

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 14, 2021
Time of Incident:	11:47 PM
Location of Incident:	5429 N Lincoln Avenue, Chicago, IL 60625
Date of COPA Notification:	August 16, 2021
Time of COPA Notification:	03:05AM

On August 16, 2021, COPA received an initiation report from Lieutenant Phyllis Gill. The report, in summary, stated Field training Officer Ryne Tobin #6415 called a female arrestee a “bitch” and that he failed to timely activate his Body Worn Camera (BWC).

II. INVOLVED PARTIES

Involved Officer:	Ryne Tobin, Star # 6415, employee ID# 114974, Rank: Field Training Officer, Unit 020, Age 32, Male, White
Involved Individual #1:	██████████ DOB: ██████ 1988, Female, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Field Training Officer Ryne Tobin	1. Using profanity and vulgarity towards ██████████ by referring to her as a “bitch.”	SUSTAINED
	2. Failing to activate his Body Worn Camera as required.	UNFOUNDED

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 3:** Any failure to promote the Department's efforts to implement its policy
 2. **Rule 8:** Disrespect to or maltreatment of any person while on or off duty.
 3. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on, or off duty.
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General Orders

1. G01-01 Vision, Mission Statement, and Core Values
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Special Orders

1. **S03-14** Body Worn Cameras
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V. INVESTIGATION¹

On August 14, 2021, Officer Tobin responded to a complaint of a couple fighting at a bar located at 5429 N. Lincoln Ave., Chicago, IL²³. Officers crossed Lincoln Avenue, on foot, from the 20th District Police Department building and entered the bar located at 5429 N Lincoln Avenue. Upon arrival to the bar the couple is immediately escorted out of the bar by Officer Tobin. The female subject, [REDACTED] does not comply and actively resists the officer. Subject [REDACTED] is placed on a bench located outside of the bar. Officer Tobin speaks with the bar staff who explains they would like the subject [REDACTED] to be banned from coming into the bar. Subject [REDACTED] refuses to comply with directives to remain seated on the bench. Officer Tobin engages subject [REDACTED] who proceeds to resist Officer Tobin's attempts to restrain her. Subject [REDACTED] kicks Officer Tobin, who can be heard saying, "Oh really bitch?" Subject [REDACTED] is then placed in leg irons by Officer Tobin, arrested, and taken to the 20th District station.⁴⁵

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachment #1-Arrest Report [REDACTED]

³ Attachment #3 – BWC Officer Ryne Tobin

⁴ Ibid.

⁵ Attachment #2 – BWC Officer Thomas Hoffman

a. Interviews

In his interview with COPA on September 21, 2021,⁶ **Officer Tobin** described the incident in question. Tobin relayed he was inside of the 20th district police Station when either patrons, or staff, from the bar across the street located at 5429 Lincoln Ave., came into the station to report a fight at the bar. Tobin and Probationary Police Officer (PPO) Thomas Hoffman responded to the bar across the street and removed the couple that was fighting. Tobin stated he then witnessed ██████████ “take a swing” at one of the bar staff at which point he “grabs” ██████████ and she falls to the ground. Tobin was then able to put handcuffs on ██████████ for officer safety and was able to sit her up. Tobin then placed ██████████ on a bench (outside of the bar). Tobin said his “PPO” Hoffman was unable to control ██████████ at which time Tobin intervened. During Tobin’s attempt to control ██████████ he was “booted” in the chest by ██████████ and called her a “bitch.” Tobin placed ██████████ in leg restraints to prevent any further incident. Tobin explained his use of the word bitch was reactionary and that it can be frustrating to be kicked. Tobin explained he could have used more force in the process of restraining ██████████ but chose not to. Tobin denied using this language in the past and regularly during the course his duties. Tobin stated he has never had any contact with ██████████ prior to this incident. Upon inquiry, Tobin described the demeanor of ██████████ during the incident as, “hostile, irritable, intoxicated, she was stumbling when she walked, strong odor of alcoholic type beverage on her breath, she had snot on her face and body, was screaming yelling, not following verbal direction, the liquor took over, I guess.” When asked to affirm or deny each allegation, Tobin affirmed the allegation of using profanity and vulgarity towards ██████████ ██████████ and denied the allegation of failing to turn on his BWC. Tobin explained the use of his offensive language was due to being kicked by ██████████ and that it was an excited utterance. Tobin said of allegation 1, “Oh yeah, I did that, because she kicked me, it was an excited utterance, it was reactionary, I did not want to use inappropriate language and I don’t have a practice of it, but I guess it happened in this situation.”

b. Digital Evidence⁷

The **BWC Videos**⁸ reviewed by COPA and listed as footnotes within this report affirm and confirm the above verifiable facts as already delineated above.

c. Documentary Evidence

The **Initiation Report**⁹ sent by Sgt. Phyllis Gill to COPA, outlines the BWC and Verbal Abuse allegations alleged against FTO Tobin.

⁶ Attachment #8 – COPA Interview Officer Ryne Tobin

⁷ COPA also conducted a search for Body Worn Camera search for Johnny Santiago with no results found. Santiago was only present after the alleged incident took place and can be observed on both Officer Tobin’s and Officer Hoffman’s BWC speaking briefly to ██████████ in Spanish before Tobin and Hoffman escort ██████████ to the 20th District police station.

⁸ Attachments #2 (PO Hoffman BWC) and #3 (PO Tobin BWC)

⁹ Attachment #6 – CPD Initiation Report

The **Arrest Report**¹⁰ of Alexandra [REDACTED] details the incident and identifies the parties involved and the charges against [REDACTED]. Three offenses were cited, all of which were misdemeanors. One misdemeanor battery causing bodily harm to [REDACTED]. One misdemeanor resisting or obstructing a peace officer. One misdemeanor battery causing bodily harm to Police Officer Ryne Tobin.

The **Tactical Response Report 2021-02274 (TRR)**¹¹ details the use of force was within policy. Tobin performed an escort hold to remove [REDACTED] from the bar and in the process [REDACTED] tensed her body and fell to the ground. It also details the use of leg restraints on [REDACTED] after she kicked Tobin.

The **Event Query**¹² details a call to police for a “DOMESTIC DISTURBANCE Loc:5429 N LINCOLN AV.” It also stated there is a couple fighting inside the restaurant and the caller believed they had weapons due to a backpack they had in their possession.

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.

¹⁰ Attachment #1 – Arrest Report [REDACTED]

¹¹ Attachment #7 – Officer Ryne Tobin TRR

¹² Attachment #5 – OEMC Event Query 2122617376

VII. ANALYSIS

COPA finds **SUSTAINED** for **Allegation #1** that Officer Ryne Tobin used profanity and vulgarity towards [REDACTED]

Officer Tobin's BWC shows he can be heard saying, "really, bitch?" seemingly in response to being kicked by [REDACTED]. During the COPA interview, Officer Tobin affirmed the allegation of using the profane and vulgar term "bitch" in referring to [REDACTED].¹³ It is noted that during his statement, Officer Tobin explained his use of such language. Tobin explained he does not use this language regularly, nor has he in the past. Tobin informed COPA he did not use the language in a derogatory or sexist manner, and that it was a reactionary comment, stating, "You get kicked, you get a little bit frustrated." A finding of **SUSTAINED** is warranted.

COPA finds **UNFOUNDED** for **Allegation #2** that Officer Ryne Tobin failed to activate his BWC. COPA found BWC footage for Officer Tobin during this event. Officer Tobin activated his BWC prior to any encounter with the arrestee or law enforcement activity in this matter. The BWC did not show any interruptions during the event or an early termination. A finding of **UNFOUNDED** is warranted.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Field Training Officer Ryne Tobin

i. Complimentary and Disciplinary History

Officer Tobin's complimentary history consists of the following: (1) 2019 Crime Reduction Award; (2) Complimentary Letter; (1) Emblem of Recognition – Physical Fitness; (17) Honorable Mention. Total of (21) Awards

As of November 9, 2021, there is no Sustained Complaints History. There is no SPAR History.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1: Violation Noted

¹³ Attachment #8 - COPA Interview Officer Ryne Tobin

