

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 3, 2020 / 2:45 p.m. / ██████████, Chicago, IL 60624.
Date/Time of COPA Notification:	November 3, 2020 / 3:50 pm.
Involved Officer #1:	Officer Kenneth Hooper, Star #4656, Employee ID#██████, DOA: ██████████, 2018, Unit: 011, Male, Black.
Involved Individual #1:	██████████ Female, Black.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Kenneth Hooper	1. Using excessive force against ██████████ without justification.	EXONERATED

II. SUMMARY OF EVIDENCE

On November 3, 2020, at approximately 2:45 p.m., Chicago Police Department Officers, including Officer Kenneth Hooper, responded to a domestic disturbance at ██████████. Upon arriving, officers observed ██████████ (██████) in a mall parking lot engaging in a verbal altercation with an unidentified person. As members were investigating the incident, an irate ██████████ exited the parking lot and threw a large object (reportedly a rock) at citizens gathered on the sidewalk. ██████████ then fled on foot. Officer Hooper, along with other officers, pursued ██████████ who fled into the roadway and eventually fell to the ground. After falling, ██████████ stood up and continued to flee. Officer Hooper then executed an emergency takedown, gaining control over ██████████ was then taken into custody. As ██████████ was being arrested, several bystanders, including ██████████ (██████) attempted to interfere with the arrest. The officers responded by instructing the citizens to stand back; however, ██████████ continued to interfere with the arrest and was ushered backwards by Officer Hooper, who extended his arm to establish a barrier between himself and ██████████

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.

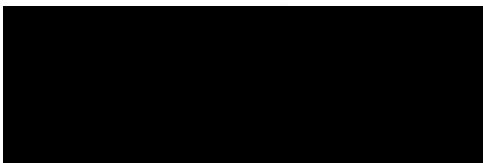
A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.¹ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, 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.² 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.”³

IV. ANALYSIS AND CONCLUSION

COPA finds the allegation against Officer Hooper is **exonerated**. Department members are permitted to use force in response to resistance. When a citizen fails to comply with verbal or other direction they become a passive resister.⁴ Members are permitted to respond to passive resistance with necessary and proportional holding and compliance techniques, control instruments, and oleoresin capsicum spray.⁵ Here, ██████ sought to interfere with the arrest of ██████ yelled and encroached on the members who arrested ██████ Officer Hooper responded by extending his arm and using it as a barrier to prevent ██████ interference. At no time did any member push ██████ or use any other form of force against her.

Approved:



Matthew Haynam
Deputy Chief Administrator

10/22/2021

Date

¹ *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).

² *People v. Coan*, 2016 IL App (2d) 151036 (2016).

³ *Id.* at ¶ 28.

⁴ G03-02-01 IV(B)(1).

⁵ G03-02-01 IV(B)(1)(a-d).

Appendix A

Assigned Investigative Staff

Squad#:	14
Investigator:	Emmily Stokes
Supervising Investigator:	Garrett Schaaf
Deputy Chief Administrator:	Matthew Haynam