

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	November 20, 2018/ 8:30 AM – 9:00 AM/ 4655 S. Dearborn
Date/Time of COPA Notification:	November 26, 2018/ 12:18 PM
Involved Officer #1:	██████████ # ██████ Employee # ██████ Date of Appointment: ██████ 2003; Sergeant; Unit of Assignment: ██████ DOB: ██████ 1968; Male, White
Involved Individual #1:	██████████, 1994; Female, Black
Case Type:	Excessive force/ No injuries

I. ALLEGATIONS

Officer	Allegation	Finding
Sgt. ██████	1. It is alleged that on November 20, 2018, at approximately 8:30 AM – 9:00 AM, at or near 4655 S. Dearborn, Sgt. ██████ committed misconduct through the following acts or omissions, by grabbing ██████ right shoulder and pushing her out of the building causing her pain.	Unfounded

II. SUMMARY OF EVIDENCE²

On November 26, 2018 ██████ registered a complaint via telephone with COPA and related that on November 20, 2018, she went to the offices of Network 9 to check on the status of the safety plan regarding her children. When ██████ arrived, she was not allowed to speak with anyone. ██████ stated that the staff member called the police after she refused to leave. ██████ related that two police officers arrived, now known as Officers ██████ and ██████ but they could not assist her. ██████ called the 911 and requested a sergeant. ██████ stated that when the sergeant, now known as Sgt. ██████ arrived he grabbed her right shoulder and pushed her out of the building causing her pain.³

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.

² Based on review of BWC, allegations were not formally served to the officers and no interviews of the officers were necessary.

³ Interview of ██████ Att. #8

COPA reviewed the OEMC event queries, OEMC transmissions and the body worn camera footage of Sgt. ██████ Officer ██████ and Officer ██████ COPA makes the following finding of fact.⁴

Based on a review of body worn camera footage Officers ██████ and ██████ responded to the Network 9 offices and spoke with both ██████ and the security personnel. Officers ██████ and ██████ attempted to assist ██████ but ██████ requested a sergeant. Officer ██████ then requested a sergeant via the Department radio. Upon arrival, Sgt. ██████ spoke with Officer ██████ regarding ██████ complaint. Sgt. ██████ approached ██████ and attempted to explain that she could return to Network 9 after she obtained an appointment to meet with the staff. Sgt. ██████ informed ██████ she would need to leave the building. ██████ complied and Sgt. ██████ followed behind her with his right arm extended out to his side. Sgt. ██████ never grabbed ██████ shoulder or pushed ██████ out of the building.⁵

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.

⁴ Atts. #14 -17, 20 - 29

⁵ Att. #Att. #27, at 16:48 – 17:05

IV. ANALYSIS

COPA finds by clear and convincing evidence **Allegation #1** against Sgt. [REDACTED] to be **Unfounded**. Body worn camera directly contradicts [REDACTED] allegation against Sgt. [REDACTED]. Video evidence establishes that Sgt. [REDACTED] never grabbed [REDACTED] shoulder or push [REDACTED] out of the building, therefore the allegation is Unfounded.

Approved:

[REDACTED]

March 29, 2020

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

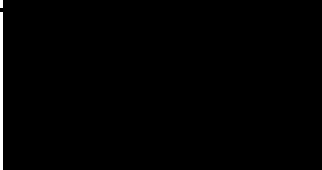
Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:



Andrea Kersten