

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 18, 2018
Time of Incident:	6:30 PM
Location of Incident:	116 N. Jefferson Street
Date of COPA Notification:	February 28, 2019
Time of COPA Notification:	3:00 PM

On August 18, 2018, at approximately 6:40 PM, Officer Kevyn Lott and Officer John Dovgin, working and on duty in the 1st District of the Chicago Police Department was dispatched to the address of 116N. Jefferson for a call of domestic battery. Lieutenant Stuart also responded. Upon arrival, officers spoke with the caller, Ms. [REDACTED] who stated her husband, Mr. [REDACTED] physically assaulted her, and she wanted him arrested. Mr. [REDACTED] was arrested without incident.

II. INVOLVED PARTIES

Involved Officer #1:	Lott, Kevyn, star # 11296, employee ID# [REDACTED] Date of Appointment: August 25, 2003, Police Officer, Unit of Assignment: 001, DOB: [REDACTED] 1964, gender: Male, Race: Black
Involved Officer #2:	Dovgin, John, star # 17098, employee ID# [REDACTED], Date of Appointment: December 17, 2001, Police Officer, Unit of Assignment: 001, DOB: [REDACTED] 1964, gender: Male, Race: White
Involved Individual #1:	[REDACTED] 1969, gender: Male, Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Lott, Kevyn	1. It is alleged that on August 18, 2018 at approximately 6:40pm in the vicinity of 116 N. Jefferson St. you arrested [REDACTED] without justification.	Exonerated

Officer Dovgin, John	1. It is alleged that on August 18, 2018 at approximately 6:40pm in the vicinity of 116 N. Jefferson St. you arrested [REDACTED] without justification.	Exonerated
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance
2. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

General Orders

1. G01-01 – CPD Vision Mission Statement, and Core Values
2. G02-01 – Human Rights
3. G04-04 – Domestic Incidents

Federal Laws

1. Fourth Amendment, United States Constitution

State Laws

1. 750 ILCS 60/301
2. 720 ILCS 5/12-3.2

V. INVESTIGATION¹

a. Interviews

In an interview with COPA² [REDACTED] related on August 18, 2018, at approximately 6:40 PM, he was falsely arrested in the vicinity of 116 N. State Street by members of the Chicago Police Department for domestic battery after an altercation with his wife that was improperly investigated. He admitted that he and [REDACTED] had been involved in an argument in which [REDACTED] had hit him, but denied ever hitting [REDACTED]. Mr. [REDACTED] informed the investigators that both he and [REDACTED] called for the police, but that the police never asked for his side of the story.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 01, Audio Interview of [REDACTED] on February 28, 2019

When the police officer told him that he was going to be taken into custody for breaking ██████ hand, slamming her head into a wall and punching her in the face, Mr. ██████ said he “maintained (his) silence”³ and did not volunteer his side of the story to the officer. The police handcuffed him, took him to the police station and eventually he was transported him to court, after they had informed him that he was being charged with domestic battery. It was not until after being released from court, and taking himself to the hospital, that he informed a CPD officer his version of what had taken place the night before with ██████

In an interview COPA⁴ on August 22, 2019, Officer Dovgin related that on February 28, 2019, he was on duty as a Chicago Police Officer, working 3rd watch, dressed in full Chicago Police uniform, assigned to the 001st District. On the date of February 28, 2019, Officer Dovgin was working as Beat 112.

Officer Dovgin was assigned a call to assist another unit for a call of a domestic battery in the vicinity of 116 N. Jefferson Street. Officer Dovgin was the first unit to arrive at the location. Upon arrival and after exiting the elevator, Officer Dovgin was directed by hotel security to a female now known as Ms. ██████. Officer Dovgin observed Ms. ██████ who appeared to be emotionally distressed, which directed his attention over to her to investigate why the police were called and specifically what occurred.

As Officer Dovign spoke with Ms. ██████ Lt. Stuart arrived and joined in the conversation, trying to determine what occurred. Ms. ██████ related that she had injuries and wanted to be seen by medical personnel. Officer Dovign requested EMS through his police radio and advised hotel security to bring an ice pack Ms. ██████ hand.

Ms. ██████ related, in summary, that she was the victim of a domestic battery caused by her husband, Mr. ██████. Ms. ██████ related to police that she had called the police after she found proof of her husbands’ infidelity and confronted him about it. The two had a verbal altercation that became physical. She was clear on how it became physical, (being choked, thrown into a wall) describing the injuries which seem to be consistent with a domestic battery to Officer Dovgin and Lt. Stuart.

Ms. ██████ further related that she wanted to sign formal complaints and wanted her husband arrested. Based on the totality of circumstances, Mr. ██████ was ultimately arrested for domestic battery.

In an interview COPA⁵ on September 12, 2019, Officer Lott related that on February 28, 2019, he was on duty as a Chicago Police Officer, working 3rd watch, dressed in full Chicago Police uniform, assigned to the 001st District. On the date of February 28, 2019, Officer Lott was working as Beat 123.

Officer Lott related that while on patrol he was dispatched to a domestic battery at 116 N. State Street. Upon arrival, he observed Lt. Stuart, Officer Dovgin, and hotel security speaking with the

³ Att. 01, Audio Interview of ██████ @ 3:25 PM

⁴ Att. 06 – Audio Interview of Officer Dovgin

⁵ Att. 07 – Audio Interview of Officer Lott

alleged victim, now known as Ms. [REDACTED]. Moments after his arrival, Lt. Stuart motioned for him to step away. Lt. Stuart, being the highest-ranking officer on scene, became the lead investigator, while Officer Lott became an assist officer.

As Lt. Stuart and Officer Lott stepped away from hotel security and Ms. [REDACTED] they approached Mr. [REDACTED]. Lt. Stuart advised Mr. [REDACTED] to stand up and put his hands behind his back. Lt. Stuart advised Officer Lott and Dovgin that they would go downstairs to their patrol vehicles to sort out what occurred.

Once down at the patrol vehicles, Officer Lott believed that he had probable cause to arrest based on the allegation that Mr. [REDACTED] had thrown Ms. [REDACTED] on the bed, picked her up by the neck, and thrown her head into the wall. Officer Lott observed the Ms. [REDACTED] with an injury to her hand/finger. Ms. [REDACTED] then signed complaints for domestic battery.

b. Digital Evidence

The Body Worn Camera (BWC) footage of Accused Officer Dovgin's camera

The BWC video shows Officer Lott responding to 116-118 N. State Street. Upon his arrival he was met by hotel security who directed him where the parties were located.⁶ Officer Dovgin asked "who called the police?"⁷ Ms. [REDACTED] responded, "I did". Hotel security also stated Ms. [REDACTED] was the caller.⁸

Officer Dovgin spoke with Ms. [REDACTED] advising her that he was using audio and video to record the incident. During her interaction, Ms. [REDACTED] immediately related to Officer Dovgin "I'm filing a police report, my finger is either sprained or broken."⁹ Ms. [REDACTED] further related that she and Mr. [REDACTED] were married. She found out about his mistress and he got upset and returned to the hotel room enraged. She explains that he then proceeded to slap her, choke her while they were on the bed and throw her head into the wall.

Based on observable injuries, Officer Dovgin notified dispatch, over his police radio, that he needed Chicago Fire Department to respond to his location.¹⁰

Lt. Stuart arrived on scene at 6:29:58. Officer Dovgin explains to her the information he has received from Ms. [REDACTED] and that he was waiting on EMS to arrive. Lt. Stuart proceeds to ask Ms. [REDACTED] "what do you want done about it?" Ms. [REDACTED] responds, "I want to file a report, and press charges."¹¹

⁶ Att. 13 BWC of Officer Dovgin 6:24:50

⁷ Att. 13 BWC of Officer Dovgin 6:24:54

⁸ Att. 13 BWC of Officer Dovgin 6:24:58

⁹ Att. 13 BWC of Officer Dovgin 6:25:22

¹⁰ Att. 13 BWC of Officer Dovgin 6:27:33

¹¹ Att. 13 BWC of Officer Dovgin 6:30:36

Officer Dovgin and Lt. Stuart continued to listen as Ms. ██████ explained that Mr. ██████ has been abusive in the past, in addition to the events leading up to the confrontation that day. Lt. Stuart asks Ms. ██████ “You wanna sign complaints?” Ms. ██████ respond with “Yes”.¹²

Officer Lott arrives on scene 6:36:01, and briefly meets with Officer Dovgin and Lt. Stuart. Lt. Stuart, Officer Dovgin, and Officer Lott proceed to are where Mr. ██████ is seated. Lt. Stuart advises Mr. ██████ to stand up, to which he complies. Officer Dovgin then states “We’re going to place you into custody until we figure this out.”¹³

Mr. ██████ is escorted out of the hotel and taken to the squad car by Officer Dovgin, who transports him to the 1st District Chicago Police Station where he is charged with domestic battery.¹⁴

The Body Worn Camera (BWC) footage of Accused Officer Lotts’ camera

The BWC video shows Officer Lott responded to 116-118 N. State Street. Upon his arrival he is seen meeting with Officer Dovgin and Lt. Stuart, who was speaking with the alleged victim, Ms. ██████. Lt. Stuart asks Ms. ██████ “Do you want him arrested”, Ms. ██████ responses was “Yes.”¹⁶

Lt. Stuart, Officer Dovgin, and Officer Lott proceed to are where Mr. ██████ is seated. Lt. Stuart advises Mr. ██████ to stand up, to which he complies. Officer Dovgin the states “We’re going to place you into custody until we figure this out.”¹⁷

c. Physical Evidence

Medical Records from Saint Anthony Hospital documented that ██████ walked into the facility’s Emergency Department and was seen on August 19, 2018 at approximately 6:21pm. The report indicated that Mr. ██████ complained he had head injuries due to being struck in head by wife with her bare fist.

d. Documentary Evidence

Chicago Police Department original case report for domestic battery, dated August 19, 2019 with RD#JB400519¹⁸

Chicago Police Department original arrest report for domestic battery, dated August 18, 2019 with RD#JB399163¹⁹

¹² Att. 13 BWC of Officer Dovgin 6:32:40

¹³ Att. 12 BWC of Officer Lott 6:36:34

¹⁴ Att. 01 - CPD Arrest Report of ██████ – RD# JB399163

¹⁵ Att. 12 BWC of Officer Lott 6:36:01

¹⁶ Att. 12 BWC of Officer Lott 6:36:10

¹⁷ Att. 12 BWC of Officer Lott 6:36:34

¹⁸ Att. 27

¹⁹ Att. 01

Assignment and Attendance Records showing Officer Dovgin as beat 112, and Officer Lott as beat 123 on August 18, 2018.²⁰

The **Office of Emergency Management and Communication (OEMC) Event Query #1823013243** documenting a domestic battery call from Ms. ██████████²¹

The **Office of Emergency Management and Communication (OEMC) Event Query #1823013318** documenting a domestic battery call from ██████████²²

The **Office of Emergency Management and Communication (OEMC) Event Query #1823013615** documenting a request for EMS at the location of 116 N. Jefferson St. for a guest with a broken/sprang finger.²³

The **Office of Emergency Management and Communication (OEMC) Event Query #182301929** documenting a request for an evidence technician at the location of 1653 W. Congress Parkway (Rush Hospital) for Ms. ██████████(ER Bed 9)²⁴.

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 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.

²⁰ Att. 08

²¹ Att. 02

²² Att. 24

²³ Att. 25

²⁴ Att. 26

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

COPA makes a finding of **EXONERATED** for the Allegation against Officers Dovgin and Lott that the officers unlawfully arrested ██████████

On August 18, 2018, Officers Dovgin and Lott were dispatched to a call for a domestic battery. Officer Lott was the first officer to arrive on scene.

While Officer Dovgin was interviewing Ms. ██████████ Lt. Stuart arrived on scene and spoke with Officer Dovgin and Ms. ██████████ Ms. ██████████ expressed that she was the victim of a domestic battery from her husband, Mr. ██████████ She explained how she was choked and had been thrown into a wall, causing her head to strike the wall. Mr. ██████████ also caused injuries to her hand/finger that the officers were able to observe. The statement from Ms. ██████████ and the observed injuries, provided the officers with probable cause to arrest Mr. ██████████ Ms. ██████████ signed complaints for domestic battery against Mr. ██████████ Mr. ██████████ never told officers his version of the events and even admitted that he “maintained (his) silence”²⁵ As a result, the only information the Involved Officers had, at the time they arrested Mr. ██████████ was the information provided to them by ██████████ ██████████ that she was the victim of a domestic battery by Mr. ██████████

Based on the foregoing, Officers Dovgin and Lott were within CPD policy to arrest Mr. ██████████ for domestic battery. Therefore, this allegation should be **EXONERATED**.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Lott, Kevyn	1. It is alleged that on August 18, 2018 at approximately 6:40pm in the vicinity of 116 N. Jefferson St. you arrested ██████████ without justification.	Exonerated
Officer Dovgin, John	1. It is alleged that on August 18, 2018 at approximately 6:40pm in the vicinity of 116 N. Jefferson St. you arrested ██████████ without justification	Exonerated

²⁵ Att. 01

Approved:



9-21-2020

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Twelve
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass