

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 30, 2021/ 2:00 PM – 4:00 PM/ 401 N. Wabash Ave.
Date/Time of COPA Notification:	June 11, 2020/ 3:20 PM
Involved Officer #1:	Daniel Golden, Star #10964; Employee # [REDACTED]; Date of Appointment: February 26, 2019; Police Officer; Unit of Assignment: 004/ DTL 193; DOB: [REDACTED], 1990; Male, White
Involved Officer #2:	Unknown
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 2001; Female, White
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Daniel Golden	1. It is alleged that on or about May 30, 2020, between 2:00 PM and 4:00 PM, in the vicinity of 401 N. Wabash Avenue, Officer Daniel Golden, #10964, committed misconduct through the following acts and/or omissions, by striking the complainant, [REDACTED] with a baton without justification.	Sustained/ 60-day suspension
Unknown Officer	1. It is alleged that on or about May 30, 2020, between 2:00 PM and 4:00 PM, in the vicinity of 401 N. Wabash Avenue, an unknown officer committed misconduct through the following acts and/or omissions, by striking [REDACTED] with a baton without justification.	Not Sustained

II. SUMMARY OF EVIDENCE¹

On June 11, 2020, Complainant [REDACTED] telephoned the Civilian Office of Police Accountability (COPA) and alleged that on May 30, 2020, at approximately 4:00 PM, in the vicinity of 401 South Wabash (Trump Towers), Officer Daniel Golden struck her on her face with a baton without justification, causing her to have a fractured nose.

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 medical 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.

During her **statement with COPA via telephone on June 12, 2020**, ██████ stated that she attended a protest near the Trump Towers along with ██████ and ██████ and her friends were in the front of the line of protesters when officers ordered the crowd to move back. The crowd did not move back, and ██████ linked arms with other protesters to prevent from falling. At that point, the officers began to use their batons to physically push the crowd back several feet. ██████ observed Officer Golden standing in front of her, holding his baton horizontally at torso level as he pushed her and other protesters. ██████ made eye contact with Officer Golden and told him to look her in the eyes when he pushed her. After several minutes, Officer Golden, who had one hand on each end of his baton, “put his full force of both arms into my face with the baton.”³ ██████ did not immediately feel pain, but she turned around and ██████ told her that her nose looked broken. ██████ stated that she did not complain to Officer Golden because her friends removed her from the immediate area to obtain medical treatment. Eventually, they flagged down a car that took ██████ to Northwestern Hospital, where she was diagnosed with a broken nose.

██████ stated she identified Officer Golden from the name tag on his uniform. She described him as a tall white male, medium build, 30-40 years old, with “really, really blue”⁴ eyes and bushy light brown or dirty blond hair. ██████ also recalled that the officer standing next to Officer Golden was a short Hispanic male with three abbreviated last names.⁵

COPA obtained **Department photographs of Officer Golden**⁶, as well as his demographic information. Officer Golden is a 31 year old white male, 6’2 in height, 200 lbs., with blue eyes and light brown hair.

Civil Suit 20CV██████⁷ essentially included the same information that ██████ related in her statement to COPA.

Witnesses ██████ and ██████ provided statements to COPA via telephone. ██████ and ██████ related they observed ██████ head “snap back”¹⁰ during the protest, but they were unable to provide the name or star number of the officer who struck ██████. However, ██████ recalled that the two officers standing in front of them were a tall white male, approximately 5’11 to 6’1 in height, and a short Hispanic male with black hair. ██████ stated the officers were attempting to push the crowd back as the crowd was pushing towards the officers. She recalled that some of the officers were swinging their batons in a threatening manner, but they primarily held their batons “sideways pushing really hard against people.”¹¹

² Atts. 3, 39. Due to COVID-19, the statements of the complainant and witnesses were taken via telephone with an understanding that the required documents (COPA Notice, Sworn Affidavit and HIPAA Forms) would be signed and returned to COPA at a later date.

³ Att. 39, pg. 12, lines 22-23.

⁴ Att. 39, pg. 25, lines 16-17.

⁵ This second officer is likely Officer David De La O #9329, who was Officer Golden’s partner on the date of the incident. Department records identify Officer De La O as a Hispanic male, approximately 5’8 in height. Att. 17.

⁶ Att. 45.

⁷ Att. 24.

⁸ Atts. 10, 41.

⁹ Atts. 12, 40.

¹⁰ Att. 40, pg. 9, line 6; Att. 41, pg. 9, lines 17-18.

¹¹ Att. 40, pg. 17, line 9.

█████ also alleged that she was struck in the back with a baton during the protest, but she could not identify or describe the officer who struck her. She explained that, while her back was turned towards the officers, she felt a sharp pain near her shoulder blade. █████ and █████ then told █████ an officer struck her with a baton. Although █████ did not see which officer struck her, she described the line of officers as carelessly swinging their batons back and forth, like baseball bats. █████ did not sustain serious injuries or seek medical treatment following the incident.

According to the **medical records**¹³ obtained from Northwestern Hospital, █████ was admitted to the emergency room on May 30, 2021, at approximately 5:10 PM. █████ complained of a nasal injury. She informed the medical personnel that while attending a protest, a police officer struck her on her nose with a baton. █████ added that she did not do anything wrong. According to the medical records, doctors noted bruising/swelling/bleeding to █████ nose and the bridge of her nose, and they diagnosed her with nasal fractures.

The **photographs**¹⁴ submitted to COPA from █████ depict what appears to be swelling to █████ eyes and nasal area along with a bruise on the bridge of her nose.

COPA searched for video, including body worn camera (BWC) video, POD video, and third-party video of the incident, all with negative results.¹⁵

COPA conducted searches via CLEAR, Data Warehouse, WebMis and ClearNet. COPA could not locate any Department reports, including tactical response reports, related to contact between █████ and members of the Chicago Police Department.¹⁶

During his **statement with COPA via telephone on October 15, 2020, Officer Daniel Golden**¹⁷ stated on the date and time of the incident, he was assigned to Area One (1) Gang Deployment. Officer Golden was in full Department uniform, wearing a helmet, black vest with police insignia, and name tag. He was also equipped with his firearm, handcuffs, magazine, and a wooden baton. Officer Golden stated that the Area One Gang Deployment Team was not assigned Body Worn Cameras (BWCs).

Officer Golden stated on the date and time of the incident, he was assigned to various areas downtown to assist with crowd control. When he arrived in the vicinity of Trump Tower, he observed a large crowd being extremely violent by throwing objects at officers and setting cars and buildings on fire. Officer Golden stated that he and other unidentified uniformed officers at the scene were instructed to disperse the crowd by forming a line and pushing the crowd back. Officer Golden and the other officers moved forward a half-step and pushed the protestors back with their batons and/or hands. Officer Golden held his baton horizontally across his chest with

¹² Attempts made to interview █████ were met with negative results. CMS Notes CO-0058750, 58966, 59470, 60131.

¹³ Att. 23.

¹⁴ Atts. 5, 25-38.

¹⁵ Att. 44; CMS Notes 54511, 58308, 58505, 58564, 58821.

¹⁶ See, e.g., CMS Notes 53683, 58028, 90180.

¹⁷ Atts. 19, 42.

both hands while pushing the crowd back. He added the officers were also giving the crowd verbal commands to move back, which the crowd refused to follow.

Upon inquiry, Officer Golden denied swinging his baton like a baseball bat. He also denied raising his baton to strike anyone in the upper extremities or head area. Officer Golden did not recall having contact with [REDACTED] on the date of the incident, and he denied striking [REDACTED] or anyone else on the face with his baton. Additionally, he did not recall observing anyone with injuries and/or bleeding in his immediate area. Upon inquiry, Officer Golden stated that, while pushing the crowd back, it was possible he could have inadvertently struck someone on their upper extremities, but it was not intentional if he did so.

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 reviewed complied with Department policy.¹⁸ If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, 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. 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.”¹⁹

¹⁸ 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).

¹⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

IV. ANALYSIS AND CONCLUSION

A. Officer Golden Struck ██████ With His Baton Without Justification.

COPA finds that Officer Daniel Golden struck ██████ with his baton without justification, and Allegation #1 is **sustained**. In their statements to COPA, ██████ and ██████ stated they were at the front of the line of protesters when officers gave the crowd directions to move back, and the crowd refused. Officer Golden and other officers then attempted to push the crowd back, but the protesters behind ██████ and her friends pushed them forward, towards the officers. At that point, ██████ alleged Officer Golden struck her in the face with his baton, fracturing her nose.

COPA finds the evidence the evidence compelling that ██████ injury resulted from Officer Golden's baton strike. ██████ identified Officer Golden from his name tag, and she provided COPA with a detailed description that matches Officer Golden's demographic information and Department photograph. The reliability of this identification is bolstered by the fact that ██████ also recalled specific details about Officer Golden's partner, including that he had three last names. ██████ also provided similar descriptions of the two officers standing in front of them when the incident occurred. Additionally, although neither ██████ nor ██████ observed the exact moment ██████ was injured, both witnesses reported viewing ██████ head snap backwards and then ██████ nose bleeding. ██████ quickly sought medical treatment for her broken nose, and the medical records confirm ██████ told medical personnel she sustained the injury when an officer struck her in the face with a baton. The medical evidence and witness statements appear consistent with ██████ description of the incident and her resulting injury.

Officer Golden, however, stated he did not recall having contact with ██████ during the incident. He denied striking ██████ or anyone else on the face with his baton, and he did not recall observing anyone with injuries in his immediate area. Officer Golden acknowledged it was possible he could have inadvertently struck someone in their upper extremities while he was pushing the crowd back, but he stated that, if he did so, it was not intentional and he was unaware of it.

Based on the available evidence and the circumstances involving the incident, COPA finds the preponderance of the evidence shows Officer Golden struck ██████ on her face/nose with his baton. At issue remains whether Officer Golden's baton strike was justified. Department policy authorizes officers to use their batons as control instruments against active and passive resisters, but only with non-impact pressure.²⁰ Officers may only use their batons as impact weapons against assailants, and even then, they may not strike subjects in the head or neck area except when deadly force is justified.²¹ In this situation, COPA finds that Officer Golden used his baton against ██████ a passive resistor, not as a control instrument but an impact weapon. Officer Golden maintained that he held his baton horizontally at chest level with both hands, and only used the weapon to push back the crowd. ██████ confirmed Officer Golden held the baton in this manner; however, she stated he pushed his baton forward into her nose with the "full force of both arms." ██████ description more closely aligns with the medical evidence than the officer's account, as it is unlikely ██████ would have sustained a nasal fracture had the officer used only non-impact

²⁰ General Order G03-02-07(II)(C), Baton Use Incidents (effective February 29, 2021 – April 15, 2021).

²¹ *Id.* at (II)(C)-(D)(1); Department Notice D20-08(IV)(D)(3)(b).

pressure. COPA recognizes that Officer Golden might not have intentionally struck ██████ in the face with impact pressure; however, he was responsible for ensuring that his baton use complied with Department policy.

For these reasons, based on the preponderance of the evidence standard, COPA finds that Officer Golden struck ██████ with his baton without justification, in violation of Rules 2, 3, 6, and 8. Therefore, Allegation #1 against Officer Golden is **sustained**.

B. COPA Lacks Sufficient Evidence To Identify The Unknown Officer.

The second allegation in this case arises from ██████ statement that an unknown officer struck her in the back with a baton. ██████ did not see which officer struck her, as her back was facing the line of officers at the time she felt pain. Additionally, neither ██████ nor ██████ could provide a specific description of the officer in question. Without additional information, COPA finds there is insufficient evidence to identify which officer, if any, struck ██████ in the back with a baton. Therefore, the allegation against and the Unknown Officer is **Not Sustained**.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Daniel Golden

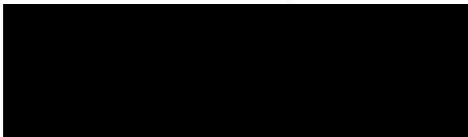
i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Golden's disciplinary and complimentary histories.²² Officer Golden has no sustained complaints registered with the Chicago Police Department. He has received 99 total awards.

ii. Recommended Penalty

COPA has found that Officer Golden violated Rules 2, 3, 6, and 8 of CPD's Rules and Regulations when he struck ██████ in the face with his baton. COPA recognizes that Officer Golden may not have intended to fracture ██████ nose; however, the preponderance of the evidence shows he did. Officer Golden's actions—whether intentional or negligent—were contrary to the rules, directives, and values of the Chicago Police Department. As such, COPA finds that a 60-day suspension is the appropriate penalty for these sustained allegations. COPA further recommends Officer Golden receive retraining on the Department's use of force and force options policies.

Approved:



9/20/2021

Matthew Haynam
Deputy Chief of Investigations

Date

²² Attachment 46.

Appendix A

Assigned Investigative Staff

Squad#:	One
Investigator:	Lakeisha Davis
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam