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Exonerated

IV. APPLICABLE RULES AND LAWS

- Rules
-
1. Rule 1: Violation of any rule or ordinance.
 2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

3. Rule 3: Any failure to promote the Department's efforts to implements its policy or accomplish its goals.

4. Rule 5: Failure to perform any duty.

5. Rule 6: Disobedience of an order or directive, whether written or oral.

6. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

7. Rule 10: Inattention to duty.

8. Rule 11: Incompetency or inefficiency in the performance of duty.

General Orders

1. General Order G06-01-01: Field Arrest Procedures

Federal Laws

1. U.S. Constitution – IV Amendment

V. INVESTIGATION

a. Interviews

On March 21, 2019 COPA interviewed complainant ██████████¹ who provided the requisite affidavit.² On March 15, 2019, Ms. ██████████ had just been dropped off at her residence, ██████████, when an altercation between her and a security guard, ██████████ [sic] ██████████, took place in her residence's lobby. Upon arrival in the lobby, Ms. ██████████ asked Ms. ██████████ why she told the building manager that she had cursed at her. Ms. ██████████ admitted to telling the building manager what Ms. ██████████ had cursed at her. Ms. ██████████ asked Ms. ██████████ what she was going to do to her. Ms. ██████████ replied that she was not going to do anything to her, but let God take care of her. Ms. ██████████ then went up to her residence. As she was going up to her residence Ms. ██████████ threatened to shoot her and her family. Ten (10) minutes later Ms. ██████████ stated that twenty (20) police officer were at her door. She indicated that Officer ██████████ came to the door and asked her if they could inconvenience her for a few hours.³ Ms. ██████████ opened the door and Officer ██████████ asked her to step out for a second.⁴ Ms. ██████████ complied and stepped out of her residence.⁵ Officer ██████████ then put one handcuff on her and she asked if she could go back into her residence to put her property away. The officers obliged, and they went into her residence with her.⁶ She was in the apartment for a few minutes and the officer had her

¹ Attachment 11.

² Attachment 5.

³ *Id.* at 7:50.

⁴ *Id.* at 14:33.

⁵ *Id.* at 15:02.

⁶ *Id.* at 16:05.

take off her jewelry and put her money away.⁷ She and the officers then left. She asked for the officers to lock the door who subsequently complied.⁸ The officers took her to the police station where Officer █████ completed paperwork.⁹

b. Digital Evidence

COPA obtained the **body worn camera video from Officer █████**.¹⁰ The video began with Officer █████ arriving at █████ and speaking with a black female security guard¹¹ in the lobby of the building. A conversation was had, and Ms. █████ stated that Ms. █████ had called her names. Officer █████ responded by stating that calling names was not making a threat. Officer █████ then asked for more specifics regarding the incident. Ms. █████ replied that she felt threatened. Officer █████ probed further. Ms. █████ stated that Ms. █████ was going to “fuck [her] up and kick [her] ass.”¹² Officer █████ asked where Ms. █████ resided, and Ms. █████ provided this information. He also asked Ms. █████ if she would sign complaints against Ms. █████, and she indicated that she would.¹³ The video then depicted police officers going to the residence and the door of Ms. █████. Upon arriving at the door, Officer █████ knocked and announced his office. Officer █████ asked the occupant to open the door and step out of the apartment. Ms. █████ complied. Officer █████ and Officer █████ then placed handcuffs on Ms. █████. Ms. █████ asked to get her keys and the officers entered her residence with her. They remained in the residence for a period of six (6) minutes while Ms. █████ removed her jewelry, put a coat on. Officer █████ obtained Ms. █████ house keys and locked her door. Ms. █████ was escorted out of the building.

COPA obtained the **body worn camera video from Officer █████**.¹⁴ The video showed the same or substantially the same depictions as observed on Officer █████ body worn camera video. Officer █████ video captured additional detail after Ms. █████ was escorted out of the building. The video showed Officer █████ relocating to a police vehicle and obtaining a misdemeanor complaint form. He then returned to the lobby and interacted with Ms. █████. The video then showed Ms. █████ signing the misdemeanor complaint form. The video captured a signed misdemeanor complaint form.¹⁵

COPA obtained the **body worn camera video from Officer █████**.¹⁶ The video showed the same or substantially the same as other body worn camera videos from involved officers. The video also contained the transportation of Ms. █████ to the district police station.

⁷ *Id.* at 17:10.

⁸ *Id.* at 17:35.

⁹ Ms. █████ stated that she complained of pain and that the officers that processed her took her to the hospital. When she was at the hospital, the officers removed her handcuffs, and she was allowed to bond out from the hospital. They provided her a copy of the bond slip. Officer █████ stated to her that Ms. █████ had signed a complaint against her, because Ms. █████ stated that she had threatened her. Officer █████ stated that because Ms. █████ signed a complaint against her she was being arrested. *See Id.* at 22:00.

