

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	October 6, 2015
Time of Incident:	10:24 a.m.
Location of Incident:	████████████████████
Date of COPA Notification:	February 8, 2018
Time of COPA Notification:	3:16 p.m.

On October 6, 2015, ██████████ called officers to her residence at ██████████, where she lived with her mother, ██████████ called officers to the residence to escort her then-boyfriend, ██████████ out of the house. Officer Dorothy Cade (“Officer Cade”) and Officer Waukeesha Pickens (“Officer Pickens”)<sup>1</sup> arrived first to the scene, soon followed by Officer Richard Bolin (“Officer Bolin”). ██████████ and Officer Bolin engaged in a heated verbal exchange after which ██████████ was handcuffed, taken into custody, and placed in Officer Bolin’s police vehicle. While being transported by Officer Bolin, ██████████ began speaking on a cell phone that ██████████ still had on his person. Officer Bolin pulled his vehicle over and opened the back door to retrieve the phone from ██████████. A struggle ensued and Officer Bolin used his asp to strike ██████████. Officer Bolin then took the cell phone away from ██████████. Officer Cade and Officer Pickens, who were riding together, also pulled over and witnessed Officer Bolin strike ██████████ with the asp. COPA was notified of this incident as a result of ██████████ inclusion in a civil class action lawsuit against the City of Chicago and the Chicago Police Department (“Department”)<sup>2</sup>.

**II. INVOLVED PARTIES**

Involved Officer #1:	Richard Bolin, Star No. 14590, Employee ID No. ██████████, Date of Appointment: July 7, 1997, PO, Unit of Assignment 005, DOB: ██████████ 1970, male, Black
Involved Officer #2:	Dorothy Cade, Star No. 7814, Employee ID No. ██████████, Date of Appointment: April 16, 2010, PO, Unit of Assignment 005, DOB: ██████████, 1977, female, Black
Involved Officer #3:	Waukeesha Pickens, Star No. 8255, Employee ID No. ██████████, Date of Appointment, PO, Unit of Assignment 005, DOB: ██████████, 1978, female, Black

<sup>1</sup> Officer Pickens, who married after the incident, was known as Officer Waukeesha Morris at the time of the incident.

<sup>2</sup> ██████████ was dismissed as a plaintiff prior to the settlement of the case. No depositions were taken.

Involved Individual #1: [REDACTED] DOB: [REDACTED], 1987, male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Richard Bolin	<p>It is alleged that on or about October 6, 2015, at approximately 10:16 am, at or near [REDACTED], Officer Richard Bolin, Star No. 14590, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Arresting [REDACTED] without justification.</li> <li>2. Failing to search [REDACTED] prior to putting him in a police vehicle without justification.</li> <li>3. Striking [REDACTED] on or about the head and/or body with an object without justification.</li> <li>4. Stating words to the effect of “stupid nigger” at or in the direction of [REDACTED]</li> <li>5. Stating words to the effect of “black motherfucker” at or in the direction of [REDACTED]</li> <li>6. Stating words to the effect of “you young black niggers don’t know how to treat a lady.” at or in the direction of [REDACTED]</li> </ol>	<p>Exonerated</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
Officer Waukeesha Pickens	<p>It is alleged that on or about October 6, 2015, at approximately 10:16 am, at or near [REDACTED], Officer Waukeesha Pickens, Star No. 8255, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Arresting [REDACTED] without justification.</li> </ol>	<p>Exonerated</p>

	2. Failing to take appropriate action regarding the misconduct of Officer Bolin.	Not Sustained
Officer Dorothy Cade	It is alleged that on or about October 6, 2015, at approximately 10:16 am, at or near [REDACTED], Officer Dorothy Cade, Star No. 7814, committed misconduct through the following acts or omissions:  1. Arresting [REDACTED] without justification.  2. Failing to take appropriate action regarding the misconduct of Officer Bolin.	Exonerated  Not Sustained

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 5: Failure to perform any duty.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
6. Rule 9: Engaging in any unjustified verbal or physical abuse altercation with any person, while on or off duty.

