

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 14, 2017
Time of Incident:	3:00 p.m.
Location of Incident:	██████████ Chicago, IL
Date of COPA Notification:	January 16, 2019
Time of COPA Notification:	11:09 a.m.

On August 14, 2017, at or about 3:00 p.m., CPD officers responded to ██████████ ██████████ Chicago, IL, following a confidential informant's tip that a black male of a certain description was selling heroin at that location. Responding officers observed an individual roughly matching the description at that address, sitting on the porch of an abandoned building. He and another male were observed calling out to passersby, and officers witnessed a suspected hand-to-hand drug sale. The men, ██████████ and ██████████ were then arrested and taken to the 25th District for processing. A custodial search of Mr. ██████████ recovered suspected narcotics. While in custody, Mr. ██████████ requested medical care and was transported to the nearest emergency room on no fewer than two separate instances. Mr. ██████████ subsequently filed a 2019 complaint with COPA, and sworn statement alleging police planted narcotics upon him, unjustifiably arrested, and then pistol-whipped, punched, and strip-searched him inside the 25th District station.

Partial body-worn camera footage of the initial arrest was recovered by CPD, however surveillance video was no longer available from the 25th District processing or lockup area(s).

II. INVOLVED PARTIES

Involved Officer #1:	Marvin Bonnstetter , Star #15963, Employee ID # ██████████ Date of Appointment: January 27, 2003, Police Officer, 26 th District, DOB: ██████████, 1980, M, Hispanic.
Involved Officer #2:	Wayne D. Frano, Jr. , Star #16308, Employee ID # ██████████, Date of Appointment: March 25, 2002, Police Officer, 14 th District, DOB: ██████████, 1975, M, Caucasian.
Involved Officer #3:	Michael Bertini , Star #13396, Employee ID # ██████████, Date of Appointment: March 15, 2013, Police Officer, 11 th District, DOB: ██████████, 1986, M, Caucasian.
Involved Officer #4	Salvatore Reina , Star #2622, Employee ID # ██████████, Date of Appointment: December 2, 1991, Sergeant, 14 th District, DOB: ██████████, 1964, M, Caucasian.

Involved Individual #1:

Complainant-Victim, [REDACTED] 41, M, Black, [REDACTED]
[REDACTED]

III. ALLEGATIONS

Officer	Allegation	Finding
Police Officer Marvin Bonnstetter	1. The accused officer arrested [REDACTED] without due justification, on or about August 14, 2017,	Exonerated
	2. The accused officer pistol-whipped [REDACTED] in the 25 th District station, on or about August 14, 2017,	Unfounded
	3. The accused officer planted narcotics on [REDACTED] incident to his arrest, on or about August 14, 2017,	Not Sustained
Police Officer Wayne D. Frano, Jr.	1. The accused officer arrested [REDACTED] without due justification, on or about August 14, 2017,	Exonerated
	2. The accused officer planted narcotics on [REDACTED] incident to his arrest, on or about August 14, 2017,	Not Sustained
Police Officer Michael Bertini	1. The accused officer arrested [REDACTED] without due justification, on or about August 14, 2017,	Exonerated
	2. The accused officer strip searched [REDACTED] without due justification, on or about August 14, 2017,	Unfounded

Sergeant Salvatore Reina	1. The accused sergeant punched ██████ ██████ in the 25 th District station, without due justification, on or about August 14, 2017	Not Sustained
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IV. APPLICABLE RULES AND LAWS

Rules

- Rule 2: Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
- Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

G-03-02-01: Use of Force Model (2012)

G-03-02-02: Force Options (2016)

Then-current Department use of force policy, including G-03-02-01, and G-03-02-02¹ allowed for escalating uses of force by CPD personnel commensurate with the level of threat and resistance presented by a subject. As the level of threat or resistance rises or falls, so too is the permissible use of officer force to ensure safety and compliance with lawful commands. Respect for, and preservation of human life must be considered by officers when determining the appropriate use of force for a given situation. An active resister, specifically, may be slapped or hit with an open hand (diffused pressure striking) to ensure compliance with lawful orders, and if needed, subjected to emergency takedown – but not 'pistol whipping'.