¹⁰ Attachment 14.

¹¹ Ms. █████

¹² *Id.* at 3:50.

¹³ *Id.* at 6:30.

¹⁴ Attachment 13.

¹⁵ *Id.* at 25:25.

¹⁶ Attachment 12

COPA obtained the **body worn camera video from Officer [REDACTED]**.¹⁷ The video showed the same or substantially the same as other body worn camera videos from involved officers. The video also contained the transportation of Ms. [REDACTED] to the district police station.

c. Documentary Evidence

COPA obtained the **Original Case Incident Report**.¹⁸ The report indicated that the responding officers, Officer [REDACTED] and Officer [REDACTED], responded to an assault in progress call at [REDACTED]. Upon arrival the officers met with [REDACTED] [REDACTED] who worked as a security guard at the building. She complained that [REDACTED] was calling the security phone and harassing her. Ms. [REDACTED] indicated that Ms. [REDACTED] came down to the lobby three (3) times and kept harassing her, and the last time she yelled at Ms. [REDACTED], “Bitch I’m fucking you up. Bitch you should have minded your own business. I’ll be waiting for you outside at twelve.” Ms. [REDACTED] indicated that she felt threatened by this and was in fear of receiving a battery. The officer proceeded to Ms. [REDACTED] apartment and knocked on the door. Ms. [REDACTED] opened the door and she stepped outside to the hallway. She was then placed into custody. Ms. [REDACTED] was transported to the [REDACTED] police district station.

COPA obtained the **arrest report for [REDACTED]**. On March 15, 2019, Ms. [REDACTED] was charged with Aggravated Assault, in violation of 720 ILCS 5/12-2-B-4. The report indicated that Officer [REDACTED] and Officer [REDACTED] arrested Ms. [REDACTED] after obtaining a signed complaint. The signed complaint alleged that Ms. [REDACTED] threatened [REDACTED] [REDACTED], a uniformed CHA security officer by yelling at her and stating, “Bitch I’m fucking you up. Bitch you should have minded your own business. I’ll be waiting for you outside at twelve.” According to the report, Ms. [REDACTED] reported to the officers that she was in fear or receiving a battery.

COPA obtained the **court docket and disposition for [REDACTED]**,¹⁹ relative to the instance case. On April 19, 2019 the charge of Aggravated Assault was Nolle’d Prosequi.

COPA obtained the **event query report for Event Number: [REDACTED]**.²⁰ The report indicated that there was a female guard, “[REDACTED]”, and a female in the lobby trying to attack the guard.

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;

¹⁷ Attachment 15.

¹⁸ Attachment 1.

¹⁹ Attachment 18.

²⁰ Attachment 3.

3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

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

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

VII. ANALYSIS

Officer [REDACTED] and Officer [REDACTED] had probable cause to arrest Ms. [REDACTED]. "A warrantless arrest may be conducted by police if they have probable cause to believe that the person to be arrested has committed or is committing an offense." *People v. Redman*, 386 Ill. App. 3d 409, 420, 900 N.E.2d 1146, 1157 (2008). "[W]hen the totality of the facts and circumstances known to the officers is such that a reasonably prudent person would believe that the suspect is committing or has committed a crime," an officer has probable cause to make an arrest. *People v. Montgomery*, 112 Ill. 2d 517, 525, 494 N.E.2d 475, 477 (1986). Officer [REDACTED] and Officer [REDACTED] did not have a warrant to arrest Ms. [REDACTED]. The officers, however, had probable cause to arrest Ms. [REDACTED]. Their probable cause developed after interviewing the victim, Ms. [REDACTED]. They learned that Ms. [REDACTED] threaten to cause bodily harm to Ms. [REDACTED] and Ms. [REDACTED] was in fear of receiving a battery. This information from Ms. [REDACTED] provided the justification to effectuate a warrantless arrest. The officers had knowledge that Ms. [REDACTED] had committed a crime. Armed with this knowledge they proceeded to arrest Ms. [REDACTED], outside of her residence, for aggravated assault. Additionally, after her arrest, the officers obtained a signed misdemeanor complaint from the victim, as evidenced from Officer [REDACTED] body worn camera video. The signed misdemeanor complaint further corroborated that it was reasonable for the officer to believe that Ms. [REDACTED] had committed a criminal offense. The evidence is clear and convincing that the officers had a reasonable belief that Ms. [REDACTED] had committed a violation of the law and their arrest of Ms. [REDACTED] was justified. Therefore, COPA recommends a finding of **EXONERATED** with respect to the allegations against Officer [REDACTED] and Officer [REDACTED].

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Arrested [REDACTED], without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Exonerated
Officer [REDACTED] [REDACTED]	1. Arrested [REDACTED], without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Exonerated

Approved:

[REDACTED]

2-24-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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