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General Orders

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1. G02-01 Human Rights and Human Resources (effective July 4, 1992 – October 4, 2017)
2. G03-02 Use of Force (effective October 1, 2002 – October 16, 2017)
3. G03-02-02 Force Options (effective March 11, 2015 – January 1, 2016)

4. G06-01-01 Field Arrest Procedures (effective December 19, 2012- November 12, 2015)
5. G06-01-02 Restraining Arrestees (effective February 22, 2012 – January 1, 2016)
6. G08- 01-02 Specific Responsibilities Regarding Allegations of Misconduct (effective March 17, 2013 – May 4, 2018)

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#### Federal Laws

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1. U.S. Constitution, Amendment IV
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#### State Laws

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1. 720 ILCS 5/12-1(a) Assault
2. 720 ILCS 5/12-3(a) Battery
3. 720 ILCS 5/3.05 (d) Aggravated Battery

## V. INVESTIGATION<sup>3</sup>

### a. Interviews

Complainant ██████████ provided a statement to COPA, by telephone, on September 17, 2020.<sup>4</sup> The following is a summary of his statement.

Immediately prior to the incident, ██████████ got into argument with his girlfriend, ██████████ at her house. ██████████ wanted ██████████ to leave but the owner of the house, ██████████ told ██████████ that he did not have to leave. ██████████ called the police. Two female officers, now known to be Officer Cade and Officer Pickens, responded first and a uniformed officer, now known to be Officer Bolin, arrived at the house approximately 5 minutes later. Officer Cade and Officer Pickens asked ██████████ to leave. ██████████ agreed to leave and was packing his things preparing to leave when Officer Bolin arrived.

██████████ stated that Officer Bolin said “crazy” stuff to him, using profanity and ██████████ cursed at him back. ██████████ stated that Officer Bolin stated to him, “You young, black niggers don’t know how to treat a lady.”<sup>5</sup> ██████████ recalled that the first time he and Officer Bolin exchanged heated words, Officer Bolin told ██████████ to put his hands behind his back and ██████████ complied. However, Officer Bolin did not handcuff ██████████ at that time, stating to ██████████ that ██████████ did not want to go to jail. The second time ██████████ and Officer Bolin exchanged words; Officer Bolin put ██████████ in handcuffs. After ██████████ was handcuffed, Officer Bolin placed ██████████ in the back of his police vehicle. ██████████ said that as Officer Bolin pushed him into the vehicle, Officer Bolin was pulling on ██████████ handcuffs, and they ripped ██████████ skin. Officer Bolin did not search ██████████ or pat him down before placing ██████████ in the police vehicle.

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<sup>3</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>4</sup> Att. 5.

<sup>5</sup> Att. 5, nine minutes, and twenty-two seconds.

██████████ stated that prior to being handcuffed, he never put his hands on Officer Bolin, nor did he spit at Officer Bolin.

While Officer Bolin was transporting ██████████ to the police station on 111<sup>th</sup> Street, ██████████ had two phones on him, one in the right front pocket of his pants and one in the right back pocket of his pants. ██████████ said that Officer Bolin was speeding, which caused ██████████ to slide in his seat and for one of his phones to land on the back seat. The phone on the back seat rang, and ██████████ saw that it was his mother. ██████████ answered the phone, put the phone on speaker, and told his mother that he had been arrested and was heading to the 111<sup>th</sup> Street police station. ██████████ recalled that Officer Bolin then pulled his vehicle over near 111<sup>th</sup> Street and Marshfield Avenue and opened the back door with his nightstick in his hand. He then asked ██████████ “Where the F is the phone? Where the F is the phone?”<sup>6</sup> ██████████ replied that he did not have the phone because the phone fell on the floor. Officer Bolin told ██████████ that ██████████ was a “stupid motherfucker” and hit ██████████ in the head with the nightstick. ██████████ leaned over in the seat and Officer Bolin kept hitting ██████████ on the arm and leg with the night stick. ██████████ recalled that inside of the vehicle, Officer Bolin hit him on the left elbow, left hip, left side of his head, stomach and knee. ██████████ mother was still on the phone during this time and ██████████ screamed, “He try’na kill me! He try’na hurt me.”<sup>7</sup> ██████████ said that he did not try to defend himself against Bolin in anyway and did not kick Officer Bolin.

Officer Bolin then pulled ██████████ out of the vehicle and slammed ██████████ against it. Outside of the vehicle, ██████████ stated that Officer Bolin hit him with the nightstick on the right shoulder and the right side of his head. ██████████ stated that Officer Cade and Officer Pickens told Officer Bolin to stop hitting ██████████ and Officer Bolin refused. Officer Bolin also went in ██████████ pocket, found the other phone, and searched ██████████ again. He then put ██████████ back in the vehicle and took him to the police station. While on route, Officer Bolin called ██████████ “stupid,” “dumb,” “nigger,” and “black motherfucker.”<sup>8</sup>

██████████ provided a statement to COPA via telephone on March 25, 2021.<sup>9</sup> The following is a summary of the statement.

