

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO
1077804

TYPE
CR

DATE OF REPORT
26-JAN-2018

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORIT

CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
PIERCE, EMILY	9181			113	

REFERENCE NOS. (LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: [REDACTED]	DATE / TIME 25-OCT-2015 21:10	BEAT: 2223
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
UNKNOWN						/			YES	UNK
UNKNOWN						/			YES	UNK

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F / BLK	[REDACTED] 50
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F / BLK	[REDACTED] / 28

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F / BLK	[REDACTED] 1989 / 28
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	M / BLK	[REDACTED] 1992 / 25
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F / BLK	[REDACTED] 1998 / 19

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F / BLK	[REDACTED] 1995 / 22

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

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ALLEGATIONS

See Summary Report

SUMMARY

See Summary Report

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:

FINDINGS - RECOMMENDATIONS

See Summary Report

DATE INITIATED
(Date incident was received for investigation)

31-OCT-2015

DATE COMPLETED (Date of this report)

26-JAN-2018

ELAPSED TIME
(Total time expressed in days)

818

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

INTRODUCTION

On October 25, 2015, at approximately 10:00 PM, at [REDACTED], the accused, ten unidentified officers allegedly used excessive force while detaining [REDACTED] and her brother [REDACTED]. COPA is investigating this allegation¹.

ALLEGATIONS

It is alleged that on October 25, 2015, at approximately 10:00 PM, at [REDACTED], the accused, unidentified officers:

1. Cursed at [REDACTED];
2. Pushed [REDACTED] into a gate;
3. Spit on [REDACTED];

It is alleged that on October 25, 2015, at approximately 10:00 PM, at [REDACTED], the accused, unidentified officers:

1. Were unprofessional and used excessive while temporarily detaining [REDACTED], and [REDACTED]

APPLICABLE RULES AND LAWS

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

G03-02 Use of Force Guidelines

G03-02-01 The Use of Force Model

G03-02-02 Force Options

G03-02-04 CLEAR Automated Tactical Response Report

G03-02-05 Incidents Requiring the Completion of a Tactical Response

INVESTIGATION

On October 25, 2015, at approximately 10:00 PM, at [REDACTED], approximately 10 unidentified officers allegedly used excessive force while detaining [REDACTED]. [REDACTED] stated that on the night of October 25, 2015, she and her brother, [REDACTED], and her sister [REDACTED] were outside getting into the car when her brother had to run back into the house for

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

something he forgot. At this time, approximately 6-10 police officers approached [REDACTED] and [REDACTED] and one of the officers asked [REDACTED] if [REDACTED] was a boy or a girl. [REDACTED] answered that [REDACTED] is a boy and when [REDACTED] came back outside, officers questioned him regarding a robbery. Officers reported [REDACTED] matched a description of man wanted for the commission of a robbery in the neighborhood. [REDACTED] reported that she inquired as to why her brother was being detained and was allegedly pushed into a fence, placed in handcuffs, and cursed at. [REDACTED] was also placed in handcuffs. The officers finished their field interview with [REDACTED] and released all of them. The three of them went to the hospital reporting handcuffs had been placed too tightly on their wrists.

COPA attempted to contact [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], for additional information but was unable to reach them for this investigation. pain IPRA attempted to determine the officers involved in this incident but were unable to do so. [REDACTED] provided a video of this incident which shows a woman being detained by police but no misconduct occurs on the video. The PODs pulled for the location do not show any misconduct occurring. There is no dash cam footage of this incident. There is no independent evidence available to prove or disprove whether misconduct occurred.

The medical records for [REDACTED] show that they went to St. Bernard Hospital with pain complaints and were seen by Doctor [REDACTED]. [REDACTED] examinations report states that the skin, muscular and skeletal systems examination of all three patients were normal and the radiology results for all individuals were negative. The individuals received diagnosis of wrist contusions and [REDACTED] received a secondary diagnosis of back strain. The individuals received aftercare paperwork relative to their diagnosis and were discharged. The individuals also refused to file police reports.

The original complaint from [REDACTED] reports "Officer Martin" as the officer who cursed at, pushed, and spit on [REDACTED]. After reviewing the Assignment and Attendance sheets, COPA was unable to find out any more information about "Officer Martin," and therefore this officer remains an unknown accused officer.

A contact card was completed by PO Daryl Hardy, Star # 16834 regarding this incident. It does not name any other officers involved. At this time, COPA does not believe that additional investigation into the other alleged involved officers will elicit proof of misconduct. Additionally, PO Daryl Hardy was never alleged to have committed misconduct.

As such, COPA recommends that Allegation #1, that unidentified officers, pushed [REDACTED] [REDACTED] into a fence, be **Not Sustained**. COPA recommends that Allegation # 2 that unidentified officers, put handcuffs on [REDACTED] too tight, be **Not Sustained**. COPA recommends that Allegation # 3 that unidentified officers, spit on [REDACTED], be **Not Sustained**.

COPA's burden of proof is based on the preponderance of evidence standard. As such, regarding the allegation against unidentified officers Allegation # 1, that unidentified officers were unprofessional and used excessive force while temporarily detaining [REDACTED], and [REDACTED], be **Not Sustained**.