V. INVESTIGATION

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

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¹ See Attachment 32.

a. Interviews**Complainant-Victim ██████████**

In an interview with COPA on January 17, 2019, Complainant-Victim ██████████ related that on or about August 14, 2017, he was wrongfully arrested for suspected narcotics sales and beaten by police inside the 25th District processing or lockup area. Once he was arrested and transported by CPD to the station, Mr. ██████████ related he was placed in a holding room and handcuffed to a bench. The two arresting officers and a male sergeant thereafter left, then re-entered the room, removed the handcuffs, placed Mr. ██████████ against a wall and searched him.³ The officers: “started pulling my clothes down.”⁴ [...] “When I told them that they violated my rights, I turned away from them, to face them. And then he [Officer Bonnstetter] pulled his gun out.”⁵ [...] “He bust my head open with the gun. The sergeant [Reina] was punching me [...] in my body, in my [torso].”⁶ [...] “Constant blows. They was constant blows. I fall to the ground. They pull my pants off and go into my buttocks and went into my genital area.”⁷

After the foregoing concluded, Mr. ██████████ requested medical attention.⁸ An officer then told him that if did not ask for medical intervention, they would only charge him with simple [drug] possession and release him. Mr. ██████████ however, refused and again asked for assistance.⁹ An ambulance subsequently arrived at the District and drove him to the hospital.¹⁰ Mr. ██████████ related his head wound was sutured in the ER and he was given morphine and painkillers.¹¹ He related to COPA that he told hospital staff that he was severely beaten and injured by officers, and was *not* taken to the ER because he had pre-existing leg injury pain(s).¹² “I was like [to hospital staff]: ‘I’m in this hospital right now ’cause these officers right here viciously beat me.’”¹³ Mr. ██████████ likewise related in his COPA statement that he did not possess any narcotics and any such items were planted upon him by police.

Accused Officer Marvin Bonnstetter

In an interview with COPA on December 3, 2019, Accused Officer Marvin Bonnstetter related that on August 14, 2017, he was on-duty and assigned to surveil a location on W. ██████████ following an informant’s tip of a black male, wearing blue headphones, white shirt and white shoes selling narcotics at that location. Officer Bonnstetter observed from an abandoned

² Attachment 10.

³ *Id.* at 10:15.

⁴ *Id.* at 10:32.

⁵ *Id.* at 10:57.

⁶ *Id.* at 11:20.

⁷ *Id.* at 11:55.

⁸ *Id.* at 12:25. (“My blood was all over the station floor.”)

⁹ *Id.* at 12:38.

¹⁰ *Id.* at 13:00.

¹¹ *Id.*, at 13:24. “I had stitches put in my head, I had nickel [unintelligible – ‘metal’(?)] stitches put in my head. And they gave me morphine and some other type of painkillers. They was giving me painkillers because I was in a lot of pain in my body [...]”

¹² *Id.* at 13:46. (See also *Id.*, at 14:20, “I receive disability, SSI. I had surgery on both of my hips. I have pins and plates in both of my hips [pre-existing to this incident].”)

¹³ *Id.* at 13:49.

building a person matching the description, who appeared to be selling suspected narcotics from a nearby home's porch and calling out "rocks" and "blows" to passersby. One suspected sale for cash was observed.¹⁴ Officer Bonnstetter then returned to his partner officers' nearby squad vehicle, and they all then approached and arrested the man, ██████████¹⁵

Officer Bonnstetter related Mr. ██████████ refused to be searched at the scene, began yelling that he was being beaten, and he was then escorted into a transport wagon to be driven to the District station.¹⁶ Officer Bonnstetter denied the allegation and related "[██████████] was never hit by anyone that day."¹⁷ He recalled taking Mr. ██████████ to the 25th District station, moving him to a holding room upstairs, and that Sergeant Reina spoke with him [Mr. ██████████] Mr. ██████████ then consented to be searched, and narcotics were recovered from his rear waistband.¹⁸

Officer Bonnstetter related he left the holding room, drafted his case paperwork, and later learned Mr. ██████████ was transported to the hospital after complaining of pain. Officer Bonnstetter said he later went to the hospital to relieve a waiting officer. He saw no head wound or bleeding on Mr. ██████████ and a physician told him that bruises visible on Mr. ██████████ body were yellowed -- indicating old, pre-existing injuries.¹⁹ Officer Bonnstetter later learned Mr. ██████████ returned to the hospital "[once] every watch" the next day, but Officer Bonnstetter was not involved in those transports.

Accused Officer Wayne D. Frano, Jr.

In an interview with COPA on December 3, 2019, Accused Officer Wayne D. Frano related that on August 14, 2017, he was on-duty and assigned as an enforcement officer on a surveillance operation team, working with Officer Bonnstetter.²⁰ Officer Frano related he independently recalled observing Mr. ██████████ sitting on a porch, but not much else about the incident. He also recalled Mr. ██████████ "was combative and did not want to be searched."²¹ Officer Frano related he accompanied Mr. ██████████ to the 25th District after his arrest, and he was moved to an upstairs interview room in the station and searched.²² Mr. ██████████ was combative and Sergeant Reina had to come into the room and tell him that he was in custody and needed to be searched.²³ Sergeant Reina and Officers Frano, Bonnstetter and Bertini were present in the interview room, and Officer Bonnstetter then searched Mr. ██████████²⁴ A golf-ball sized item was recovered from Mr. ██████████ rear waistband but Officer Frano did not exactly recall exactly what substance(s) it was comprised of. Officer Frano did not independently recall the remainder of the interaction, but he did recall later taking Mr. ██████████ to the hospital with Officer Bonnstetter.²⁵ He did not observe

¹⁴ Attachment 41 at 9:50.

¹⁵ *Id.*, at 10:37.

¹⁶ *Id.*, at 12:15.

¹⁷ *Id.*, at 12:54.

¹⁸ See attachment 41 at 14:21, and 15:36.

¹⁹ *Id.*, at 19:11.

²⁰ Attachment 42 at 6:45.

²¹ *Id.*, at 8:08.

²² *Id.*, at 10:11.

²³ *Id.*, at 10:25.

²⁴ *Id.*, at 11:10.

²⁵ *Id.*, at 13:10.

any injuries, bruising or any blood on Mr. ██████²⁶ After Mr. ██████ was discharged from the hospital, the two officers would have returned Mr. ██████ to the district. Officer Frano did not recall any further interactions with Mr. ██████ after that time.

Officer Frano otherwise denied each allegation against him.²⁷

Accused Officer Michael Bertini

In an interview with COPA on January 13, 2020, Accused Officer Michael Bertini related that on August 14, 2017, he was on-duty and assigned as an enforcement officer on a surveillance operation team, working with Officers Bonnstetter, Sergeant Reina and others.²⁸ Officer Bertini had some recollection of ██████ arrest. He recalled having car-to-car communications with other officers, and that Officer Bonnstetter radioed them, and they arrived on-scene. He then recalled seeing Mr. ██████ sitting on [an abandoned home's] porch.²⁹ Mr. ██████ was overheard [by surveillance Officer Bonnstetter] soliciting narcotics sales. Officer Bertini and other enforcement officers approached and told Mr. ██████ to come down off the porch with them, and he complied. Mr. ██████ was agitated and became 'irate,' asking why officers did this to him and yelling that his hips hurt.³⁰ Officer Bertini did not recall if he or another officer handcuffed and arrested Mr. ██████. Officers told Mr. ██████ to get into their patrol car but Mr. ██████ said he couldn't because he had hip surgery. A transport wagon was then called to the scene. After it arrived, Mr. ██████ repeated that he had hip surgery, but was eventually walked by officers into the vehicle. No obvious injuries or bleeding was observed,³¹ and Mr. ██████ complained to officers only of hip pain.³² Mr. ██████ was thereafter transported to the 25th District station and Officer Bertini followed in a different vehicle.³³

Once they arrived, the officers walked Mr. ██████ into the District station, to the second-floor processing area.³⁴ Mr. ██████ was upset, refused to be searched and requested a 'white shirt.'³⁵ "Our sergeant [Reina] went in there, talked to him, told him: 'listen sir, you're under arrest you have to be searched.'"³⁶ Mr. ██████ then consented to be searched and Officer Bonnstetter searched him -- finding narcotics. Officers Frano and Sergeant Reina were present in the room during the search.³⁷ ³⁸ Officer Bertini observed³⁹ Mr. ██████ pockets be emptied during the search, his socks and shoelaces removed, but his remaining clothing left on. His pants were never pulled down. Officer Bertini observed Officer Bonnstetter remove a round object from a bulge in the back of Mr. ██████ waistband area -- a suspected package(s) of narcotics. No search was

²⁶ *Id.*, at 14:06.

²⁷ *Id.*, at 19:19.

²⁸ Attachment 58 at 5:30.

²⁹ *Id.*, at 6:16.

³⁰ *Id.*, at 8:17.

³¹ *Id.*, at 10:20. (Officer Bertini observed no officer strike Mr. ██████ during his arrest, before he was transported. See *Id.*, at 10:20)

³² *Id.*, at 9:52.

³³ *Id.*, at 10:03.

³⁴ *Id.*, at 11:00.

³⁵ *Id.*, at 11:52.

³⁶ *Id.*, at 12:01.

³⁷ *Id.*, at 12:20.

³⁸ Officer Bertini related he did not, and does not, have a BWC assigned, and thus no footage was captured by him. See *Id.*, at 12:50.

³⁹ *Id.*, at 13:24.

made of the buttocks area.⁴⁰ Mr. █████ continued telling officers in the processing room that his hips hurt, and also complaining that the officers ‘were beating [him].’⁴¹ Officer Bertini denied that any officer beat or pistol-whipped Mr. █████ strip searched him, or reached into his buttocks or groin area(s).⁴² Officer Bertini likewise observed no signs of injury, or blood on Mr. █████ in the processing room.⁴³

Officers Bertini, Frano and Bonnsetter, thereafter transported Mr. █████ to Community First Medical Center hospital after Mr. █████ continued to complain of hip pain.⁴⁴ Officer Bertini was present during Mr. █████ ER treatment, and related that the treating physician stated that bruising on Mr. █████ legs and hips were over 1-week-old, based on their appearance.⁴⁵ Mr. █████ yelled out in the ER that Officer Bonnsetter had beaten and raped him, and appeared to Officer Bertini to be mentally ill or acting as if impaired by ‘PCP.’⁴⁶ Officer Bertini recalled Mr. █████ was later discharged and returned to the station. Officer Bertini escorted Mr. █████ to the lockup area and had no further interactions with him.⁴⁷

Accused Sergeant Salvatore Reina

In an interview with COPA on January 13, 2020, Accused Sergeant Salvatore Reina related that on August 14, 2017, he was on duty and working in his office as the supervisor of the Area North gun team, when █████ was brought into the district station. He related hearing Mr. █████ be brought in, and related that that Mr. █████ was brought to a second-floor processing room. He recalled Officer Bonnsetter then requested his [Sergeant Reina’s] assistance because Mr. █████ refused to be searched.⁴⁸ Other officers then left the processing room, and Sergeant Reina and Officer Bonnsetter entered, a few minutes after. “I basically explained to him, the longer this takes -- ’cause it’s going to happen one way or the other -- you’re going to get brought down to the lockup and held until you decide you’re going to be searched, ’cause we have to search you [...] it’s going to take you longer to get out of here. After a brief conversation [Mr. █████ agreed to be searched.]” Sergeant Reina said he recalled that interaction was the extent of his contact with Mr. █████ The search was a standard custodial search, in which the subject’s pockets were emptied, belt, shoelaces and socks removed. Any valuables would be inventoried. No clothing would be removed and no strip search was conducted.⁴⁹ Sergeant Reina denied punching Mr. █████⁵⁰ He also denied being aware of any other officer punch or pistol-whip Mr. █████⁵¹ Sergeant Reina related seeing no injuries on Mr. █████ and did not independently recall Mr. █████ complain of pain or of officers transporting him to the hospital.⁵² Sergeant Reina said he vaguely recalled Mr. █████ was screaming that officers [planted evidence/drugs] on him.⁵³

⁴⁰ Id., at 14:16.

⁴¹ Id., at 15:50.

⁴² Id., at 15:55.

⁴³ Id.

⁴⁴ Id., at 16:53.

⁴⁵ Id., at 18:12.

⁴⁶ Id., at 19:16.

⁴⁷ Id., at 20:45.

⁴⁸ Attachment 52 at 9:56.

⁴⁹ Id., at 11:52.

⁵⁰ Id., at 12:34.

⁵¹ Id., at 12:51.

⁵² Id., at 13:43.

⁵³ Id., at 16:24.

a. Digital Evidence

Body-worn camera (“BWC”)⁵⁴ video was recovered depicting portions of Mr. ██████ detention and arrest but did not capture the initial surveillance or alleged narcotics transaction prompting the arrest, and only showed limited footage of the station’s processing areas. District 25 surveillance camera footage was also not recovered, because the date exceeded CPD’s record retention period.^{55 56} No recovered footage showed any officer plant narcotics upon, physically mistreat Mr. ██████ or show any visible trauma to Mr. ██████ head or elsewhere.

Recovered BWC footage depicted Mr. ██████ standing in the street, handcuffed, and being walked by officers towards a transport wagon.⁵⁷ Other footage depicted Mr. ██████ being removed from the transport wagon, and walked into the station, into an elevator, and walked into a second-floor processing room. No physical abuse was depicted and no injuries to Mr. ██████ were visible.⁵⁸

Physical Evidence

a. Medical Records

Chicago Fire Department EMS (“CFD”) Paramedic records⁵⁹ documented that ambulance E68 responded to the 25th District police station, on August 14, 2017, at 9:17 p.m., and examined ██████ for complaints of bilateral hip pain. Mr. ██████ related “he had hip surgery 2 years ago and when arrested he injured his hips.”⁶⁰ Mr. ██████ told paramedics he took naproxen and was in pain since his arrest. Paramedics documented finding “no trauma” upon physical examination with an impression of “pelvic pain.”⁶¹ CFD records produced to COPA did not document any impression of, or care provided for head trauma, gross hemorrhage, laceration(s) or other acute injury.⁶² Mr. ██████ was transported by ambulance to ██████

████████████████████ records documented that ██████ first presented to the emergency department by ambulance, under police custody, at or about 10:03 p.m. on August 14, 2017.⁶³ He complained of pain following an altercation with police, that he was hit in the head, left shoulder, right thigh, and that his left forearm and wrist were twisted. He complained

⁵⁴ Attachment 33.

⁵⁵ No ICC depicting the incident was recovered or produced by CPD. See Attachment 28.

⁵⁶ BWC and ICC footage was also obtained by COPA for a subsequent, unrelated 4-9-19 arrest of Mr. ██████ segments of which depicted the back of his head and scalp, showing no trauma or scarring. See Attachment 33, disk 2.

⁵⁷ See attachment 33, Axon X81123347 at 00:52 and Attachment X81120930 at 00:53.

⁵⁸ No footage of the hand-to-hand transaction or the district search of Mr. ██████ was depicted. See Attachment 33, Axon X81123347 (Video Segment “2017-08-14_1932 2”) at 00:01 and 00:57 and Axon X81120930 (Video Segment “2017-08-14_1932”) at 00:30 and 1:30.

⁵⁹ Attachments 30 and 31.

⁶⁰ Attachment 30, p.1 medical “Hx Present”.

⁶¹ See Attachment 30, p. 2 “Findings”.

⁶² See Attachments 30 and 31.

⁶³ See Attachment 13 (ED Nursing note, ██████, RN, 8-14-17 10:03 p.m. “Patient presents to ED in CPD custody with c/o hip and leg pain. Patient angry and agitated but cooperative, patient calm down when spoke to calmly. Patient hx includes hip surgery and describes chronic hip pain.”).

of pain in the back and in left upper chest near shoulder where he was struck. A wound was noted on the back of the head.⁶⁴ Oral Tylenol and Advil were provided for pain. A past history of hip surgery was reported. Multiple radiographs were taken, and all were negative for acute injury. Mild degenerative changes and other chronic processes were noted in the left shoulder joint, cervical spine, right hip and right knee. Diagnoses of multiple leg contusions, unspecified laterality, and scalp laceration were documented. The scalp laceration was cleaned, irrigated and closed with Dermabond. Ice and Motrin were prescribed for pain and Mr. [REDACTED] was discharged at approximately 1:13 a.m., on August 15, 2017.

Mr. [REDACTED] returned from the District lockup to the hospital no fewer than twice thereafter, on August 15 and 16, complaining of pain in his back and legs requiring medication. Subsequent ER records noted similar findings of contusions, chronic low back pain without sciatica, and unspecified back pain laterally. No new complaints or acute injuries were charted.

Documentary Evidence

a. Department Reports and Records

The **OEMC Event Query and Unit Query** (# [REDACTED])⁶⁵ documented that on August 14, 2017, officers were dispatched to 34211 W. Walnut St., at or about 7:50 p.m., to investigate reported narcotics sales.

OEMC Event Query and Unit Query (# [REDACTED])⁶⁶ documented that on August 14, 2017, an EMS ambulance was dispatched to the 25th District (5555 W. Grand Ave., Chicago, IL) at or about 9:06 p.m., because an arrestee [REDACTED] complained of pain following surgery from two years prior.⁶⁷ The report documented the individual was transported to [REDACTED] (f/k/a [REDACTED]) for care.

OEMC Event Query and Unit Query (# [REDACTED])⁶⁸ documented that on August 15, 2017, an EMS ambulance was requested to the 25th District, because an arrestee [REDACTED] needed transport to the hospital for medications.

An **Arrest Report**⁶⁹ documented that [REDACTED] was arrested on August 14, 2017 and charged with possession of a controlled substance with intent to deliver/manufacture, and of soliciting unlawful business. The report documented CPD officers responded to an informant's tip of a male matching Mr. [REDACTED] description, selling narcotics at or near the location indicated. Responding officers documented observing a male, Mr. [REDACTED] at that location verbally soliciting narcotics to passersby and then removing and passing items from his rear waistband for what appeared to be cash payments. The report documented that after being arrested and transported to the 25th District, officers conducted a custodial search and recovered plastic bags from Mr. [REDACTED] waistband containing suspected narcotics. The arrest processing portion of the arrest report documented that Mr. [REDACTED] showed signs of pain or injury upon arrival to the district, and

⁶⁴ Attachment 13 (ED history S. Bashiti, D.O., 8-14-17 10:31 p.m.).

⁶⁵ Attachment 9.

⁶⁶ Attachment 23.

⁶⁷ *Id.*

⁶⁸ Attachment 16.

⁶⁹ Attachment 3.

that Mr. ██████ related he took medication for back pain. The movement log portion of the report documented Mr. ██████ was taken to the hospital on August 14, 2017, at 10:22 p.m. for treatment and that he was again taken to the hospital on August 15, 2017, at 9:15 a.m. for “pain in his leg.”

VI. ANALYSIS

Mr. ██████ credibility is notably diminished in this case, and in relation to each of the allegations made. The weight of objective evidence in this case shows one or more factual claims did not occur, or did not occur as alleged, thus collectively diminishing Mr. ██████ credibility *in toto*. This includes Mr. ██████ allegation he was viciously pistol-whipped inside the station – to the point his head was opened, and his blood covered the station floor -- versus the overwhelming weight of objective evidence to the contrary. The foregoing material, factual discrepancies vitiate Mr. ██████ credibility as a whole and lend greater weight to other parties’ descriptions of events.

Police Officer Marvin Bonnstetter

COPA recommends a finding of EXONERATED for Allegation #1 that on the date and time alleged, Police Officer Marvin Bonnstetter arrested ██████ without due justification, on or about August 14, 2017.

The BWC footage was consistent with officers’ sworn statements and case records produced to COPA by CPD. As borne out by the BWC videos taken on-scene, Mr. ██████ matched the physical description provided by the informant, and wore a white t-shirt, blue jeans and white shoes. BWC footage likewise depicted officers returning a pair of blue headphones to Mr. ██████ -- further corroborating the informant’s description of the subject.

The foregoing, coupled with Mr. ██████ diminished credibility issues, undermines the allegation, and, conversely, bolsters the officers’ credibility. Because the informant was a Registered Confidential Informant (“RCI”), his tip provided officers sufficient reasonable suspicion to surveil Mr. ██████ Officer Bonnstetter’s subsequent witnessing of the hand-to-hand transaction during said surveillance then provided the probable cause needed to detain and arrest Mr. ██████

For each of the reasons as set forth above, a finding of **EXONERATED** is warranted.

COPA recommends a finding of UNFOUNDED for Allegation #2 that on the date and time alleged, Police Officer Marvin Bonnstetter, pistol-whipped ██████ inside the 25th District station at 5555 W. Grand St., Chicago, IL.

No objective evidence found in this case supported Mr. ██████ claim he was pistol-whipped by police on August 14, 2017, to the point his head was opened, and his blood covered the station floor. To the contrary, the objective evidence recovered by COPA showed the opposite. To wit: Officer BWC videos of Mr. ██████ initial arrest depicted no visible signs of gross trauma, such as bruising, fractures, or bleeding from the head.⁷⁰ At the time of his arrest, Mr. ██████

⁷⁰ Id.

complained on BWC solely of hip pain and difficulty walking from prior bilateral hip surgeries. Second, the mug-shot taken after initial processing – after the alleged pistol whipping occurred – showed no blood on Mr. [REDACTED] white t-shirt, wounds, or any like signs of gross trauma.⁷¹ Thirdly, the post-arrest CFD ambulance records, made most-contemporaneously to the alleged pistol-whipping, documented Mr. [REDACTED] complained to paramedics solely of hip pain and prior hip surgery.⁷² Mr. [REDACTED] voiced no complaints of police beating(s), and exhibited no signs or sequelae of gross, acute trauma consistent with pistol-whipping. No abnormal pulse, respiration rate, active bleeding, bruising, or fractures were noted by the paramedics. Paramedics expressly documented: “No Trauma” and “Pelvic Pain” in their physical findings and general impression notes.⁷³

