

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	Unknown / Unknown / 401 N. State Street, Chicago, IL 60654.
Date/Time of COPA Notification:	August 3, 2020 / 10:46 am
Involved Officer #1:	Unidentified.
Involved Individual #1:	Unidentified.
Case Type:	05A - Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Unidentified Officers	1. Pushing an unidentified member of the public, without justification.	Not Sustained.
	2. Striking an unidentified member of the public, without justification.	Not Sustained.
	3. Attempting to strike an unidentified member of the public with a baton, without justification.	Not Sustained.
	4. Striking an unidentified member of the public with a baton, without justification.	Not Sustained.
	5. Detaining an unidentified member of the public, without justification.	Not Sustained.
	6. Failing to complete a Tactical Response Report detailing the force used on an unidentified member of the public.	Not Sustained.

II. SUMMARY OF EVIDENCE¹

On August 3, 2020, COPA received a referral from the City of Chicago’s Office of Inspector General (OIG). The referral contained a link to a video posted to Facebook but did not provide any additional information. A review of the Facebook video showed a Black man wearing a blue shirt with a gold star on the left chest speaking to another Black man retrieving items from

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.

a bag while leaning against a bicycle. As the two men are speaking two uniformed white male officers quickly approach the man near the bicycle, grab onto his arms, push him to the ground, and appear to swing a baton at the man.² Simultaneously, several bystanders begin to grab the officers in a clear attempt to prevent them access to the man on the ground.

After reviewing the material provided by the OIG, COPA attempted to determine the date, time, and location of the incident. Based on landmarks from the footage, COPA determined the incident occurred in the intersection of W. Kinzie Street and N. State Street. The footage was posted to Facebook sometime on May 30, 2020, but the post contained no context to determine what date and time the footage was recorded.³ To assist in determining more information about the footage, Investigations requested COPA Public Affairs contact the poster of the footage, [REDACTED].⁴ COPA Public Affairs informed investigations that Facebook does not permit the COPA organizational page commenting on posts or messaging any Facebook user who is not a “friend” of the page. COPA conducted a search for a [REDACTED] but did not locate any records for her.⁵ COPA checked for related Event Queries and Departmental Reports. COPA located Event Queries for the location of the incident, but it is unclear if those records are related to this incident. Further, COPA located Body Worn Camera footage that captures the broader protest activity that was occurring in the location of the incident on May 30, 2020 but could not locate any footage that captured the incident.

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

² Both officers’ backs are to the camera during the incident. Further the footage contains no information that would assist in determining the identity of any parties involved.

³ COPA believes the footage was likely recorded on May 30, 2020; however, there is insufficient information to make a factual determination.

⁴ Comments by [REDACTED] indicate they were present and recorded the footage.

⁵ Atts. 10 and 11.

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.

IV. ANALYSIS AND CONCLUSION

The conduct depicted in the footage is concerning, warrants allegations, and requires explanation of the involved Department members. However, for COPA to properly investigate allegations of misconduct, COPA must first identify the involved Department members. In this instance not only is the date and time of the incident unknown, so is the identity of every party involved. Further, attempts to locate witnesses, specifically [REDACTED], have been unsuccessful. Thus, COPA acknowledges the limitations on investigating allegations against an unknown member(s)⁶ and that any positive findings to any allegations will prejudice any further investigation if the member is ever identified as such allegations must be **not sustained**. However, in the event additional information is discovered that reveals the identity of the member, COPA may reopen this matter for further investigation.

Approved:

[REDACTED]

5-25-21

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Investigator:	Garrett Schaaf
Supervising Investigator:	Sherry Daun
Deputy Chief Administrator:	Angela Hearts-Glass

⁶ See G08-01-01 and S08-01-01 II(F)(17)(c).