

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of First Incident:	April 28, 2018.
Time of First Incident:	8:00 am.
Date of Second Incident:	April 29, 2018.
Time of Second Incident:	10:00 am.
Location of Incidents:	██
Date of COPA Notification:	May 7, 2018.
Time of COPA Notification:	1:38 am.

On April 28 and 29, 2018, officers responded to an ongoing landlord-tenant dispute between the ██████████ (██████████) and her Landlord, ██████████ (██████████). ██████████ alleged that on April 28, 2018, Chicago Police Department (CPD) members Sergeant Michael Fields (Sgt. Fields), and Officers Earl Digby (Officer Digby) and Willie Crowder (Officer Crowder), (collectively “the officers”) failed to take police action against an unknown individual who threatened her. Additionally, ██████████ alleged that on April 29, 2018, that Officer Alvin Smart (Officer Smart) handcuffed her too tightly and pushed her against a wall during her arrest for criminal damage to property. ██████████ arrest was captured on body-worn camera (BWC).

COPA’s investigation revealed that all the allegations are **unfounded**.

INVOLVED PARTIES

Involved Member #1:	Officer Alvin Smart Jr., Star #17717, Employee # ██████████, DOA: September 28, 1992, Black, Male.
Involved Member #2:	Sergeant Michael Fields, Star #1007, Employee # ██████████, DOA: October 10, 2000, White, Male.
Involved Member #3:	Officer Earl Digby, Star #19130, Employee # ██████████, DOA: May 26, 1998, Black, Male.
Involved Individual #1:	Officer Willie Crowder Jr., Employee # ██████████. ¹
Involved Individual #1:	██████████ Black, Female.

¹ On February 16, 2022, Officer Crowder separated from the Department. Att. 43.

II. ALLEGATIONS

Officer	Allegation	Finding
Incident One		
Sgt. Fields and Officers Digby and Crowder	1. Failed to take police action against an unknown individual at the scene who threatened Ms. ██████ with bodily harm.	Unfounded.
	2. Were inattentive to duty in that the unknown individual left the scene without any identifying information being obtained from him.	Unfounded.
Incident Two²		
Officer Smart	1. Handcuffed Ms. ██████ too tightly.	Unfounded
	2. Pushed Ms. ██████ against a wall during her arrest.	Unfounded.

III. INVESTIGATION³

a. Interviews

In a statement to COPA, ██████ relayed that she has an ongoing dispute with her ██████ regarding various issues in her apartment. The police have been called on several occasions regarding these disputes.

On April 28, 2018, several police officers, Sgt. Fields and Officers Digby and Crowder, responded ██████ call requesting police assistance. ██████ told the officers that ██████ unidentified nephew threatened to beat her with a crowbar and a screwdriver. ██████ stated that the landlord's nephew used the crowbar and screwdriver in an attempt to pry open a door that ██████ changed the locks on without the landlord's permission. ██████ explained that the door with the changed locks was the access door to the second floor of the building, not the door to her apartment. ██████ alleged that the officers did not take any police action against the landlord's nephew and allowed to him leave. Instead, Sgt. Fields explained to ██████ that she did not have the authority to change any locks in the apartment building except to the door that directly leads to her individual apartment. The officers called for the Chicago Fire Department to come and take the door of its hinges. ██████ was given a police report for the damage to the door.

On April 29, 2018, ██████ called and requested police service. ██████ informed responding officers, including Officer Smart, that ██████ was purposely allowing her kitchen sink to overflow to the point that the water leaked down into ██████ apartment and damaged the kitchen. ██████ explained to officers that due to her kitchen sink overflowing for months, she

² COPA's preliminary investigation into this incident did not reveal any factual basis for the service of any allegations, therefore no allegations were served.

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

⁴ Att. 12.

would stomp on her kitchen floor to let ██████ know when she was washing dishes. In response, ██████ would place a bucket in her kitchen to catch the water overflow.

Sgt. Fields responded to the scene and ██████ allowed him to inspect her apartment. Sgt. Fields determined that ██████ had purposely allowed her sink to overflow. ██████ attempted to explain to Sgt. Fields that the sink overflowing and other issues with the apartment were an ongoing problem. Officer Smart grabbed ██████ by her arm while informed her that she was being arrested for criminal damage to property. ██████ alleged that she was pushed against a wall during her arrest and that the handcuffs were too tight. ██████ relayed that when she informed the officers her handcuffs were too tight, they were immediately loosened. Sgt. Fields allowed ██████ to dress in a windbreaker jacket. ██████ was subsequently transported to the 2nd District Station where she was charged with criminal damage to property.

In a statement to COPA, **Officer Digby**⁵ stated that on April 28, 2018, he responded to a call of criminal trespass to property at ██████. Officer Digby was the first officer to arrive on the scene, followed by Officer Crowder and later by Sgt. Fields. Officer Digby stated that upon arrival he spoke with ██████ who related that ██████ hired a person, an unknown elderly man, to illegally remove the door from her apartment. ██████ claimed that a judge gave her permission to change the locks on the door. ██████ also claimed that the person hired by the landlord threatened to batter her. ██████ told the Officers that she recorded the person as he made the threat to batter her, but that ended up not being true. Officer Digby added that during the encounter ██████ was aggressive towards the Officers and civilians present.

Officer Digby explained that the elderly person denied threatening ██████ Officer Digby also spoke to two witnesses who related that the elderly person never threatened ██████ but rather ██████ threatened the elderly person by saying she would push him off a ladder.

Officer Digby stated that his because his preliminary investigation determined that ██████ was the primary aggressor combined with the lack of evidence to corroborate her account that she had been threatened by anyone on the scene, the elderly person was allowed to leave without further incident or involved in this incident.

In a statement to COPA, **Officer Crowder**⁶ related essentially the same information as Officer Digby. Officer Crowder explained that he learned that this situation was mainly a dispute between a Landlord and a Tenant about changing locks without authorization. Officer Crowder stated that ██████ alleged that ██████ elderly handyman threatened to batter her. Officer Crowder stated that the handyman, who was still on the scene, denied threatening ██████ and her unidentified nephew also stated that the handyman never threatened ██████ Officer Crowder stated that ██████ appeared to be the aggressor in the incident. ██████ explained that their investigation uncovered no evidence to support ██████ claim that she had been threatened. Therefore, the handyman was not arrested and was allowed to leave without further involvement in this incident.

⁵ Att. 32.

⁶ Atts. 36 and 41.

In a statement to COPA, **Sgt. Fields**⁷ stated that on April 28, 2018, he responded to a request for a supervisor. When he arrived, Officers Digby and Crowder were already on scene. Sgt. Fields spoke with the officers, who related the incident was a civil situation involving a landlord-tenant dispute. Sgt. Fields' understanding of the cause of the dispute was that ██████ changed the locks on the common area door without authorization. ██████ then called the unidentified handyman to remove the door, which then became jammed. Since the jammed door was the only access and exit point for the second floor, it was deemed a safety hazard. Sgt. Fields requested that the Chicago Fire Department respond and remove the door.

Sgt. Fields stated that throughout the incident ██████ was combative, erratic, and confrontational with all parties. Sgt. Fields stated that ██████ claimed that the handyman threatened to batter her, but the handyman denied doing so and the witnesses corroborated his account that he never threatened ██████. After speaking to everyone on scene, Sgt. Fields did not believe there was cause to detain or arrest the handyman; therefore, the handyman was allowed to leave. ██████ claimed to have recorded the handyman threatening her, but she could not produce the recording. Using discretion, Sgt. Fields decided to not arrest ██████ for criminal damage to property for changing door lock without permission.

Sgt. Fields stated that on May 29, 2018, he responded to the ██████ address for an incident in which ██████ plugged up the sinks in the bathroom and kitchen of her second-floor apartment and intentionally flooded her apartment, and subsequently ██████ first floor apartment. ██████ signed complaints for criminal damage to property and ██████ was arrested.

b. Digital Evidence

April 28, 2018, **BWC**⁸ footage captured that during the incident that the officers responded to ██████ because ██████ changed the locks on a common door inside her apartment building without authorization. During the encounter, ██████ alleged that the elderly handyman threatened to batter her, but the handyman denied it. Also, ██████ and another unidentified person told the officers that the handyman never threatened ██████ and that it was ██████ who threatened to harm the handyman.⁹ Additionally, the footage captured ██████ insisting that she recorded the threats, but she was unable to produce the recording when asked.

April 29, 2018, **BWC**¹⁰ footage captured ██████ arrest. Footage showed that ██████ was taken into custody without incident. After she was handcuffed, ██████ complained that she was handcuffed too tightly. Officer Smart escorted ██████ into a hallway and immediately loosened the handcuffs. There was no physical or verbal maltreatment of ██████. Other than Officer Smart, no other Department member had any physical contact with ██████.

⁷ Att. 40.

⁸ Att. 19, folder BWC – April 28, 2018.

⁹ Upon the arrival of the Officers, ██████ was located behind a closed locked secured door while the unidentified handyman was standing on the opposite side of the door. Additionally, the only person who had a key was ██████.

¹⁰ Att. 19, folder BWC – April 29, 2018.

c. Documentary Evidence

April 28, 2018, **Chicago Police Reports**,¹¹ document that the Officers, responded to ██████ in response to ██████ call requesting police assistance. Upon arrival the Officers spoke to ██████ who reported that an unknown male black subject, who was hired by her landlord, ██████ to remove the common-area door, threatened ██████ by saying to her, “Bitch, I will beat your ass.” ██████ was very loud and verbally aggressive with the Officers. Additionally, ██████ was very evasive with her answers to the Officers’ questions. ██████ also alleged that ██████ enters her apartment and removes items. ██████ alleged ██████ poisoned her son. None of ██████ allegations could be verified during the preliminary investigation.

████████ informed the Officers that ██████ changed the lock on a common-area door inside the multi-unit apartment building without ██████ knowledge or permission. ██████ refused to provide ██████ a key to the new lock, and subsequently damaged the door when the new lock would not open. Personnel from Chicago Fire Department removed the common-area door to assist ██████

April 29, 2018, **Chicago Police Reports**,¹² document that Sgt. Fields and Officers Smart, and Officer Digby, responded to ██████ regarding a criminal damage to property in progress call. Upon arrival, the officers spoke to ██████ who informed them that she had been having issues with her upstairs tenant, ██████ and that water was leaking from ██████ apartment and down into ██████ apartment, damaging the kitchen cabinets. The officers’ investigation revealed that the water leak was an intentional act by ██████ signed complaints for criminal damage to property and ██████ was arrested.

The Receiving Screening Record of ██████ Arrest Report detailed that she did not have obvious pain or injury. ██████ reported to Lock-up Personnel that she takes prescribed medication for Sickle Cell Anemia. ██████ was taken to Mercy Hospital where she was medically cleared.

IV. ANALYSIS AND CONCLUSION

COPA finds that Allegations #1 and 2 against Sgt. Fields, and Officers Digby and Crowder, that they failed to take proper police action and were inattentive when investigation ██████ April 28, 2018, complaint of an assault are **unfounded**. When CPD members are investigating an alleged incident of criminal activity they will “determine if there is reasonable belief that a crime has been or is being committed” and “arrest the offender if ... probable cause for an arrest exists.”¹³ Here, the officers completed the required preliminary investigation. Following this preliminary investigation, COPA finds that the officers reasonably concluded ██████ allegations of an assault were not supported by witnesses, the alleged offender, nor ██████ herself. Additionally, ██████ asserted she possessed a video recording of the assault, but she failed to produce such video. When considering these facts in totality, COPA cannot dispute that a reasonable officer in

¹¹ Atts. 18, 20, 22, 23.

¹² Atts. 5 and 17.

¹³ G04-01 IV(A)(2), (4), Preliminary Investigations, effective October 15, 2017, to December 30, 2020.

the officers' position could conclude that no assault had occurred and that there was no need for the accused to take any enforcement action. Accordingly, these allegations are unfounded.

COPA finds Allegations #1 and 2 against Officer Smart, that he handcuffed [REDACTED] too tight and pushed her against the wall during her April 29, 2018, arrest, are **unfounded**. Here, [REDACTED] alleged Officer Smart handcuffed her too tightly. While initial discomfort by [REDACTED] was supported by the BWC footage, Officer Smart immediately loosened the handcuffs once [REDACTED] requested the officer to do so. Additionally, [REDACTED] entire arrest is captured on BWC and at no time was any physical force of any kind use on [REDACTED] in pushing her against wall. For these reasons the allegations are **unfounded**.

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

10/24/2022

Date