

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 15, 2020 / 7:15 pm / 150 N. Dearborn Street, Chicago, IL 60601.
Date/Time of COPA Notification:	August 19, 2020 / 9:41 pm
Involved Officer(s):	Unidentified.
Involved Individual(s):	Unidentified.
Case Type:	05A - Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Unidentified Officer(s)	1. "Beat" unidentified members of the public without justification.	Not Sustained
	2. Discharged Oleoresin Capsicum ("OC Spray") at a peaceful group of protestors.	Not Sustained
	3. removed property (umbrellas and bicycles) from several unidentified persons without justification.	Not Sustained
	4. Pushed unidentified members of the public without justification.	Not Sustained
	5. Pushed an unidentified female "medic" to the ground without justification.	Not Sustained
	6. Discharged Oleoresin Capsicum ("OC Spray") at [REDACTED] without justification.	Not Sustained
	7. Discharged Oleoresin Capsicum ("OC Spray") at [REDACTED] without justification.	Not Sustained
	8. Discharged Oleoresin Capsicum ("OC Spray") at an unidentified female "medic" without justification.	Not Sustained

II. SUMMARY OF EVIDENCE¹

On the day of this incident [REDACTED] and [REDACTED]² attended a protest in Millennium Park. They followed approximately 200 protesters as they marched north on Michigan Avenue. A large police presence followed the protesters and prevented them from marching onto different streets, including Lake Shore Drive. Unidentified police officers pushed and shoved several unknown protesters. An unidentified police officer shoved an unidentified female “medic” to the ground. As [REDACTED] and [REDACTED] attempted to help her an unidentified officer sprayed them with pepper spray. [REDACTED] and [REDACTED] then left the protest. Neither [REDACTED] nor [REDACTED] saw which officer discharged the pepper spray. Upon inquiry, each stated that they would not be able to positively identify the accused officer, or any officer, involved in this incident. Neither [REDACTED] nor [REDACTED] was arrested injured. Neither sought medical attention.

Neither [REDACTED] nor [REDACTED] recorded or photographed any part of this incident.³

[REDACTED] would not agree to an in-person interview in furtherance of this investigation.

A search of Chicago Police Department Data Bases did not reveal any arrests, incident reports, or body-camera recordings, relevant to this investigation.

Since neither [REDACTED] nor [REDACTED] could describe the accused officer or help identify any of the involved civilians, as well as the fact that they were unable to provide an exact location of where this incident occurred, and because of the number of protestors and the large police presence in the area, COPA was unable to identify the accused or the incident location. Due to the lack of a signed Sworn Affidavit, it is recommended that this complaint be closed subject to reopening based upon new evidence. This complaint and the information gathered in response to this complaint may be considered in conjunction with a future advisement/report generated by COPA addressing widespread civil unrest and protest activity in the City of Chicago during August 2020 and/or CPD’s responses. Furthermore, this complaint may be shared or referred to another agency for investigative purposes.

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.

² Attachments 2, 8, 9.

³ [REDACTED] stated that a publication called Southside Weekly reported on this August 15th, 2020, protest. A review of the article written about this protest did not result in any information relative to this investigation. (REF: <https://southsideweekly.com/fact-checking-david-brown-august-15/>)

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 "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

For COPA to properly investigate allegations of misconduct, COPA must first identify the involved Department members. In this instance not only is the location unknown, so is the identity of every party involved except for ██████████ and ██████████, who did not fully cooperate with this investigation. COPA acknowledges the limitations on investigating allegations against an unknown member(s)⁴ and that any positive findings to any allegations will prejudice any further investigation if the member is ever identified. As such, these 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.

⁴ See G08-01-01 and S08-01-01 II(F)(17)(c).

Approved:



6-29-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Investigator:	Brian Killen
Supervising Investigator:	Jessica Ciacco
Deputy Chief Administrator:	Angela Hearts-Glass