Subsequent ER visit records on August 15, 2017, documented Mr. [REDACTED] told hospital staff that CPD officers beat him, and demanded treaters add the accusation to his medical file.⁷⁴ Physical findings on exam however, further controverted the pistol-whip claim. Radiographs of the head and extremities were negative. The head and neck were noted as being normal and atraumatic.⁷⁵ A small, 1 cm bleeding laceration was noted on the back of the head, however, no underlying bruising was found, and contra Mr. [REDACTED] assertion, no stitches were placed.⁷⁶ Some bruising was noted on the extremities.⁷⁷ The ER records did not estimate the age or etiology of either the laceration or bruises – however, the lack of gross injury, deep wounds, hematoma, fracture or swelling consistent with beating the skull with a pistol, is inconsistent with the allegation of a severe beating hours before. The fact that Mr. [REDACTED] returned to the ER twice after his initial visit, and complained only of leg and hip pain, further diminished the credibility of the pistol-whip claim. Lacking any additional, substantive, objective evidence, therefore, the origins of the head wound and bruises elsewhere on the body remain unclear, at best.⁷⁸

In their respective statements, Officers Bonnstetter and Frano, and Bertini related they were with Mr. [REDACTED] during his arrest and in the station processing area, and that at no time did they or any officer beat, pistol-whip, or use force upon Mr. [REDACTED]. Given the profoundly diminished credibility of Mr. [REDACTED] in this respect, and lack of objective evidence otherwise impugning Officer Bonnstetter, the credibility of Officer Bonnstetter’s account has proportionally greater weight.⁷⁹

For each of the foregoing reasons, a finding of **UNFOUNDED** is warranted.

⁷¹ Attachment 36.

⁷² Attachment 30.

⁷³ Attachment 31, p. 5.

⁷⁴ Attachment 13. (ED Note S. Bashiti, D.O., 8-14-17 10:31 p.m. [“Patient keeps stating that the police ‘beat me’ and is asking for documentation of his injuries, patient informed documentation was done as above.”])

⁷⁵ See attachment 13 (ED Note, [REDACTED], D.O., 8-16-17 12:51 a.m.)

⁷⁶ The 1-cm scalp wound was small enough it was closed with Dermabond adhesive.

⁷⁷ See Attachment 13 (ED Note, [REDACTED], R.N., 8-15-17, 9:15 a.m. [“Head: Normocephalic, without obvious abnormality, atraumatic.”] and ED Note [REDACTED], M.D., 10:31 p.m. [“Head: 1 cm mid occipital vertical laceration, narrow, no obvious depressed skull fracture, no underlying hematoma, no active bleeding, otherwise head normocephalic without obvious abnormality, atraumatic.”]).

⁷⁸ See Attachment 30 at 10:42 (April 9, 2019 unrelated arrest BWC footage depicted the back of his head, and showed no marks or scars consistent with pistol whip trauma alleged in the instant case.)

⁷⁹ COPA takes notice of the fact that officer firearms are checked and locked before entry into District stations’ secured areas – further diminishing the likelihood officer pistols were present in the processing area(s), and thus further diminishing the weight of the pistol-whipping allegation.

COPA recommends a finding of NOT SUSTAINED for Allegation #3 that on the date and time alleged, Police Officer Marvin Bonnsetter, planted narcotics on [REDACTED] incident to his arrest.

None of the objective evidence available in this case supported the allegation the officer(s) planted narcotics upon Mr. [REDACTED] and Mr. [REDACTED] has produced no objective proof to the contrary. A review of the evidence records shows the bags of recovered narcotics were not fingerprinted.⁸⁰ Coupled with the foregoing diminished credibility issue, the allegation lacks sufficient, objective proof in support. COPA thus lacks sufficient evidence, beyond a preponderance or clear and convincing standard, to sustain or unfound the allegation.

For each of the reasons as set forth above, a finding of **NOT SUSTAINED** is warranted.

Police Officer Wayne D. Frano, Jr.

COPA recommends a finding of EXONERATED for Allegation #1 that on the date and time alleged, Police Officer Wayne D. Frano, Jr., arrested [REDACTED] without due justification.

As previously set forth above, Mr. [REDACTED] description matching that provided by the informant, along with the officer-witnessed hand-to-hand transaction, provided the necessary reasonable suspicion and probable cause to duly detain and arrest Mr. [REDACTED]

Coupled with Mr. [REDACTED] aforementioned diminished credibility issue, and each of the other issues as set forth above, a finding of **EXONERATED** is warranted.

COPA recommends a finding of NOT SUSTAINED for Allegation #2 that on the date and time alleged, Police Officer Wayne D. Frano, Jr., planted narcotics on [REDACTED] incident to his arrest.

None of the objective evidence recovered in this case supported the allegation the officer(s) planted narcotics upon Mr. [REDACTED] and Mr. [REDACTED] has produced no objective proof to the contrary. As previously set forth above, there is insufficient evidence, beyond a preponderance, or clear and convincing standard, to sustain or unfound the allegation.

For each of the reasons as set forth above, a finding of **NOT SUSTAINED** is warranted.

Police Officer Michael Bertini

COPA recommends a finding of EXONERATED for Allegation #1 that on the date and time alleged, Police Officer Michael Bertini, arrested [REDACTED] without due justification.

⁸⁰ Attachment 37.

As previously set forth above, Mr. [REDACTED] description matching that provided by the informant, along with the officer-witnessed hand-to-hand transaction, provided the necessary reasonable suspicion and probable cause to duly detain and arrest Mr. [REDACTED]

Coupled with Mr. [REDACTED] aforementioned diminished credibility issue, and each of the other issues as set forth above, a finding of **EXONERATED** is warranted.

COPA recommends a finding of UNFOUNDED for Allegation #2 that on the date and time alleged, Police Officer Michael Bertini, strip-searched [REDACTED] without due justification.

In his statement to COPA, officer Bertini expressly denied he or any officer strip-searched Mr. [REDACTED] and that the suspected narcotics were removed from a bulge in the Mr. [REDACTED] rear waistband area during a custodial search in the district's second-floor processing room. The officer stated no officer reached into Mr. [REDACTED] buttocks or crotch areas and his pants were not removed. The substance of both officers Bertini and Frano's recollections of the arrest were also generally consistent regarding the facts surrounding the arrest. The foregoing, coupled with the lack of any objective evidence in support, and the overall issue of Mr. [REDACTED] diminished credibility, lends greater weight and credibility to the accused officer's recitations, beyond a preponderance or clear and convincing amount, and against that of the instant allegation.

For each of the multiple reasons as set forth above, a finding of **UNFOUNDED** is warranted.

Sergeant Salvatore Reina

COPA recommends a finding of NOT SUSTAINED for Allegation #1 that on the date and time alleged, Sergeant Salvatore Reina punched [REDACTED] inside the 25th District station, without due justification.

None of the objective evidence recovered in this case directly supports the allegation that Sergeant Reina punched Mr. [REDACTED] in the processing area, and Mr. [REDACTED] has produced no objective proof to the contrary. The accused officers' respective denials of any physical maltreatment of Mr. [REDACTED] likewise corroborated Sergeant Reina's denial of any punches. That said, the presence of some bruising⁸¹ on Mr. [REDACTED] body does not foreclose the possibility such a strike occurred. However, for COPA's purposes of review, there is insufficient objective evidence, beyond a preponderance or clear and convincing amount, to sustain or unfound such an allegation.

For each of the multiple reasons as set forth above, a finding of **NOT SUSTAINED** is warranted.

VII. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

⁸¹ Of older, or unknown age(s).

Sustained – where it is determined the allegation is supported by a preponderance of the evidence;

Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or

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.

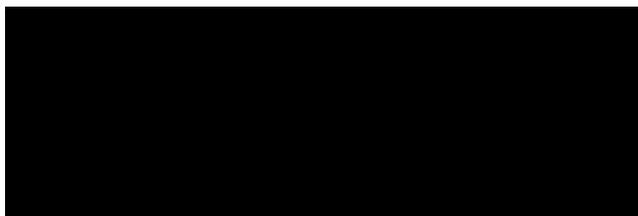
VII. CONCLUSION

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

<p>Police Officer Marvin Bonnstetter</p>	<ol style="list-style-type: none"> 1. The accused officer arrested ██████████ without due justification, on or about August 14, 2017 2. The accused officer pistol-whipped ██████████ inside the 25th District station, on or about August 14, 2017, 3. The accused officer planted narcotics on ██████████ incident to his arrest, on or about August 14, 2017, 	<p>Exonerated</p> <p>Unfounded</p> <p>Not Sustained</p>
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<p>Police Officer Wayne D. Frano, Jr.</p>	<ol style="list-style-type: none"> 1. The accused officer arrested [REDACTED] without due justification, on or about August 14, 2017, 2. The accused officer planted narcotics on [REDACTED] incident to his arrest, on or about August 14, 2017, 	<p>Exonerated</p> <p>Not Sustained</p>
<p>Police Officer Michael Bertini</p>	<ol style="list-style-type: none"> 1. The accused officer arrested [REDACTED] without due justification, on or about August 14, 2017, 2. The accused officer strip-searched [REDACTED] without due justification, on or about August 14, 2017, 	<p>Exonerated</p> <p>Unfounded</p>
<p>Sergeant Salvatore Reina</p>	<ol style="list-style-type: none"> 1. The accused sergeant punched [REDACTED] inside the 25th District station, without due justification, on or about August 14, 2017, 	<p>Not Sustained</p>

Approved:



3-31-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date