



Log # 2020-0002129

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On June 1, 2020, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). In her COPA telephone interview,<sup>2</sup> ██████████ alleged that on May 30, 2020, during a block club party at 13<sup>th</sup> Street and Christiana Avenue, where shooting had occurred, Officer Cristina Haro called her a “bitch”<sup>3</sup> and then struck her right thigh with a baton.<sup>4</sup> She said she was arrested without justification<sup>5</sup> and was handcuffed too tightly. Officer Haro’s body-worn camera video<sup>6</sup> captured multiple officers using two sets of handcuffs for ██████████. The Tactical Response Report<sup>7</sup> indicated that ██████████ was re-handcuffed to accommodate her size, which seemed to alleviate her discomfort. ██████████ also alleged that unidentified officers bumped her head on a squad car door while placing her inside the vehicle, and that at some point while in custody, she was not allowed to use a bathroom or make a phone call. Upon review of the evidence, COPA served allegations that Officer Haro engaged in an unjustified verbal or physical altercation with ██████████ called her a “bitch,” and struck her right calf with a baton without justification. Following its investigation, COPA reached not sustained, unfounded or exonerated findings for the allegations.

### II. SUMMARY OF EVIDENCE<sup>8</sup>

On May 31, 2020, at approximately 12:28 am, ██████████ 21 years old, was arrested at ██████████ and charged with simple assault.<sup>9</sup> The Original Case Incident Report (OCIR)<sup>10</sup> indicated that officers had responded to that address because of a report of a “10-1.”<sup>11</sup> A large “aggressive”

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> Att. 14.

<sup>3</sup> Att. 14 at 4:30.

<sup>4</sup> Att. 14 at 5:01.

<sup>5</sup> One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>6</sup> Att. 18 at 8:23.

<sup>7</sup> Att. 5.

<sup>8</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, a civilian interview and an officer interview.

<sup>9</sup> Att. 1, Arrest Report, pg. 1.

<sup>10</sup> Att. 2.

<sup>11</sup> “10-1” is a radio code that indicates officers need help. The 10-1 was also referenced on pg. 10 of Att. 7, Event Query 2015113321.

crowd was throwing glass bottles at officers, and there was a report of shots fired toward the officers. Officers were attempting to place an unknown male into custody. ██████ exited her vehicle and yelled at officers to get away from her car. Officer Haro walked past ██████ to assist the officers with the unknown male. The report narrative indicated ██████ told Officer Haro to get away from her car and get her “stick away,”<sup>12</sup> referring to Officer Haro’s wooden baton. ██████ became “irate”<sup>13</sup> toward Officer Haro and continually raised her right arm with a closed fist while holding keys in that hand. Officer Haro was in fear of receiving a battery because of ██████ aggressive demeanor. Officer Haro struck ██████ on her right calf with her wooden baton, a “direct mechanical strike.”<sup>14</sup> ██████ was placed into custody.

█████ **Arrest Report**<sup>15</sup> for simple assault contained essentially the same information as did the OCIR. In addition, the Arrest Report indicated ██████ had no obvious pain or injury when she entered the 25<sup>th</sup> District (women’s) lockup.<sup>16</sup>

Officer Haro’s **Tactical Response Report**<sup>17</sup> indicated ██████ refused medical aid and appeared normal, with no apparent injury from Officer Haro’s use of force. Officer Haro had responded to ██████ using her baton in self-defense and to overcome resistance or aggression. Officer Haro’s force mitigation efforts were her presence and that of the other officers on the scene. Officer Haro’s narrative<sup>18</sup> contained essentially the same information as did the OCIR and the Arrest Report. Officer Haro feared receiving a battery from ██████ because of ██████ “hand maneuvers and demeanor.”<sup>19</sup>

The supervisory interview of ██████ within the TRR, indicated she said she saw some officers knock a man down. ██████ said she exited her car, and Officer Haro bumped into her and called her a “bitch.”<sup>20</sup> Officer Haro then hit ██████ on her right calf with a “stick.”<sup>21</sup> ██████ said she never raised a fist toward Officer Haro or any other officer. ██████ said she had her keys in her hand because she had gotten out of her car.

The reviewing supervisor noted in the TRR that when he observed ██████ she showed no sign of injury to her right calf and appeared to have full motion.<sup>22</sup> She was able to stand without difficulty.

The **video from Officer Haro’s body-worn camera (BWC)** depicted Officer Haro walking past ██████ who was standing next to a car.<sup>23</sup> The word “bitch” was not heard from

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<sup>12</sup> Att. 2, ln. 9 of narrative.

<sup>13</sup> Att. 2, ln. 10 of narrative.

<sup>14</sup> Att. 2, ln. 12 of narrative.

<sup>15</sup> Att. 1.

<sup>16</sup> Att. 1, pg. 4, Visual Check of Arrestee.

<sup>17</sup> Att. 5.

<sup>18</sup> Att. 5, pg. 2.

<sup>19</sup> Att. 5, pg. 2, ln. 10 of narrative.

<sup>20</sup> Att. 5, pgs. 3 and 5.

<sup>21</sup> Att. 5, pg. 5, ln. 1 in Comments section.

<sup>22</sup> Att. 5, pg. 3, lns. 9, 10 in Comments section.

<sup>23</sup> Att. 18 at 7:12.

Officer Haro. There was shouting on the scene, which was littered with debris. Officer Haro said what sounded like, “Shut up,” and “Shut the fuck up,”<sup>24</sup> before walking to a position facing ██████████ was one of the persons who was shouting, and she possibly used the word “bitch.”<sup>25</sup> She held keys in her right hand as she stood before Officer Haro<sup>26</sup> and yelled, including what sounded like, “I don’t give a fuck,” and, “I’ll kick your (unintelligible word).”<sup>27</sup> ██████████ repeatedly moved her right hand up and down while holding the keys.<sup>28</sup> ██████████ appeared to move aggressively in Officer Haro’s general direction before Officer Haro swung her wooden baton. Officer Haro’s swinging of her baton downward appeared to be recorded, but it was not a distinct visual because of darkness.<sup>29</sup> In the aftermath, officers handcuffed ██████████ and led her to the rear of a squadrol or wagon as she repeatedly shouted, “Let me go!”<sup>30</sup>

**In her telephone interview with COPA,**<sup>31</sup> ██████████ said she drove to the vicinity of the incident, where a block club party was being held, to pick up her cousins because shooting had occurred. She stepped out of her car and raised her hand to show her cousins where she was, and a “lady” police officer bumped her.<sup>32</sup> ██████████ said, “Excuse me,” and the same officer said, “Move, bitch.”<sup>33</sup> ██████████ said, “Huh?” and the officer again said, “Move, bitch.”<sup>34</sup> ██████████ told the officer she should not talk to people like that. She and the same officer went “back and forth.”<sup>35</sup> The same female officer hit her right thigh with her baton.

██████████ also said she was placed in handcuffs, and she protested her arrest. An unidentified officer or officers bumped her head on a squad car door while placing her inside the car for transport to the 11<sup>th</sup> District station. She eventually was transported to the 1<sup>st</sup> District (women’s lockup) and then to the women’s lockup at “Grand and Central,” the 25<sup>th</sup> District station. At some point while in custody, she was not allowed to use the bathroom or make a phone call. During her in-custody statement to a police supervisor about what had occurred, ██████████ said she acknowledged having keys and her phone in her hand, but she denied hitting or trying to hit the female officer. Although she declined medical treatment while at the 25<sup>th</sup> District station, she went to a hospital the next day.<sup>36</sup>

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<sup>24</sup> Att. 18 at 7:18.

<sup>25</sup> Att. 18 at 7:34.

<sup>26</sup> Att. 18 at 7:25.

<sup>27</sup> Att. 18 at 7:34.

<sup>28</sup> Att. 18 at 7:34.

<sup>29</sup> Att. 18 at 7:36.

<sup>30</sup> Att. 18 at 7:51.

<sup>31</sup> Att. 14.

<sup>32</sup> Att. 14 at 4:26. The officer was Officer Haro.

<sup>33</sup> Att. 14 at 4:30.

<sup>34</sup> Att. 14 at 4:34.

<sup>35</sup> Att. 14 at 4:55.

<sup>36</sup> Att. 14 at 17:45.

██████████ who later told COPA she pleaded guilty to the assault,<sup>37</sup> was sentenced to 35 hours of community service on April 15, 2021, and, after that sentence was completed, the State's Attorney's Office dropped the case against ██████████ on May 6, 2021.<sup>38</sup>

**In her statement to COPA,<sup>39</sup> Officer Haro** said she responded to the scene of the incident after the 10<sup>th</sup> District called a "10-1" for assistance at 13<sup>th</sup> Street and Christiana Avenue.<sup>40</sup> Civilians were shooting at officers and throwing glass bottles. Officer Haro assisted other officers in placing an unidentified male into custody. She handcuffed him. Officer Haro then walked toward other officers who were trying to put a second male into custody. Civilians were around the officers, so Officer Haro watched the officers and gave verbal directions.

Officer Haro added that there was a white car parked in the middle of 13th Street, just west of Christiana Avenue, from which ██████████ exited. ██████████ was very upset because the officers were attempting to place someone in custody near ██████████ vehicle. ██████████ yelled at the officers, telling them to get away from her car. The officers were able to place the second male into custody. Officer Haro and other officers moved west on 13<sup>th</sup> Street to clear the street. Officer Haro walked through an area near where ██████████ was leaning on her car. ██████████ told Officer Haro something to the effect of, "Get your stick away from me."<sup>41</sup> Officer Haro had her wooden baton out because of the chaotic scene.

Officer Haro said that, based on her BWC video, she (Officer Haro) told ██████████ to "shut the fuck up"<sup>42</sup> possibly a couple of times. Officer Haro explained that it was a very chaotic scene and, "We all get a little heated sometimes."<sup>43</sup> She said it was a little embarrassing because it was unprofessional. She apologized for that. ██████████ walked toward Officer Haro, and they had a verbal altercation. Officer Haro asked ██████████ if she wanted to go to jail. ██████████ was upset and held her keys in her right hand, which was clenched in a fist, which she kept raising. Officer Haro and ██████████ were a couple of feet apart.

Officer Haro said it was during this verbal altercation that ██████████ called her a "bitch,"<sup>44</sup> based on her BWC video. Officer Haro continued that ██████████ was very agitated because of concern for her car. ██████████ raised her right clenched fist a couple of times, while holding her keys in that fist, and yelled. Officer Haro said at that point, she reasonably believed ██████████ because of her demeanor, might strike her with her right fist.<sup>45</sup> ██████████ had a bladed stance and was close to Officer Haro. Officer Haro described the "bladed stance" of ██████████ as standing

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<sup>37</sup> See Notes for May 28, 2021.

<sup>38</sup> Att. 30.

<sup>39</sup> Att. 27.

<sup>40</sup> Att. 27, pg. 17, lns. 10-13

<sup>41</sup> Att. 27, pg.24, lns. 11, 12.

<sup>42</sup> Att. 27, pg. 26, lns. 16, 17.

<sup>43</sup> Att. 27, pg. 26, lns. 20, 21.

<sup>44</sup> Att. 27, pg. 31, ln. 5.

<sup>45</sup> Att. 27, pg. 31, lns. 13-20.

straight, “directly towards me.” Officer Haro said she then struck [REDACTED] right calf once with her baton.<sup>46</sup> Officer Haro, along with other officers, placed [REDACTED] into custody.

Officer Haro also said [REDACTED] was 5 feet 5 inches tall and weighed 230 pounds.<sup>47</sup> Officer Haro described herself as 5 feet 2 inches tall, 137 pounds.<sup>48</sup> Officer Haro considered [REDACTED] to be a low-level assailant at the time she struck her calf with the baton. Officer Haro felt [REDACTED] was an assailant whose actions were aggressively offensive without a weapon.<sup>49</sup> [REDACTED] posed an imminent threat to Officer Haro, who was in striking distance of [REDACTED]. Officer Haro said she was concerned with being struck by [REDACTED] fist, as well as by the keys held in her fist. Officer Haro gave verbal direction to [REDACTED] to get back in her car prior to their confrontation, but she refused to leave. As to any de-escalation that might have been attempted, Officer Haro said she did not warn [REDACTED] before she hit her calf because of the heated, quick-moving situation and Officer Haro’s fear of receiving a battery from her. Officer Haro said it appeared on her BWC video that [REDACTED] had her fist up right before Officer Haro struck her.<sup>50</sup> Officer Haro said [REDACTED] did not advance on her before she struck [REDACTED].

Officer Haro said that, based on her BWC video and her memory, she did not call [REDACTED] a “bitch.”<sup>51</sup> [REDACTED] did not complain to Officer Haro of being injured in the incident. Officer Haro was not injured.

Although Officer Haro admitted to telling [REDACTED] to “shut the fuck up,” she denied Allegation 1, that she had engaged in an unjustified verbal or physical altercation with [REDACTED]. She explained that it was an urgent 10-1 situation, and she and other officers just wanted to clear the area so no one would get hurt. She said she and the other officers were not trying to escalate the situation any more than necessary.

Officer Haro denied Allegation 2, that she called [REDACTED] a “bitch,” based on her BWC video.

Officer Haro denied Allegation 3, that she struck [REDACTED] in the right calf without justification. Officer Haro felt she used the use of force model correctly.

### III. ALLEGATIONS

#### Officer Cristina Haro:

1. It is alleged that Officer Haro engaged in an unjustified verbal or physical altercation with the complainant, [REDACTED]. Not Sustained.

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<sup>46</sup> Att. 27, pg. 31, lns. 8-12

<sup>47</sup> Att. 27, p. 33, lns. 5-12.

<sup>48</sup> Att. 27, p. 9, ln. 21.

<sup>49</sup> Att. 27, pg. 53, lns.16-24, pg. 54, lns. 1-6.

<sup>50</sup> Att. 27, pg. 46, lns. 23, 24; pg. 47, lns. 1-6.

<sup>51</sup> Att. 27, pg. 39, lns.15-19; p.40, lns.3-6.

2. It is alleged that Officer Haro called [REDACTED] a “bitch.” Unfounded.

3. It is alleged that Officer Haro struck [REDACTED] on her right calf with a baton without justification. Exonerated.

**Unidentified Officers:**

1. It is alleged that on or about May 31, 2020, at various time, at unidentified locations and police facilities, unidentified officers bumped [REDACTED] head on a squad car door while placing her inside the vehicle, did not allow her to use a bathroom and did not allow her to make a phone call. Not Sustained.

**IV. CREDIBILITY ASSESSMENT**

Officer Haro was truthful and credible, acknowledging she used the words captured on her BWC video. Her description of the scene as chaotic was supported by her BWC video.

[REDACTED] allegation that Officer Haro called her a “bitch” was not supported by Officer Haro’s BWC video. [REDACTED] did acknowledge she was holding her keys in her hand during the incident, which was recorded by Officer Haro’s BWC video, so she did not completely lack credibility.

**V. ANALYSIS<sup>52</sup>**

COPA finds that Officer Haro interacted with [REDACTED] at a chaotic scene that involved a 10-1 involving a large crowd, some of whom were aggressively resisting officers by throwing bottles and reportedly firing shots. Officer Haro admittedly used a crass expression while attempting to reach officers conducting an arrest at a heated scene, but she did not demean [REDACTED] verbally. There is insufficient evidence to prove the allegation by a preponderance of the evidence. Allegation #1, that Officer Haro engaged in an unjustified verbal or physical altercation with [REDACTED] is Not Sustained.

There was no independent evidence that Officer Haro used the term “bitch.” Allegation #2 is Unfounded.

Based on Officer Haro’s BWC video, she acted reasonably in striking [REDACTED] on her calf when [REDACTED] seemingly threatened Officer Haro, from a close distance, while holding her keys in her fist. Officer Haro considered [REDACTED] a low-level assailant. General Order G03-02-07, II, C, “When Use is Authorized,” informs officers that batons are authorized force options against an assailant as an impact weapon. Allegation #3 is Exonerated.

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<sup>52</sup> For a definition of COPA’s findings and standards of proof, *see* Appendix B.

Regarding the allegations against the unidentified officers, without more specific information about the allegations, such as exact location and identities of the officers, it is not possible to compare [REDACTED] accounts of what occurred after her arrest with officers' accounts. There is insufficient evidence to prove the allegations by a preponderance of the evidence. The allegations are Not Sustained against Unidentified Officers.

Approved:

[REDACTED]

4-13-2023

Angela Hearts-Glass  
Deputy Chief Investigator

Date

**Appendix A**

**Case Details**

Date/Time/Location of Incident:	May 31, 2020/12:28 am/[REDACTED]
Date/Time of COPA Notification:	June 1, 2020.
Involved Member:	Officer Cristina Haro, #9929, Employee ID#[REDACTED] Date of Appointment: June 27, 2016, Unit 189, Detailed to Unit 193, Female, White.

**Applicable Rules**

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.

- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

**Applicable Policies and Laws**

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- G03-02: Use of Force (effective February 29, 2020, to April 15, 2021).
- G03-02-01: Force Options (effective February 29, 2020, to April 15, 2021).
- G03-02-07: Baton Use Incidents (effective February 29, 2020, to April 15, 2021).



## **Appendix B**

### **Definition of COPA's Findings and Standards of Proof**

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 a proposition is proved.<sup>53</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”<sup>54</sup>

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<sup>53</sup> 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 is found to be more probably true than not).

<sup>54</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation