

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	February 13, 2019/ 4:23 PM/ [REDACTED] [REDACTED]
Date/Time of COPA Notification:	February 19, 2019/ 3:33 PM
Involved Officer #1:	[REDACTED] # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2017; Police Officer; Unit of Assignment: [REDACTED]; DOB: [REDACTED], 1994; Male, Hispanic
Involved Officer #2:	[REDACTED] # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2016; Police Officer; Unit of Assignment: [REDACTED]; DOB: [REDACTED], 1988; Male, Hispanic
Involved Individual #1:	[REDACTED], 1984; Female Black
Involved Individual #2:	[REDACTED], 2002; Male Black
Case Type:	Unlawful detention

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on February 13, 2019, at approximately 4:23 PM, at or near [REDACTED] Place, Officer [REDACTED] committed misconduct through the following acts or omissions, by arresting [REDACTED] without justification.	Exonerated
Officer [REDACTED]	1. It is alleged that on February 13, 2019, at approximately 4:23 PM, at or near [REDACTED] [REDACTED], Officer [REDACTED] committed misconduct through the following acts or omissions, by arresting [REDACTED] without justification.	Exonerated

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.

II. SUMMARY OF EVIDENCE

On February 19, 2019 [REDACTED] registered a complaint via telephone with COPA on behalf of her son, [REDACTED] related that on February 13, 2019, several unidentified officers arrested [REDACTED] without justification after he had been involved in a fight at school.

On February 20, 2019 [REDACTED] provided COPA with a statement. Due to technical difficulties with equipment at COPA, the audio was not recorded. COPA made several additional steps to interview [REDACTED] with negative results.

COPA reviewed an arrest report, case reports, OEMC event queries, OEMC transmissions, In-car camera video footage from Beat [REDACTED], and the body worn camera footage of Officers [REDACTED] and [REDACTED]

Based on a review of body worn camera footage the responding officers responded to a Battery in Progress call at [REDACTED] which is located at [REDACTED]. Upon arrival Officers [REDACTED] and [REDACTED] spoke with Sgt. [REDACTED] and learned that [REDACTED] pushed the principal, [REDACTED] and punched a teacher, [REDACTED] multiple times. [REDACTED] and [REDACTED] signed complaints to press charges against [REDACTED] was placed in custody and transported to the [REDACTED] District. The arrest report depicts that [REDACTED] was notified of [REDACTED] arrest at 4:23 PM. According to the log indicated that [REDACTED] was released on February 13, 2019 at approximately 8:30 PM.

III. LEGAL STANDARD

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct 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.

IV. ANALYSIS

COPA finds that **Allegation #1** against **Officers [REDACTED] and [REDACTED]** be **Exonerated**. [REDACTED] alleged that Officers [REDACTED] and [REDACTED] arrested [REDACTED] without justification. According to the available evidence, [REDACTED] was arrested on signed complaints by the principal, [REDACTED] and a teacher, [REDACTED] who had been battered by [REDACTED]. Officers [REDACTED] and [REDACTED] actions were lawful and proper according to Departments rules and regulations.

Approved:

[REDACTED]

4/29/20

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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