██████████ stated that she was home, at the incident address, with her mother and her sister when the police arrived. Prior to the day of the incident, ██████████ asked ██████████ mother if he could spend the night at ██████████ house because ██████████ had had an incident at his own house. ██████████ mother agreed. ██████████ is no longer with ██████████ but at the time of the incident she and ██████████ were together for two years. However, ██████████ and ██████████ were having a disagreement and ██████████ wanted ██████████ out of her house in the morning. When ██████████ asked ██████████ to leave, ██████████ responded that he had nowhere else to go and so ██████████ called the police to escort ██████████ out of the house.

Officer Cade and Officer Pickens arrived first. The officers spoke with ██████████ who explained to them that she wanted ██████████ to leave. The officers then spoke with ██████████ who

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<sup>6</sup> Att. 5, six minutes, and thirty-nine seconds.

<sup>7</sup> Att. 5, sixteen minutes, and thirty seconds.

<sup>8</sup> Att. 5 seven minutes, and sixteen seconds.

<sup>9</sup> Att. 10.

was near the door and who had begun to slowly leave the home. Officer Bolin, arrived about seven minutes later and with his arrival, ██████ stated that the situation became “rowdy.” Officer Bolin told ██████ that it was time for ██████ to go and Officer Bolin and ██████ got into a loud argument. ██████ stated that ██████ did not threaten Officer Bolin. ██████ recalled Officer Bolin stating that ██████ would be dragged out of the house and said that ██████ was “man-handled” out the door. ██████ described what she meant by “rowdy” stating that the officers were trying to pull ██████ out as ██████ was leaning on the doorway and trying to hold on to a wall to stay in the home. When ██████ was out of her home, ██████ closed the door and looked out the window to see what was happening. She observed Officer Bolin place handcuffs on ██████ and place ██████ in a police vehicle. While being placed in the police vehicle, ██████ described ██████ as being stiff. ██████ stated that she did not observe any of the officers pat ██████ down.

██████ said she received a phone call from ██████ mother, after ██████ called his mother, and she participated in a three-way call with them. During the call, ██████ stated that she could hear Officer Bolin and ██████ fighting. Specifically, ██████ said she heard sounds of what she described as wrestling. ██████ also heard profanity but did not hear any racial slurs. She heard ██████ state that the officers were hurting him and that he was in handcuffs. ██████ could not make out what Officer Bolin was saying. ██████ said that the call lasted about two minutes.

**Officer Richard Bolin** provided a statement to COPA in COPA offices on June 24, 2021.<sup>10</sup> Prior to providing his statement, Officer Bolin reviewed the arrest report and original case incident report relating to the case. The following is a summary of his statement.

On the day of the incident, Officer Bolin responded to an OEMC call regarding a domestic disturbance at the location of the incident. When he arrived, an assist tactical unit, made up of Officer Cade and Officer Pickens, was already at the scene. The door of the residence was open, and Officer Bolin walked in. In the room, were the officers, ██████ and ██████ Officer Bolin initially allowed Officer Cade and Officer Pickens to handle the situation. He stated that he heard ██████ and her mother repeatedly ask ██████ to leave the premises. Officer Bolin offered ██████ a ride and told ██████ he would take him wherever he needed to go to get ██████ off the premises. Officer Bolin stated that at the time he offered ██████ a ride, he was not planning to arrest him and told ██████ that he was not being arrested. Officer Bolin denied saying “you young black niggers don’t know how to treat a lady,” to ██████ Officer Bolin stated that ██████ objected to Officer Bolin calling him ██████” ██████ clinched his fist, began shaking and said, “Don’t call me ██████ again.” ██████ also said, “I said don’t say my name again, or I’m going to fuck you up.”<sup>11</sup> Officer Bolin understood those words to mean that ██████ meant to batter him.

Officer Bolin then told ██████ that ██████ was under arrest for assaulting a police officer. Officer Bolin stated that his arrest of ██████ was justified because ██████ assaulted him by threatening him. Officer Bolin then handcuffed ██████ and he, Officer Cade and Officer Pickens walked ██████ out to Officer Bolin’s vehicle. Prior to handcuffing ██████ Officer Bolin said that he performed a quick pat-down on ██████ at the doorway of the home and then performed a second pat down before placing ██████ in the squad vehicle.

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<sup>10</sup> Att. 17.

<sup>11</sup> Att. 17, eight minutes, and forty seconds.

Officer Bolin explained that prior to placing a subject in a police vehicle, officers are supposed to search as thoroughly as they can. At the time Officer Bolin conducted the search of [REDACTED] he felt that he searched as best he could under the circumstances. Officer Bolin stated that at the time of the arrest, it was winter, and [REDACTED] was wearing a jacket and two pair of pants. Officer Bolin was trying to feel through the clothing to be sure [REDACTED] did not have any weapons for the sake of officer safety. The search took less than twenty seconds. During the pat down, Officer Bolin discovered a cell phone on [REDACTED] and took it. Bolin did not feel any weapons and he planned to do a better search once he arrived at the station.

Officer Bolin was on route to the station to process [REDACTED] and about three or four blocks away, Officer Bolin heard [REDACTED] on the cell phone. When Officer Bolin heard a phone ring, he knew that [REDACTED] had a second phone that Officer Bolin missed. Officer Bolin stated that the second phone was set to speakerphone and that he heard [REDACTED] address someone as “Mom” and state that he was being kidnapped and that he needed help. Officer Bolin said he then pulled the vehicle over as not to alarm the person on the phone and to get the phone.

When Officer Bolin opened the squad door, he directed [REDACTED] to give him the phone. [REDACTED] immediately threw the phone on the floorboard between [REDACTED] legs. Officer Bolin went to retrieve the phone by stepping in first with his left leg and then reaching in to pick up the phone. [REDACTED] then leaned back and propelled his legs in what Officer Bolin described as a “bicycle motion,”<sup>12</sup> kicking Officer Bolin in his upper left thigh. In response, Officer Bolin stepped out of the vehicle, grabbed his asp, and hit [REDACTED] once or twice in the legs. Officer Bolin denied that he struck [REDACTED] in the head, hands or anywhere else besides the legs. Officer Bolin said [REDACTED] stopped kicking, and he then retrieved the phone and got back into the vehicle. Officer Cade and Officer Pickens, who were following Officer Bolin’s vehicle, were walking up to Officer Bolin’s vehicle while this portion of the incident occurred. Officer Bolin stated that [REDACTED] did not appear injured and did not complain of injury. Officer Bolin did not offer medical attention to [REDACTED]

Officer Bolin said that he did not take [REDACTED] out of the vehicle. He also denied directing the words, “stupid nigger” or “black motherfucker” toward [REDACTED] Officer Bolin continued to the station and [REDACTED] was processed. Officer Bolin explained that because he was the victim of [REDACTED] battery and assault, Officer Cade and Officer Pickens completed the paperwork. Officer Bolin did notify his supervisor about the incident and prepared a TRR that was reviewed and accepted by his superiors.

**Officer Dorothy Cade** provided a statement to COPA at COPA offices on June 30, 2021. Prior to providing her statement, Officer Cade reviewed the arrest report relating to the case. The following is a summary of her statement.

On the day of the incident, Officer Cade and her partner, Officer Pickens, heard a dispatch call regarding a domestic incident and drove to the address of the incident to assist. When she arrived, Officer Cade saw [REDACTED] and [REDACTED] Officer Cade spoke with [REDACTED] who said that she wanted [REDACTED] to leave. Upon the arrival of Officer Cade and Officer Pickens, [REDACTED]

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<sup>12</sup> Att. 17, fifteen minutes, and fifty-eight seconds.

began gathering his things to leave the residence. Officer Cade described [REDACTED] demeanor at this time as “fine.” Officer Bolin then arrived on scene. Officer Cade said that when Officer Bolin arrived, [REDACTED] exhibited a temper. As Officer Bolin escorted [REDACTED] out of the residence, [REDACTED] said words to the effect of, “I’m going to fuck you up,” to Officer Bolin and then balled his fist, threatening Officer Bolin. [REDACTED] was then handcuffed and arrested for threatening Officer Bolin. Officer Cade denied that [REDACTED] was arrested without justification because the arrest was justified by [REDACTED] threatening Officer Bolin.

Officer Cade said that Officer Bolin patted [REDACTED] down and then placed [REDACTED] in his squad vehicle. Officer Bolin began to drive [REDACTED] to the 5th District station and Officer Cade and Officer Pickens followed in their vehicle. Officer Cade then observed Officer Bolin pull over, after driving a block or two, and open the driver’s side back door of his vehicle. Officer Cade next saw [REDACTED] feet come out of the open door of Officer Bolin’s vehicle, and strike Officer Bolin in the torso as Officer Cade was exiting her vehicle. Officer Cade estimated that her vehicle was parked a couple of feet behind Officer Bolin. Officer Cade moved toward Officer Bolin and observed Officer Bolin, retrieve his asp, and hit [REDACTED] on his legs and lower body. Officer Cade asked Officer Bolin what was going on and he explained that he pulled over because [REDACTED] had a cell phone and was talking to [REDACTED] mom. Officer Cade saw a phone in Officer Bolin’s hand. The officers then got in their respective vehicles and proceeded to the 5<sup>th</sup> District station. Officer Cade said that [REDACTED] did not report any injuries to her but could not recall whether he requested medical attention or whether she asked [REDACTED] about any injuries.

Officer Cade denied the allegation that she failed to take appropriate action regarding the misconduct of Officer Bolin. Officer Cade explained that she believed Officer Bolin’s use of force to be justified because in her training she learned that officers are empowered to meet a subject’s force with a greater force response. Officer Cade also stated that Officer Bolin transported [REDACTED] because her vehicle did not have a cage and Officer Bolin’s did. Officer Cade stated that it was not reasonable to request another vehicle to the [REDACTED] residence because [REDACTED] did not resist getting into the vehicle.

**Officer Waukeesha Pickens** provided a statement to COPA at COPA offices on July 2, 2021. The following is a summary of her statement.

Officer Pickens stated that she and Officer Cade were serving as an assisting unit to Officer Bolin for a call on a domestic incident. She and Officer Cade arrived first on scene. They were informed by [REDACTED] that [REDACTED] wished for [REDACTED] to leave and that he was not moving fast enough. Officer Pickens gave [REDACTED] instructions to gather his things and leave. [REDACTED] responded but was moving slowly. Officer Bolin then arrived, and [REDACTED] became agitated and aggressive with Officer Bolin. Officer Pickens said that [REDACTED] threatened Officer Bolin and took a threatening stance toward him by standing up straight and clenching his fists.

After threatening Officer Bolin, [REDACTED] was placed in custody and handcuffed. Officer Pickens believed that [REDACTED] arrest was justified because he threatened Officer Bolin. [REDACTED] was then placed in Officer Bolin’s vehicle. Officer Pickens did not recall assisting with placing [REDACTED] in the vehicle. Officer Pickens also did not recall whether [REDACTED] was searched or patted down before being placed in the vehicle.

Officer Pickens and Officer Cade were following approximately two vehicle lengths behind Officer Bolin's vehicle when they saw Officer Bolin curb his vehicle. Officer Pickens stated that Officer Bolin opened the door on the rear passenger's side. She exited her vehicle and was approximately one and a half vehicle length's away from Officer Bolin's vehicle when she saw a kick coming out of the door and saw Officer Bolin retrieve and swing his asp in response. Officer Pickens said that Officer Bolin struck [REDACTED] once. Officer Pickens could not hear any conversation between [REDACTED] and Officer Bolin at this time. Officer Pickens did not recall Officer Bolin taking [REDACTED] out of the vehicle. Once the passenger door of Officer Bolin's vehicle was closed again, Officer Bolin told Officer Pickens and Officer Cade that [REDACTED] "was calling his mama" and Officer Bolin then showed them a phone. She did not ask Officer Bolin or [REDACTED] if they sustained any injuries and did not recall seeing either make contact with the other. Officer Pickens stated that [REDACTED] did not request medical attention and that she did not observe any injuries on [REDACTED]

Officer Cade believed that Officer Bolin was justified when he struck [REDACTED] with his asp because when [REDACTED] kicked Officer Bolin, the Department's Use of Force Model, permitted Officer Bolin to use an impact weapon.

#### **b. Physical Evidence**

**Photos**<sup>13</sup> of [REDACTED] were taken by CPD on October 6, 2015. The photos are of [REDACTED] body, face, and hands. The photos show redness on both of [REDACTED] hands and both palms. No other injuries are visible.

#### **c. Documentary Evidence**

An **Arrest Report**<sup>14</sup> dated, October 6, 2015, states that [REDACTED] was charged with Aggravated Battery of a Peace Officer and Aggravated Assault of a Police Officer. The report identifies Officer Cade and Officer Pickens as the arresting officers. The narrative states in summary, that the arresting officers were dispatched to the location of the incident for a domestic disturbance. When they arrived, [REDACTED] informed the officers that she wished for [REDACTED] to leave. When Officer Bolin arrived and asked [REDACTED] to leave, [REDACTED] stated, 'I'll black yo [sic] eye and I'll spit in yo [sic] face.' Officer Bolin arrested [REDACTED] While transporting [REDACTED] "A/O Bolin heard the offender talking on a cellular phone." Bolin curbed the vehicle, opened the rear door, and instructed [REDACTED] to give him the phone. [REDACTED] then "threw the cell phone and kicked A/O Bolin about his torso. A/O Bolin retrieved his asp to subdue and prevent from [sic] further kicks from the arrestee."

An **Original Case Incident Report ("OCIR")**<sup>15</sup> concerning the incident is generally consistent with the arrest report. It indicates that Officer Bolin was the victim of a battery and assault and lists Officer Cade and Officer Pickens as witnesses. The OCIR adds that the aggravated battery and assault occurred in the vicinity of 112<sup>th</sup> and Hamlet. The portion of the

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<sup>13</sup> Att. 32.

<sup>14</sup> Att. 11.

<sup>15</sup> Att. 37.

narrative in the OCIR summarizing the officers' statements differs from the narrative in the arrest report and in the statement Officer Bolin provided to COPA to the extent that it reports that Officer Bolin became aware of ██████ phone when he "noted movement in the rear of his vehicle," and noted that ██████ "retrieved his cellular phone...and was attempting to make a phone call."<sup>16</sup>

The report further states, that while in custody and after receiving his Miranda rights, ██████ agreed to speak with detectives. ██████ statement to the detectives was summarized in relevant part:

██████ said that the male black officer advised ██████ that he had to leave the residence immediately and called him out saying ██████ his first name. ██████ felt that the officer was wrong for using his first name and argued with the officer over the officer calling him by first name and that. ██████ said that the officer made threats to beat his ass and stood in front of the door refusing to allow ██████ to leave. ██████ said that he got up in the officer's face and told him that he would blacken the officer's eye but denied saying that he would spit on the officer. ██████ went on to say that he was handcuffed and placed inside the police vehicle directly behind the male officer. ██████ said that while enroute to the police station he was able to retrieve his cell phone from his pocket and called ██████, his mother. ██████ stated that the police officer pulled the police vehicle to the curb and opened the rear door where ██████ was seated and requested the phone from ██████ stated that he refused to give up his phone and that the officer pulled out a black stick and hit him with it. ██████ denied kicking the officer and said that the officer took his cell phone."<sup>17</sup>

Initially, ██████ told detectives that he was a juvenile. When confronted with evidence of inconsistencies about his age, ██████ admitted to detectives that he lied about being a juvenile.<sup>18</sup>

A **Tactical Response Report ("TRR")**<sup>19</sup>, submitted by Officer Bolin on the day of the incident reports that ██████ "kicked A/O Bolin with his feet." and in response, "A/O used asp baton, striking subject several times to keep subject from continuing to strike A/O Bolin." ██████ refused to provide a statement relating to the use of force. The reviewing Lieutenant, Patrick Gillespie, concluded Officer Bolin's actions complied with Department Policies and Directives. An **Officer's Battery Report**<sup>20</sup> completed by Officer Bolin is consistent with the TRR.

A **CPD Inventory Sheet**<sup>21</sup> relating to the incident records that two cellular phones were recovered from ██████ on October 6, 2015. Officer Cade is listed as the CPD employee who found the phones.

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<sup>16</sup> Att. 37, p. 4.

<sup>17</sup> Att. 37, p. 5.

<sup>18</sup> COPA requested a copy of the electronically recorded interviews ("ERI") associated with any detective investigations relating to this incident. See att. 39. The Department Record Services Division responded that no ERIs were found. See att. 40.

<sup>19</sup> Att. 33.

<sup>20</sup> Att. 34.

<sup>21</sup> Att. 16.

