

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 24, 2018/ 9:30 pm/ 1010 W. Belmont Avenue
Date/Time of COPA Notification:	June 25, 2018/ 1:26 pm
Involved Officer #1:	██████████; star #██████████; employee ID# ██████████; Date of Appointment: ██████████, 2012; Police Officer; Unit of Assignment: ██████████; Date of Birth: ██████████ ██████████; Male; White.
Involved Individual #1:	██████████; ██████████ 2000; Female; Black.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████	1. It is alleged that on June 24, 2018, at approximately 9:30 pm, at or about 1010 W. Belmont Avenue, Officer ██████████ forcefully took ██████████ to the ground without justification.	Exonerated
	2. It is alleged that on June 24, 2018, at approximately 9:30 pm, at or about 1010 W. Belmont Avenue, Officer ██████████ detained ██████████ without justification.	Exonerated

II. SUMMARY OF EVIDENCE¹

In a statement to COPA, ██████████ stated that she, her sister, and members of their promotion team had just left the Pride Parade. After the parade, the group gathered in front of a bar, Big City Tap, taking pictures and waiting for additional members of the team. Three security guards from the bar repeatedly asked ██████████ and her group to move away from the bar. One of the security guards argued with the group and used derogatory language, which offended ██████████ sister and friend.² ██████████ threw water at the security guard. ██████████ friend and the security guard subsequently engaged in a physical altercation. The friend’s brother intervened and

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² ██████████ only identified her sister as ██████████’ ██████████ refused to provide her friend’s name or the names of other individuals in the group, citing that the information was confidential.

swung at the security guard. ██████ alleged that Officer ██████ without provocation, cuffed his arm around her neck and slammed her to the ground. According to ██████ she was not trying to fight anyone. ██████ statement is inconsistent with 3rd party video footage, which captures ██████ swinging at another individual when Officer ██████ initiated contact with ██████

According to Department reports, officers were alerted by citizens to a fight outside of Big City Tap. Officers approached a large crowd and observed ██████ striking ██████ owner of Big City Tap, with a white metal chain³ as ██████ restrained ██████ on the ground.⁴ Officer ██████ grabbed ██████ arms and pulled her away, resulting in ██████ falling to the ground and having a seizure.⁵ This action is corroborated by the 3rd party video. In a statement to COPA, Officer ██████ stated that he detained ██████ because she was committing a battery upon another individual and therefore an assailant. Officer ██████ completed a Tactical Response Report to document his contact with ██████. Once ██████ went to the ground and exhibited signs of a medical emergency, officers immediately requested an ambulance.

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 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

³ COPA obtained the depositions that were taken in ██████ civil suit. According to the testimony, the chain Officer ██████ saw ██████ using was actually plastic beads. In her deposition, ██████ stated she used her cloth bra to strike ██████. When confronted with the video showing her striking ██████ with an object in her hand, she said she did not know what the object was.

⁴ ██████ and ██████ were arrested and charged with Battery.

⁵ In her deposition, ██████ described her history of non-epileptic seizures.

“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 AND CONCLUSION

COPA finds that the allegations against Officer ██████████ are Exonerated. The conduct described in the allegations section of this report did occur; however, Officer ██████████ actions were within Department policy. Department reports document that officers responded to a fight and observed ██████████ striking ██████████ with an object. While ██████████ denied being an active participant in the fight, 3rd party video footage depicts ██████████ actively engaging in a fight and Officer ██████████ subsequent use of force to separate her from the person she was striking.

Approved:



Andrea Kersten
Chief of Investigative Operations

July 27, 2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	████████████████████
Deputy Chief Administrator:	Andrea Kersten, #7