

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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| Date of Incident: | February 18, 2019 |
| Time of Incident: | 8:00pm |
| Location of Incident: | 5101 S. Wentworth Avenue |
| Date of COPA Notification: | February 19, 2019 |
| Time of COPA Notification: | 8:07am |

On February 18, 2019, [REDACTED] ([REDACTED]) was being held on the female-side of the 2nd District lock-up on an Aggravated Domestic Battery charge. While being processed, [REDACTED] got into a physical altercation with Detention Aide Daphne Roach (“DA Roach”), when DA Roach tried to fingerprint her. DA Roach pinned [REDACTED] against the wall. Officer Nicholas Duncan (“Officer Duncan”), who was on the male-side of the lock-up, heard the commotion and went to the female side of the lock-up to assist. Officer Duncan convinced [REDACTED] to return to the holding cell and DA Roach reported the incident to a supervisor. COPA was notified of the incident by CPIC after [REDACTED] initiated a complaint with the Chicago Police Department (“Department”).

II. INVOLVED PARTIES

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| Involved Detention Aide #1: | Daphne Roach, Employee ID No. [REDACTED], Date of Appointment: December 16, 2011, Detention Aide, Unit of Assignment 002, DOB: [REDACTED], 1965, female, Black |
| Involved Officer #1: | Nicholas Duncan, Star No. 10189, Employee ID No. [REDACTED], Date of Appointment: September 30, 2002, Police Officer, Unit of Assignment 002, DOB: [REDACTED], 1978, male, Black |
| Involved Individual #1: | [REDACTED], 1961, female, Black |

III. ALLEGATIONS

| Officer | Allegation | Finding |
|-----------------------------|--|---------|
| Detention Aide Daphne Roach | It is alleged, that on February 18, 2019, in the vicinity of 5101 S. Wentworth, at or about 8:00 pm, you, DA Daphne Roach, committed | |

| | | |
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| | <p>misconduct through the following acts or omissions in violation of Department policy:</p> <ol style="list-style-type: none"> 1. Using excessive force against ██████████ by grabbing her by the collar without justification; 2. Using excessive force against ██████████ by choking her with two hands without justification; 3. Using excessive force against ██████████ by striking her in the face with a closed fist without justification. | <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> |
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8: Disrespect to or maltreatment of any person, while on duty.

General Orders

1. G03-02 Use of Force (effective October 16, 2017 – February 28, 2020)
2. G03-02-01 Force Options (effective October 16, 2017 – February 28, 2020)

State Laws

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. INVESTIGATION¹

a. Interviews

Complainant [REDACTED] gave a digitally recorded statement to COPA on October 3, 2019, in her home located at [REDACTED] Chicago IL. [REDACTED] stated that at the time of the incident, she was being held in detention at the 2nd District female lock-up center because her husband lied and said that [REDACTED] stabbed him. [REDACTED] recalled that she was held in the lock-up for two days and that the incident occurred on her second day in lock-up.

[REDACTED] stated that the detention aide, now known as DA Daphne Roach, falsely claimed that [REDACTED] was resisting being fingerprinted. [REDACTED] stated that she had no reason to resist being fingerprinted when she knew that she had done nothing wrong. [REDACTED] stated that an officer told her that they wanted to fingerprint her, and [REDACTED] told the officer that was fine.

[REDACTED] stated that an officer led her out of lock-up and down a hall to be fingerprinted and then showed her where to stand. The officer then left. DA Roach then came to the spot where [REDACTED] was standing to fingerprint her. [REDACTED] stated that DA Roach was the meanest person with whom she interacted at the lock-up. [REDACTED] asked DA Roach how she wanted [REDACTED] to stand and determined that DA Roach had an attitude based on DA Roach's facial expressions. [REDACTED] asked DA Roach if she wanted her to turn, or if she wanted her with her back to the wall. [REDACTED] stated that no other words were exchanged between her and DA Roach. When [REDACTED] was standing by the wall, DA Roach grabbed her by the neck and began choking her with two hands while simultaneously pushing her against the wall. [REDACTED] stated that she pushed DA Roach, to get her off her, and at that point DA Roach hit her in the face. [REDACTED] stated that because DA Roach was bigger than her, she had to kick DA Roach while pushing her to get her off her. [REDACTED] said that she did not hit DA Roach.

