

SUMMARY REPORT OF INVESTIGATION¹

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| Date/Time/Location of Incident: | June 17, 2019/ 8:13 PM/ [REDACTED] |
| Date/Time of COPA Notification: | June 24, 2019/ 9:47 AM |
| Involved Officer #1: | [REDACTED] # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 1999; Sergeant; Unit of Assignment: [REDACTED] DOB: [REDACTED], 1974; Male, White |
| Involved Officer #2: | [REDACTED] # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2003; Police Officer; Unit of Assignment: [REDACTED]; DOB: [REDACTED], 1976; Female, Hispanic |
| Involved Officer #3: | [REDACTED] Employee # [REDACTED]; Date of Appointment: [REDACTED], 2018; Police Officer; Unit of Assignment: [REDACTED]; DOB: [REDACTED], 1991; Male, Black |
| Involved Individual #1: | [REDACTED] DOB: [REDACTED], 1987; Female, Black |
| Involved Individual #2: | [REDACTED] DOB: [REDACTED], 2007; Female, Black |
| Case Type: | Allegation of unlawful detention |

I. ALLEGATIONS

| Officer | Allegation | Finding |
|-----------------------------------|---|------------|
| Sergeant [REDACTED] [REDACTED] | 1. It is alleged that on or about June 17, 2019, at approximately 8:13 PM; in the vicinity of [REDACTED], Sgt. [REDACTED] committed misconduct through the following acts or omissions, by falsely arresting [REDACTED] | Exonerated |
| Officer [REDACTED] | 1. It is alleged that on or about June 17, 2019, at approximately 8:13 PM; in the vicinity of [REDACTED] Officer [REDACTED] committed misconduct through the following acts or omissions, by falsely arresting [REDACTED] | Exonerated |
| Officer [REDACTED] | 1. It is alleged that on or about June 17, 2019, at approximately 8:13 PM; in the vicinity of [REDACTED] | 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.

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| | <p>██████████, Officer ██████████ committed misconduct through the following acts or omissions, by falsely arresting ██████████</p> | |
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II. SUMMARY OF EVIDENCE

On June 24, 2019, ██████████ registered a complaint with COPA and related that on June 17, 2019, Sgt. ██████████ falsely arrested her daughter, ██████████. In their statements to COPA, ██████████ and ██████████ stated while ██████████ was playing in the courtyard of their apartment complex, Sgt. ██████████ Officers ██████████ and ██████████ arrested ██████████ based on an invalid order of protection. ██████████ and ██████████ related that they had been involved in a dispute with their neighbor ██████████ and her daughter, ██████████ and ██████████ explained that ██████████ obtained an order of protection for herself and ██████████ against ██████████ and ██████████ and ██████████ related that in the original order of protection, ██████████ could not come within 50 feet of ██████████ and ██████████ added that she (██████████) could not come within 500 feet of ██████████ and ██████████ and ██████████ related that ██████████ altered the order of protection regarding ██████████ by changing the 50 feet to 500 feet, and contacted the police to have ██████████ arrested. ██████████ and ██████████ claimed that when ██████████ came to the courtyard, ██████████ attempted to show Sgt. ██████████ the proper paperwork, but Sgt. ██████████ refused to provide ██████████ the opportunity.

COPA reviewed OEMC event queries, arrest report of ██████████ and the body worn cameras of Sgt. ██████████ Officers ██████████ and ██████████ COPA also viewed the order of protections under ██████████.

Based on review of the BWC footage Sgt. ██████████ Officers ██████████ and ██████████ responded to ██████████ and spoke with ██████████ who informed them that ██████████ was in the courtyard and that her presence was a violation of the order of protection. ██████████ presented Officer ██████████ with an order of protection which stated that ██████████ was not permitted to be inside the courtyard nor 500 feet of ██████████ and ██████████ residence. After talking to ██████████ and reviewing the order of protection, Sgt. ██████████ Officers ██████████ and ██████████ approached ██████████ and arrested her. While escorting ██████████ to their assigned vehicle, ██████████ arrived in the courtyard and proceeded to yell at the arresting officers and threatened to fight ██████████. Sgt. ██████████ asked ██████████ to calm down and attempted to explain the arrest. ██████████ refused to listen, and an unidentified female pulled ██████████ away from the scene. ██████████ never attempted to present any documentation to the Department members on scene as she alleged to COPA.

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 by clear and convincing evidence Allegation #1 against Sgt. [REDACTED] Officers [REDACTED] and [REDACTED] be Exonerated. Based on the information that Sgt. [REDACTED] Officers [REDACTED] and [REDACTED] had at the time of the arrest, [REDACTED] was in violation of the order of protection in which had been provided to the arresting officers. The BWC footage also contradicts [REDACTED] and [REDACTED] claim as to Sgt. [REDACTED] failing to provide [REDACTED] the opportunity to present any additional documentation. Accordingly, there is clear and convincing evidence that the officers' actions were justified.

Approved:

[REDACTED]

4/29/30

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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