

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 14, 2014
Time of Incident:	6:10 AM
Location of Incident:	██████████
Date of COPA Notification:	September 21, 2018
Time of COPA Notification:	3:35 PM

On April 14, 2014, the complainant, ██████████ was arrested for driving under the influence (“DUI”), domestic battery, and traffic infractions. ██████████ denied he was driving and alleged he was detained and arrested without justification. Per ██████████ the officers did not complete a thorough investigation and his then-girlfriend, ██████████ should have been arrested. The allegations that ██████████ was detained and arrested without justification are unfounded. The remaining allegations are not sustained.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star # ██████████, Employee ID # ██████████, Date of Appointment: ██████████, 1998, Police Officer, ██████████ District, Date of Birth: ██████████, 1971, Male, Asian
Involved Officer #2:	██████████ Star # ██████████, Employee ID # ██████████, Date of Appointment: ██████████, 2005, Police Officer, ██████████ District, Date of Birth: unknown, Male, American Indian/Alaskan Native ¹
Involved Individual #1:	██████████ Date of Birth: ██████████, 1985, Male, Black

¹ Officer ██████████ passed away on an unknown date, and his funeral was held on ██████████, 2016 (Att. 23). CPD reported that Officer ██████████ did not have a Personnel Action Report (“PAR”) documenting his departure from CPD (Att. 22).

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	<p>It is alleged that on April 14, 2014, at approximately 6:15 AM, at or near [REDACTED] you:</p> <ol style="list-style-type: none"> <li data-bbox="581 474 1154 579">1. Failed to thoroughly investigate the incident between [REDACTED] Jr. and [REDACTED] <li data-bbox="581 621 1105 655">2. Detained [REDACTED] without justification. <li data-bbox="581 697 1101 730">3. Arrested [REDACTED] without justification. <li data-bbox="581 772 1154 842">4. Failed to arrest [REDACTED] for stabbing [REDACTED] 	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 10:** Prohibits inattention to duty.

Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

V. INVESTIGATION²

a. Interviews³

████████████████████⁴

On September 25, 2018, COPA interviewed ██████████ Per ██████████ on the morning of April 14, 2014, he was in the passenger seat of a vehicle being driven by his then-girlfriend, ██████████ ██████████ (████████████████████⁵ ██████████ and ██████████ had been drinking near Lake Michigan in Evanston, IL. The couple left the lake around 12:30 – 1:00 AM and were heading home. ██████████ was about to park when a song about leaving a significant other came on the radio and ██████████ back-handed ██████████ ██████████ believed ██████████ was “overwhelmed” by the song, due to recent arguments between the couple.⁶ ██████████ had a razor in her hand and stabbed ██████████ on his left hand and the left side of ██████████ jaw. ██████████ initially fought ██████████ off, but he realized the severity of his injuries and fled from the vehicle. A female bystander called ██████████ an ambulance. ██████████ friends had also called 911. ██████████ elaborated that after he fled, ██████████ left her car in the street and ran to her home nearby. ██████████ denied that he was driving, and he denied striking ██████████ prior to her stabbing him. ██████████ also denied slamming ██████████ face or pulling her hair. ██████████ stated ██████████ struck him with a razor on the end of a stick, not with a red-handled kitchen knife.

████████████████████ returned to the car to retrieve his phone, at which point the police arrived. The police saw ██████████ standing on the street and reaching into the car on the passenger’s side. ██████████ believed the keys were in the ignition. Per ██████████ he provided his version of events to officers on scene. ██████████ told the officers that ██████████ stabbed him during an altercation, and that he wanted to press charges. ██████████ and her friend then emerged and stated ██████████ had beaten ██████████ ██████████ requested medical attention and an ambulance was called. Per ██████████ the officers would not let him leave the scene and told him to wait for the ambulance. ██████████ stated that he had a shouting match with a male officer on scene because the officers would not let him leave. ██████████ went into the ambulance and went to St. Mary’s Hospital, where a member of the hospital staff broke a needle in ██████████ hand. He was then taken to John H. Stroger, Jr. Hospital of Cook County (Stroger Hospital), where he passed out. When he regained consciousness, he was in handcuffs. ██████████ asserted that he was subjected to a blood alcohol test without consent while at the hospital.

████████████████████ also submitted a “Statement of Facts” to COPA, that was signed by ██████████ on August 13, 2018.⁷ In this document, ██████████ wrote that he and ██████████ were together in her vehicle after they had been fighting. A break-up song came on the radio and ██████████ began “slashing [████████████████████ in the face and body area with a knife.” ██████████ attempted to fight off ██████████ but fled the vehicle once he realized how much he was bleeding. A woman on the street asked ██████████ if he needed an

² COPA conducted an investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ COPA did not interview Officer ██████████ because he was deceased by the time ██████████ made a complaint to COPA. During his COPA interview, Officer ██████████ confirmed that Officer ██████████ is deceased (Att. 24) and an obituary was located for Officer ██████████ (Att. 23).

⁴ Att. 5

⁵ ██████████ was not interviewed, as she told COPA she did not want to participate in the investigation (Att. 55).

⁶ Approximately 6:12 minute mark of Att. 5.

⁷ Att. 11

ambulance and he agreed. Police officers arrived and questioned ██████ while he was “bleeding profusely.” An ambulance took ██████ to St. Mary’s Hospital where a needle broke during an unauthorized blood draw. ██████ was then transferred to Stroger Hospital to remove the needle. While at Stroger Hospital, ██████ passed out. When he woke up, he was in handcuffs and told he was arrested for driving under the influence (DUI). ██████ admitted to drinking alcohol but denied he was operating a vehicle. Eventually, ██████ learned that the domestic violence charge was dropped but the DUI charge was moving forward. Along with the Statement of Facts, ██████ included a transcript from ██████, 2018 court proceedings, in which the prosecutor related he could not “sustain our burden” and the domestic charge was dismissed.

Officer James ██████ “(Officer ██████)⁸

COPA interviewed Officer ██████ on April 26, 2019. On April 14, 2014, Officer ██████ was on patrol in the ██████ District and partnered with Officer ██████ (“Officer ██████” when they responded to a domestic incident, after hearing a radio call from dispatch. Per Officer ██████ was “crying, shaking, and there was a car that was [...] parked in the middle of the street [...],” and “blocking the street.”⁹ Officer ██████ saw ██████ exit the car from the passenger’s side when he arrived. Officer ██████ spoke to ██████ who related that ██████ took her car, was driving erratically, and was intoxicated. ██████ reported to Officer ██████ that ██████ smashed ██████ face into the car’s window, grabbed ██████ hair, and punched ██████ had a fat lip and complained her neck hurt, but she refused medical care. Per Officer ██████ they determined ██████ was the driver based on ██████ statement. Officer ██████ stated that ██████ injuries corroborated that she stabbed ██████ in self-defense, and they believed she was the victim.

Officer ██████ saw ██████ screaming, bleeding, and pacing, and he taunted the officers to fight him. The officers called for backup and Officer ██████ tried to talk to ██████ was belligerent and Officer ██████ did not recall ██████ providing his version of events. ██████ did not want officers touching him and he got in Officer ██████ face while spitting blood. Officer ██████ eventually convinced ██████ to get in an ambulance. Officer ██████ did not think ██████ wanted medical care, which was why Officer ██████ had to convince ██████ Officer ██████ did not believe ██████ was handcuffed prior to entering the ambulance. Officer ██████ believed ██████ was intoxicated because he smelled alcohol on ██████ and ██████ aggressive demeanor. Officer ██████ arrested ██████ because of his behavior, how the car was parked, ██████ intoxication, and ██████ demeanor, visible injuries, and explanation of what occurred.

*Officer ██████*¹⁰

COPA interviewed Officer ██████ on May 7, 2019. On April 14, 2014, Officer ██████ was operating a squadrol in the ██████ District and partnered with Officer ██████ After reviewing CPD reports from this incident, Officer ██████ recalled being at the scene of ██████ arrest. Officer ██████ heard units being assigned via radio and decided to assist. When he arrived, Officer ██████

⁸ Att. 24

⁹ Approximately 6:14 minute mark of Att. 24.

¹⁰ Att. 29

saw an African American male in the middle of the street and bleeding. Officer ██████ described the male, known to be ██████ as belligerent, screaming, and flailing. Officer ██████ recalled seeing the vehicle in the middle of Spaulding Ave., not legally parked. Officer ██████ related that an ambulance arrived, and ██████ got inside.

*Officer ██████*¹¹

Officer ██████ was interviewed by COPA on May 7, 2019. On April 14, 2014, he was operating the squadrol with Officer ██████ and went to assist. Officer ██████ recalled seeing an African American male, known to be ██████ who was irate in the middle of the street. ██████ was holding fabric with blood on it while yelling and flailing. Officer ██████ recalled a car in the middle of street. Officer ██████ remembered that officers were speaking with ██████ but he could not recall who they were or what the conversation was. Officer ██████ believed that ██████ got into the ambulance, “without any issue,” but was possibly still irate.¹²

*Officer ██████*¹³

COPA interviewed Officer ██████ on May 15, 2019. After reviewing CPD reports, Officer ██████ recalled that he went to the scene of ██████ arrest after hearing a radio call for assistance. Officer ██████ saw “a male in the middle of the street, yelling.”¹⁴ Officer ██████ recalled that ██████ was standing on Milwaukee and the vehicle was on a side street with the passenger door open. Once an ambulance arrived, Officer ██████ partner, Officer ██████ calmed ██████ down. Officer ██████ elaborated that ██████ “didn’t want to interact with anybody. He was, basically, upset, but Officer ██████ was able to reach him on a level, [...] talked him down, and got him to stop yelling and being upset, and got him to voluntarily get into the ambulance.”¹⁵ Officer ██████ rode in the ambulance with ██████ and Officer ██████ did not see ██████ again.

*Officer ██████*¹⁶

COPA interviewed Officer ██████ on May 17, 2019. After reviewing CPD reports, Officer ██████ recalled responding to this incident after hearing a radio call for help. Officer ██████ recalled that ██████ was bleeding from his hand, and possibly also his face. ██████ was shouting, belligerent, using profanity, and aggressive. Officer ██████ believed that they waited for an ambulance, while officers tried to calm ██████ down and determine what occurred. ██████ was kept shouting and approaching officers, causing blood to spray on the officers. Officer ██████ stated that they could not cuff ██████ due to the blood and his aggressive demeanor. Officer ██████ was concerned ██████ might attack the officers. Eventually, Officer ██████ saw ██████ near the vehicle and officers took her statement.

¹¹ Att. 30

¹² Approximately 10:49 minute mark of Att. 30.

¹³ Att. 35

¹⁴ Approximately 3:44 minute mark of Att. 35.

¹⁵ Approximately 6:19 minute mark of Att. 35.

¹⁶ Att. 37

Officer ██████████¹⁷

COPA interviewed Officer ██████████ on May 17, 2019. On April 14, 2014, Officer ██████████ responded to ██████████ on a call for officer assistance to this location. Upon arrival, Officer ██████████ saw multiple police officers and ██████████ bleeding in the street. Officer ██████████ did not have a strong memory of this incident.

Detective ██████████¹⁸

COPA interviewed Detective ██████████ on June 19, 2019. Detective ██████████ heard a radio call for assistance and went to the scene of ██████████ arrest. Upon arrival, Detective ██████████ saw ██████████ who was belligerent, using profanity, bleeding, and spitting blood. Detective ██████████ believed ██████████ was in handcuffs when he arrived. Detective ██████████ added that Officer ██████████ “was a very well-regarded DUI investigator.”¹⁹

Officer ██████████ (“Officer ██████████”)²⁰

Officer ██████████ was interviewed by COPA on February 7, 2020. When he arrived on scene, Officer ██████████ saw ██████████ pacing with his hand bleeding, and a car parked in the middle of street. Officer ██████████ denied speaking with ██████████ directly. Officer ██████████ stated he was part of “an effort to try to get [██████████] some medical attention,” including advising ██████████ to relax and get in the ambulance.²¹ ██████████ was belligerent and bleeding, and the officers kept their distance. ██████████ was not in handcuffs. Per Officer ██████████ the main concern was getting ██████████ medical care, not getting ██████████ statement or asking questions.

Additional Interviews

COPA also interviewed Detective ██████████,²² Officer ██████████,²³ Officer ██████████,²⁴ and Sergeant ██████████.²⁵ None of these Department members recalled this incident and they were unable to provide any relevant information.

¹⁷ Att. 38

¹⁸ Att. 45ri

¹⁹ Approximately 10:55 minute mark of Att. 45.

²⁰ Att. 53

²¹ Approximately 4:38 minute mark of Att. 53.

²² Att. 31

²³ Att. 41

²⁴ Att. 43

²⁵ Atts. 48, 49

b. Digital Evidence²⁶***Evidence Technician Photographs – RD # [REDACTED]***²⁷

CPD evidence photographs showed blood on the front passenger’s seat and door area of the vehicle; blood on the center console area; blood on the driver’s side window, door, and general area; the vehicle’s exterior; [REDACTED] including scratches on her right temple, a bloody lip, and bloodied hands; a knife; [REDACTED] sutured left hand; and [REDACTED] face.

c. Physical Evidence***Chicago Fire Department (“CFD”)***²⁸

Engine [REDACTED] arrived at roughly 6:16 AM and Ambulance [REDACTED] at approximately 6:20 AM. CFD noted that [REDACTED] had lacerations on his hand and lip(s). Engine [REDACTED] reported that [REDACTED] was “combative,” “uncooperative,” and “spreading blood all over.” CFD “found patient in middle of street with several police officers on scene.” [REDACTED] was reportedly, “screaming and behaving in a threatening way towards CPD and [Engine [REDACTED]]” Staff from Engine [REDACTED] attempted to bandage [REDACTED] hand, but “he kept stepping away and would not cooperate.” [REDACTED] continued yelling “at everyone.” Staff from Ambulance [REDACTED] was able to get him into their ambulance and “attempted to control bleeding unsuccessfully due to patient’s uncooperating behavior.” The ambulance then brought [REDACTED] to St. Mary’s Hospital.

Presence Saint Mary of Nazareth Hospital (“St. Mary”)²⁹

[REDACTED] was admitted to St. Mary on April 14, 2014 at approximately 6:44 AM, with lacerations on his hand and face. [REDACTED] told hospital staff “he used his hand to try and protect his face from being cut” after his girlfriend assaulted him “with a sharp object” while they were in a car. Staff noted that [REDACTED] shirt “was soaked with blood.” At about 8:15 AM, hospital staff could not “control the bleeding” from the cut on [REDACTED] left hand “after multiple attempts and sutures,” and on the “last suture the needle detached from the suture [...]” At about 8:45 AM, [REDACTED] vomited blood. Blood was taken from [REDACTED] at approximately 9:25 AM. A hand surgeon was not available, and [REDACTED] was transferred to John H. Stroger, Jr. Hospital of Cook County.

John H. Stroger, Jr. Hospital of Cook County (“Stroger”)³⁰

[REDACTED] was admitted to Stroger on April 15, 2014 at roughly 12:00 AM and discharged at about 9:47 PM on April 20, 2014. The only information provided by Stroger was that [REDACTED] was tested for tuberculosis.

²⁶ The [REDACTED] District was not assigned Body Worn Cameras until June 1, 2016.

²⁷ Atts. 17, 19, 20, 21

²⁸ Att. 18

²⁹ Att. 15

³⁰ Att. 52

d. Documentary Evidence***Arrest Report - RD #H*** [REDACTED] ^{31, 32}

[REDACTED] was charged with felony aggravated driving under the influence (“DUI”)/no valid driver’s license and four misdemeanors: domestic battery, obstruction of intersection, driver’s license expired more than a year, and driving under the influence of alcohol. [REDACTED] was arrested after reportedly punching [REDACTED] in the face, “slamming her head into the vehicle passenger side window, and pulling her hair which made her neck snap back [...]” [REDACTED] told officers “she used a steak knife to cut the subject’s hand in self-defense and added that the heated argument started” when [REDACTED] “took control of her vehicle and started driving recklessly [...]” Officers smelled alcohol on [REDACTED] breath, in addition to observing bloodshot eyes “and very poor balance on scene.” [REDACTED] was taken to the St. Mary’s Hospital, then to Stroger Hospital where “a blood test revealed .202 BAC [...]”³³

Original Case Incident Report - RD # [REDACTED] ^{34 35}

Per this report, someone called for help and officers observed [REDACTED] shouting and bleeding. [REDACTED] told officers that [REDACTED] had cut him. Officers then observed indications that [REDACTED] was inebriated. [REDACTED] told officers [REDACTED] was “drinking heavily and was very intoxicated.” [REDACTED] admitted to cutting [REDACTED] “on his left hand as she attempted to escape out of the vehicle [...] during a heated argument” in which [REDACTED] was “driving recklessly.” [REDACTED] reportedly stopped his car near [REDACTED] “broke the key in the ignition of her vehicle,” and battered [REDACTED] [REDACTED] then used a knife to cut [REDACTED] in self-defense. [REDACTED] was reportedly taunting and threatening officers on scene. An ambulance took [REDACTED] to St. Mary’s hospital. He was then taken to Stroger Hospital. CFD transported [REDACTED] to St. Mary of Nazareth hospital in serious condition, with a laceration and abrasions.

Criminal Dockets - Cook County Clerk of the Circuit Court

Case Number [REDACTED] was filed on April 15, 2014.³⁶ [REDACTED] was charged with felony aggravated DUI/no valid driver’s license, misdemeanor domestic battery, and three traffic citations. A judgement of nolle prosequi was entered on May 6, 2014.

³¹ Att. 3

³² This arrest report has [REDACTED] name listed as “[REDACTED] [REDACTED]” However, in documents provided to COPA, including his driver’s license and Social Security card, [REDACTED] first name is spelled “[REDACTED]” (Att. 9, 11). Therefore, he is listed as “[REDACTED] [REDACTED]” in this Summary Report of Investigation.

³³ The lockup keeper reported that [REDACTED] went to “St. Rogers Hospital.” COPA believes this is a typographical error, intended to be, “Stroger Hospital.”

³⁴ Att. 4

³⁵ A Case Supplementary Report was also located for RD # [REDACTED], which contained no additional, relevant content (Att. 12).

³⁶ Att. 13

Case Number ██████████ was filed on June 4, 2014.³⁷ ██████████ faced two felony charges of aggravated DUI/ no valid driver's license. ██████████ pleaded not guilty on June 11, 2014. A judgment of nolle prosequi was entered on October 25, 2017.

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.

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

Allegation 2 -Detainment

Allegation 2 against the accused, that ██████████ was detained without justification, is exonerated. CPD policy and Illinois state law allows officers to detain an individual, for a reasonable amount of time, provided they had reasonable articulable suspicion the person is involved in a crime. ██████████ was, by all accounts, bleeding and screaming in the street next to an abandoned vehicle. Bystanders, and ██████████ also made to 911 calls about ██████████ to which the officers were assigned to respond. In fact, the 911 calls corroborated that ██████████ was seeking assistance and ██████████ was antagonistic towards her. Since the officers had ample reasonable articulable suspicion to detain ██████████ and further investigate, and this allegation is exonerated.

³⁷ Att. 14

Allegation 1, 3, and 4 – Arrests and Lack of Investigation

Allegation 1, that Officers failed to thoroughly investigate the incident between [REDACTED] and [REDACTED] Allegation 3 that [REDACTED] was arrested without probable cause, and Allegation 4, that Officers failed to arrest [REDACTED] for stabbing [REDACTED] are Not Sustained.

We do not question that the involved officers had justification to detain [REDACTED] and [REDACTED] and that the subsequent investigation *mostly likely* developed probable cause for the arrest of [REDACTED] and/or [REDACTED]. That being said, we are unable to make any **clear and convincing determination** as to what happened, or to the thoroughness of the initial investigation.

First, this incident occurred over four years before [REDACTED] made his complaint. One of the accused officers is now deceased. Four witness officers had no memory of the incident. [REDACTED] declined to participate with COPA’s investigation. Furthermore, any interviews COPA was able to conduct occurred years after the incident, due to the four-year delay in a complaint being filed. Therefore, COPA cannot determine what [REDACTED] and [REDACTED] each told the officers, or the depth of any officer’s investigation, especially Officer [REDACTED]. Nor can COPA determine exactly what the officers did on April 14, 2014. As such allegations 1, 3, and 4 are Not Sustained.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	<p>It is alleged that on April 14, 2014, at approximately 6:15 AM, at or near [REDACTED] you:</p> <ol style="list-style-type: none"> <li data-bbox="552 1186 1128 1312">1. Failed to thoroughly investigate the incident between [REDACTED] [REDACTED] and [REDACTED] <li data-bbox="552 1333 1128 1375">2. Detained [REDACTED] without justification. <li data-bbox="552 1396 1128 1438">3. Arrested [REDACTED] without justification. <li data-bbox="552 1459 1128 1564">4. Failed to arrest [REDACTED] for stabbing [REDACTED] in violation. 	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p>

Approved:

[REDACTED]

April 13, 2020

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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