[REDACTED] recalled that a male officer entered the room and told [REDACTED] to let DA Roach go while DA Roach was still choking her. [REDACTED] then let go of DA Roach and told the male officer that he had to make DA Roach let her go. DA Roach then let [REDACTED] go and [REDACTED] told the male officer that she was not going to let DA Roach fingerprint her because she had no business hitting her in the face and choking her. An officer fingerprinted [REDACTED] and she walked back to the cell.

[REDACTED] did not receive any medical attention. She said that she can no longer recall anything that DA Roach said to her through the entire incident. The incident was the only time [REDACTED] had contact with DA Roach. [REDACTED] stated that she spoke to a sergeant and a lieutenant about the incident. [REDACTED] said that DA Roach filed a complaint against her, and [REDACTED] didn't understand how DA Roach could do that. [REDACTED]

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 10.

later saw DA Roach at court where charges against [REDACTED] relating to the incident with her husband were dropped. [REDACTED] learned about DA Roach's complaint because when the case was called, DA Roach stood up along with [REDACTED] and [REDACTED] husband. [REDACTED] stated that DA Roach lied when she said [REDACTED] hit her first.

Detention Aide Daphne Roach³ provided a statement to COPA at COPA offices on July 6, 2021. During her statement, DA Roach reviewed a "To/From" memorandum prepared by Officer Duncan, the Original Case Incident Report for the incident, and the arrest report of [REDACTED]. The following is a summary of her statement.

DA Roach was working by herself on the female side of the lock-up on the day of the incident. As part of her duties, DA Roach obtained fingerprints from detainees. She began processing [REDACTED] by asking her questions. DA Roach described [REDACTED] demeanor at that time as "a little upset" but said that [REDACTED] cooperated. Next, DA Roach searched [REDACTED]. After the search, DA Roach directed [REDACTED] to stand next to a gray wall and face the camera. [REDACTED] told DA Roach that she was not going to be fingerprinted. DA Roach replied to [REDACTED] that if she was not going to be fingerprinted then [REDACTED] would be escorted to the bullpen.⁴

[REDACTED] then said that she was not going into the bullpen and grabbed DA Roach's left arm and her shirt. In response, DA Roach pinned [REDACTED] against the wall. DA Roach said that [REDACTED] was pushing DA Roach when [REDACTED] grabbed her collar. DA Roach described that [REDACTED] had her back to wall and DA Roach had pinned [REDACTED] by crossing her arms across [REDACTED] chest. DA Roach said that as she was pinning [REDACTED] to the wall, [REDACTED] tried to swing at her. DA Roach said that Officer Duncan must have heard the confusion and came over to the female side of lock-up. Officer Duncan removed [REDACTED] hands from DA Roach and then placed [REDACTED] in the bullpen. DA Roach then notified a supervisor of the incident. DA Roach said she did not strike [REDACTED]. DA Roach that in a situation like that which occurred with [REDACTED] she would try to not be injured and pin the person until someone is available to come and assist.

[REDACTED] did not make any complaints about being injured to DA Roach or Officer Duncan. DA Roach did not speak with Officer Duncan about the incident. DA Roach denied all allegations against her.

Officer Nicholas Duncan⁵ provided a statement to COPA at COPA offices on September 22, 2020. Prior to providing the statement, Officer Duncan reviewed a memo he drafted relating to the incident.⁶ The following is a summary of his statement.

Officer Duncan was working on the male side of the 2nd District lock-up when he heard an altercation happening on the female side of the lock-up. Officer Duncan walked over to see what was happening because he knew there was only one lock-up keeper on the female side at the time.

³ Att. 26.

⁴ Bullpen is slang for a large cell.

⁵ Att. 5.

⁶ Att. 17.

It took Officer Duncan approximately ten seconds to reach the female side of the lock-up. He heard a prisoner say that she did not want to get fingerprinted. When Officer Duncan reached the female lock-up, he observed the Detention Aide, now known to be DA Roach, and a prisoner, ██████ in a “stalemate” with both having hands on the clothes of the other. Officer Duncan recalled that one of DA Roach’s hands was on ██████ arm and the other was on her shoulder. ██████ hands were placed on DA Roach in the same position. Officer Duncan did not see either woman strike the other. Officer Duncan said that his presence and his direction to stop made ██████ and DA Roach separate. Officer Duncan told ██████ that there was no way to avoid being fingerprinted but that if she sat in the bullpen, he would call the supervisor to see what could be done. He then directed ██████ to the bullpen. ██████ sat in the bullpen and a supervisor eventually arrived.

b. Digital Evidence

The **lock-up video, District 002 Cam05 Cell Block 1 (female) Bullpen Right – 8773,**⁷ shows DA Roach directing ██████ out of a cell. ██████ stands against a wood wall and disappears as the view of her is obstructed by a wall. DA Roach puts on gloves about 6 feet away from ██████ DA Roach approaches ██████ and speaks to her. DA Roach gestures toward a nearby station and then appears to gesture toward the cell. DA Roach then reaches toward ██████ with her left hand and grips ██████ on her right forearm. In response, ██████ reaches out toward DA Roach around her neck area. DA Roach and ██████ extend both arms but the view of ██████ body as well as DA Roach’s hand are blocked by the wall. DA Roach then steps towards ██████ and for a few seconds, the view of both women is completely blocked. Part of DA Roach’s lower-right leg can later be seen briefly and appears to be bracing her body. Officer Duncan arrives shortly thereafter, and DA Roach and ██████ separate.

c. Documentary Evidence

An **Arrest Report**⁸ for ██████ records that she was arrested for battery offenses after allegedly stabbing her husband. ██████ was received in lock-up on February 18, 2019, at 7:56pm and released on February 20, 2019, at 7:00am. The Watch Commander Comments section of the report states in relevant part that, “while D/A roach was attempting to process Arrestee, Arrestee grabbed D/A Roach by the left arm, pushed D/A Roach on the chest, and pulled D/A Roach by her shirt. D/A Roach used force necessary to restrain Arrestee and prevent Arrestee from further battering D/A Roach. D/A Roach complained of no injury and showed no visible signs of injury. A/C Sgt Ryan #1401 notified at 2322 hrs. TRR Completed, RD# ██████ generated, D/A Roach signed complaints. Arrestee alleged injury (soreness to face) however Sgt Peterson #1198 observed no visible injury. Arrestee refused transport by 271R to a hospital at 2230hrs.”

The **Original Case Incident Report (“OCIR”)**⁹ relating to the incident lists DA Roach as a victim of a battery by ██████ and lists Officer Duncan as a witness. The narrative

⁷ Att. 3 at 8:00-8:03.

⁸ Att. 27.

⁹ Att. 12.

contained therein is consistent with that in the arrest report. It adds that the altercation between DA Roach and ██████████ began after DA Roach directed ██████████ to be fingerprinted and ██████████ refused. The narrative specifies that after ██████████ pulled DA Roach by the shirt, “DA Roach then grabbed arrestee by the arm, grabbed arrestee’s shirt collar, and pushed arrestee and pinned arrestee against the wall to restrain arrestee...” It further states that Officer Duncan, “heard the commotion from the male side of the lock-up and came over to the female side to see if assistance was needed.” Officer Duncan, “observed arrestee pinned against the wall by a DA Roach and told arrestee that she had to be fingerprinted in order to be processed, arrestee then calmed down...Arrestee alleged soreness to face, however showed no visible signs of injury.”

An **Initiation Report**¹⁰ from Sergeant Mark Peterson to Commander Dion Boyd records an excessive force complaint made by ██████████ against DA Roach. ██████████ told Sergeant Peterson that during the incident DA Roach, “grabbed [██████████] by the collar and struck [██████████] about the face with a closed fist.” ██████████ alleged soreness to her face, but Sergeant Peterson noted no visible signs of injury. The report states that although lock-up video footage shows initial contact made by ██████████ to DA Roach, there is no footage available of ██████████ pinned against a wall due to the obstruction caused by a mug shot wall.

Officer Duncan drafted, a “**To/From,**” memorandum¹¹ dated February 18, 2019, at the direction of Sergeant Peterson, that was submitted to Commander Boyd, summarizing what he witnessed of the incident. The memorandum is consistent with what was included in the narrative of the OCIR.

DA Roach submitted a **Tactical Response Report (“TRR”)**¹² relating to the incident. The report states that ██████████ did not follow DA Roach’s directions, pulled away from her and physically attacked her without a weapon. The reasons provided by DA Roach for her force response was self defense and to overcome ██████████ resistance or aggression. The force mitigation steps DA Roach recorded were “member presence, verbal direction/control techniques, movement to avoid attack, tactical positioning and additional unit members.” DA Roach indicated that the control tactic she employed was pressing ██████████ against a wall. The narrative included in the TRR is consistent with that in the OCIR. The reviewing lieutenant, Lieutenant Dale Martin, after reviewing all the available documents and video, found that DA Roach’s actions complied with Department Policies and Directives.

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;

¹⁰ Att. 14.

¹¹ Att. 17.

¹² Att. 18.

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

The available evidence does not support [REDACTED] allegations that DA Roach used excessive force against her.

Rule 8 of the Chicago Police Department's Rules of Conduct prohibits a Department member from disrespecting or maltreating any person, while on duty. [REDACTED] allegations that, without justification, DA Roach grabbed her by the collar, choked her, and struck her with a fist, would violate this rule. Such behavior would also bring discredit to the Department in violation of Rule 2. [REDACTED] statements, recorded in the Initiation Report and provided to COPA, support her allegations. However, [REDACTED] credibility is weakened because the statements are inconsistent. Specifically, [REDACTED] told COPA that she was choked by DA Roach, but there is no mention that DA Roach choked [REDACTED] in the Initiation Report.

Moreover, the lock-up video, the only verifiable evidence available, does not capture DA Roach choking or punching [REDACTED]. Although much of the interaction between DA Roach and [REDACTED] is obstructed by a wall, the portion of the incident that can be seen supports the credibility of DA Roach's position that her use of force was justified. As a Department member, DA Roach was only authorized to use force that was objectively reasonable, necessary under the circumstances, and proportional to the threat, actions and level of resistance offered by the subject.¹³ Here, clear and convincing evidence shows that DA Roach used a justifiable level of force. DA Roach's gestures captured on the video are consistent with her claim that she

¹³ See G03-02-01(II)(C).

requested that ██████████ be fingerprinted (gesturing toward the station) and then asked ██████████ to enter the bullpen when she refused to be fingerprinted (gesturing toward the cell). It was only after making these motions that DA Roach grabbed ██████████ arm. This force action, a holding technique, is permissible to use on a person who is a passive resister, active resister, or an assailant.¹⁴ Because DA Roach’s duties included fingerprinting arrestees and ██████████ resisted, DA Roach’s arm grab of ██████████ was reasonable and justified. And, as captured on video, when ██████████ responded to DA Roach’s grip by grabbing her, DA Roach was entitled to use the holding technique of pinning ██████████ against the wall to control her and prevent ██████████ from injuring her. Also, while DA Roach is not shown in the video grabbing ██████████ collar, assuming she did so as the OCIR indicates, such an action would also be a reasonable as a “firm grip” holding technique under the circumstances.

Further, the sole witness to the incident, Officer Duncan, stated he did not witness DA Roach choke or punch ██████████. What Officer Duncan stated he saw – DA Roach and ██████████ holding each other by the arm and the shoulder – supports DA Roach’s position that she only used control techniques and that her use of force was justified.

For these reasons, COPA finds that the allegations that DA Roach choked and struck ██████████ in the face with a closed fist are **Not Sustained** and the allegation that DA Roach grabbed ██████████ by the collar is **Exonerated**.

VIII. CONCLUSION

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

| Officer | Allegation | Finding |
|--------------------------------|---|---------------|
| Detention Aide Daphne Roach | 1. Using excessive force against ██████████ by grabbing her by the collar without justification; | Exonerated |
| | 2. Using excessive force against ██████████ by choking her with two hands without justification; | Not Sustained |
| | 3. Using excessive force against ██████████ by striking her in the face with a closed fist without justification. | Not Sustained |

Approved:

██████████

2-16-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date

¹⁴ G03-02-01(IV)(C)(1)(a).