## VI. 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. *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 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. *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. ANALYSIS

### a. [REDACTED] assault of Officer Bolin justified [REDACTED] arrest.

Arresting [REDACTED] without justification would violate the Fourth Amendment of the U.S. Constitution as well as Rule 1. However, assault of an officer, including threatening an officer, is a criminal offense.<sup>22</sup> Here, all officers cite assault of Officer Bolin as the basis of [REDACTED] arrest. Officer Bolin, Officer Cade and Officer Pickens stated that they recalled [REDACTED] making a verbal threat to Officer Bolin. [REDACTED] however, stated that [REDACTED] did not threaten Officer Bolin. Based on the evidence, including [REDACTED] own description of events, the officers' version of events seems most credible.

According to the summary of [REDACTED] statement to detectives included in the OCIR, [REDACTED] admitted to threatening to blacken Officer Bolin's eye at the location of the incident. That alone is sufficient to support the assault charge and to undermine [REDACTED] credibility. Also, statements made to COPA by Officer Bolin and [REDACTED] tend to indicate that it was not Officer

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<sup>22</sup> See 720 ILCS 5.0/12-2-B-4.

Bolin's initial intent to arrest ██████ Officer Bolin states that he initially offered to take ██████ wherever he wished to go. Consistent with this statement is ██████ claim that Officer Bolin did not place handcuffs on him initially and told ██████ that ██████ did not wish to go to jail. ██████ further stated that Officer Bolin handcuffed ██████ only after he and Officer Bolin exchanged words a second time. Also, all three officers recalled that ██████ balled his fists, which they interpreted as physically threatening behavior. Collectively, this evidence is clear and convincing that the arrest of ██████ was justified and is **Exonerated**.

**b. There is insufficient evidence to determine whether Officer Bolin failed to search ██████**

When taking an offender into custody, a member is required to conduct a thorough search of the person in accordance with Department procedures.<sup>23</sup> Failing to do so, is a violation of Rule 5 and Rule 6. Here, Officer Bolin stated that he searched ██████ as best as he was able under the circumstances, prior to placing ██████ in his police vehicle. Officer Bolin noted that ██████ was wearing multiple layers of clothing and that he found one of ██████ phones during his pat down of ██████. ██████ claims that he was not searched and that he had both phones on his person when he entered Officer Bolin's vehicle. Officer Cade also recalled that Officer Bolin patted ██████ down. ██████ did not observe any search of ██████ while Officer Pickens could not recall whether ██████ was searched.

The fact that ██████ had a phone on him while in custody indicates that if a search was performed, it was insufficient. Further, Officer Bolin's inconsistent statements in the record relating to when and how Officer Bolin became aware of the phone negatively impact Officer Bolin's credibility. However, ██████ too is inconsistent in the record regarding his actions relating to the phone, telling detectives that he called his mother and telling COPA that his mother called him. Moreover, ██████ is broadly not credible. According to the summary of ██████ statement to detectives, ██████ admittedly lied to detectives about his age. Also, nothing in the record supports viewing either Officer Cade or ██████ as more credible than the other. COPA therefore finds that while the record supports that Officer Bolin's search may have been inadequate, there is insufficient evidence to support ██████ claim that he was not searched at all. This allegation is **Not Sustained**.

**c. Officer Bolin's use of force on ██████ was justified.**

The Department's Force Options directive authorizes officers to use impact weapons against assailants.<sup>24</sup> A person is an assailant when they are "using or threatening imminent use of force against himself/herself or another person."<sup>25</sup> Officer Bolin was therefore only authorized to use his asp against ██████ if ██████ was an assailant. Use of his asp otherwise would violate Rule 6 and Rule 8. Verifiable evidence is of little use here. There is no video that captured the events. The photos of ██████ taken by the Department in the record show only redness to

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<sup>23</sup> See G06-01-01 (effective December 19, 2012- November 12, 2015); G06-01-02 (effective February 22, 2012- January 1, 2016).

<sup>24</sup> G0-03-02-02(III)(C).

<sup>25</sup> G0-03-02-02(III)(C)(1).

■■■■■■ hands and palms. Such injuries could have resulted from Officer Bolin's or ■■■■■■ version of events.

In this instance, therefore, the credibility of the parties is determinative. ■■■■■■ credibility with respect to his claim that he did not kick Officer Bolin is undermined by his admitted dishonesty. Also, ■■■■■■ told COPA investigators that in addition to hitting him the police vehicle, Officer Bolin pulled ■■■■■■ out of the police vehicle and continued to beat him. However, ■■■■■■ apparently made no mention of being removed from the police vehicle and beaten in his statement to detectives. Moreover, ■■■■■■ admitted threat to Officer Bolin tends to indicate that instigating a physical altercation with Officer Bolin was not beyond him. Officer Bolin's credibility, while not impeccable - there are inconsistencies between his statement to COPA and his statement in his TRR about the number of times he struck ■■■■■■ - is supported by the statements of Officer Cade and Officer Pickney. ■■■■■■ allegation that Officer Bolin struck him about the head and/or body without justification is, therefore, **Not Sustained**.

**d. There is insufficient evidential support that Officer Bolin directed racially biased verbal abuse toward ■■■■■■**

Department members are forbidden from engaging in racially based verbal abuse.<sup>26</sup> Such behavior undermines the Department's policy goals of treating all with dignity and respect.<sup>27</sup> Directing racially based verbal abuse toward a subject is therefore a violation of Rule 2 and Rule 6. ■■■■■■ allegation that Officer Bolin directed racially biased verbal abuse toward him is not supported by the record. According to the summary of ■■■■■■ statement to detectives, ■■■■■■ expressed that he believed it was wrong for Officer Bolin to address him by his first name. However, he made no mention of being wronged by Officer Bolin's purported use of racial slurs, arguably a greater offense. Additionally, neither Officer Cade or Officer Pickes heard Officer Bolin use any racially based, verbal abuse towards ■■■■■■ Therefore, this allegation must be **Not Sustained**.

**e. There is insufficient evidence of misconduct by Officer Bolin requiring action by Officer Cade and Officer Pickens.**

Department members are required to take appropriate action with respect to any misconduct committed by another member.<sup>28</sup> Failing to do so is a violation of Rule 6. Here, for the reasons stated above, there is insufficient evidence to support any of ■■■■■■ misconduct allegations against Officer Bolin. Because there is insufficient evidence supporting that Officer Bolin engaged in misconduct, Officer Cade and Officer Pickens were not required to take any action. The allegations against them are **Not Sustained**.

## VIII. CONCLUSION

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

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<sup>26</sup> See G02-01 (III)(D).

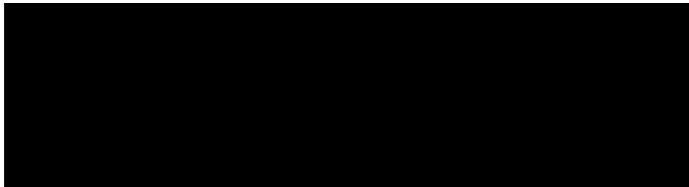
<sup>27</sup> See G02-01-(III)(A) and (B).

<sup>28</sup> G08-01-02 (II)(B)(1).

Officer	Allegation	Finding / Recommendation
Officer Bolin	<p>It is alleged that on or about October 6, 2015, at approximately 10:16 am, at or near [REDACTED], Officer Richard Bolin, Star No. 14590, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Arresting [REDACTED] without justification.</li> <li>2. Failing to search [REDACTED] prior to putting him in a police vehicle without justification.</li> <li>3. Striking [REDACTED] on or about the head and/or body with an object without justification.</li> <li>4. Stating words to the effect of “stupid nigger” at or in the direction of [REDACTED]</li> <li>5. Stating words to the effect of “black motherfucker” at or in the direction of [REDACTED]</li> <li>6. Stating words to the effect of “you young black niggers don’t know how to treat a lady.” at or in the direction of [REDACTED]</li> </ol>	<p>Exonerated</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
Officer Cade	<p>It is alleged that on or about October 6, 2015, at approximately 10:16 am, at or near [REDACTED], Officer Waukeesha Pickens, Star No. 8255, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Arresting [REDACTED] without justification.</li> <li>2. Failing to take appropriate action regarding the misconduct of Officer Bolin.</li> </ol>	<p>Exonerated</p> <p>Not Sustained</p>
Officer Pickens	<p>It is alleged that on or about October 6, 2015, at approximately 10:16 am, at or near [REDACTED], Officer Dorothy Cade, Star No. 7814, committed misconduct through the following acts or omissions:</p>	

	1. Arresting [REDACTED] without justification.	Exonerated
	2. Failing to take appropriate action regarding the misconduct of Officer Bolin.	Not Sustained

Approved:



9-29-2022

\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Investigator*

\_\_\_\_\_  
Date