

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 26, 2021/ 12:55 p.m./5701 S Cicero Ave, Chicago, IL (Midway Airport)
Date/Time of COPA Notification:	July 26, 2021/ 4:00 p.m.
Involved Officer #1:	Robert Eigenbauer, Star #14948, Employee ID # [REDACTED], Date of Appointment: 07-Dec-1987, Police Officer, Unit of Assignment: 051, DOB: [REDACTED] 1970, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1970, Female, White
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Robert Eigenbauer	1. It is alleged that on July 26, 2021 at approximately 12:55 p.m., at or near 5701 S Cicero Ave, Chicago, IL, the accused forcefully grabbed [REDACTED] arm without justification.	Exonerated

II. SUMMARY OF EVIDENCE¹

Officer Robert Eigenbauer (hereafter Officer Eigenbauer) responded to a theft of service call at [REDACTED] restaurant (hereafter the restaurant) located in Midway Airport. The offender was described as a female, white, wearing red boots, red hat, and black shirt. [REDACTED] (hereafter [REDACTED]) matched the description, and Officer Eigenbauer attempted to detain her for investigation. However, [REDACTED] attempted to flee the airport and evade Officer Eigenbauer's control by removing the belt from the crowd control post at the TSA stand to continue in the direction of the exit.² Officer Eigenbauer detained [REDACTED] at the TSA exit with the assistance of a U.S. Marshal. [REDACTED] admitted to not paying her bill at the restaurant, threw a \$20 bill on the floor, and advised Officer Eigenbauer to go pay the bill for [her]. Officer Eigenbauer contacted management at the restaurant, who stated they did not wish to press charges as they did not have enough personnel to respond. At that time, [REDACTED] was free to go.

III. LEGAL STANDARD

¹ COPA 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 opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation.

² See Att. 2 & 6

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 is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.³ 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.⁴ Clear and convincing is 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.”⁵

IV. ANALYSIS AND CONCLUSION

COPA finds that the allegation against Officer Eigenbauer is **EXONERATED**. Based on the physical description provided to Officer Eigenbauer, there was reasonable articulable suspicion that [REDACTED] committed a criminal offense (theft of service), and there was a lawful reason to temporarily detain [REDACTED]. Additionally, [REDACTED] was uncooperative during the detention in that she did not follow verbal direction provided by Officer Eigenbauer. Moreover, [REDACTED] pulled away and used profanity towards Officer Eigenbauer. Officer Eigenbauer responded by using an escort hold and wristlock to prevent [REDACTED] from leaving the area. Officer Eigenbauer documented the incident appropriately as well as called for emergency assistance when [REDACTED] complained of injury.⁶ Therefore, Officer Eigenbauer’s actions were within department policy, and accordingly the allegations are **EXONERATED**.

Since Officer Eigenbauer’s actions were reasonable and proper, there is no reason for him to answer to the allegation.

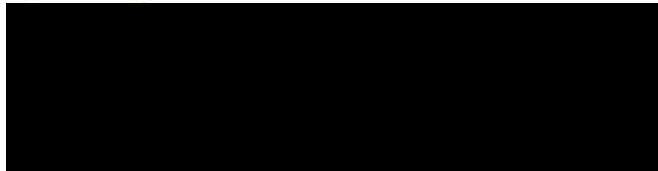
³ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not).

⁴ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁵ *Id.* at ¶ 28.

⁶ See Att. 4 & 12

Approved:



4-29-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date