

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 11, 2022
Time of Incident:	5:00 pm
Location of Incident:	5101 S. Wentworth Ave, Chicago, IL 60609
Date of COPA Notification:	August 12, 2022
Time of COPA Notification:	09:42 am

Officer Donovan Foster (PO Foster) was assigned to the 2nd District lock-up where he encountered [REDACTED] ([REDACTED] was arrested for battery and transported to the 2nd District lock-up. [REDACTED] alleged PO Foster verbally abused him during their encounter.

II. INVOLVED PARTIES

Involved Officer #1:	Donavan Foster, Star # 9515, Employee ID # [REDACTED], Date of Appointment: June 27 th , 2016, Rank: PO, Unit of Assignment: 002, DOB: [REDACTED] 1990, Male, Black
Involved Individual #1:	[REDACTED] Male, DOB: [REDACTED] 1999, Male, Black.
Case Type:	Verbal Abuse

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
PO Donovan Foster	1. Verbally abusing [REDACTED] without justification.	Not Sustained

INVESTIGATION¹

a. Interviews

██████████

The complainant, ██████████ provided a statement to COPA on August 24, 2022. ██████████ stated that while in lockup PO Foster inquired about ██████████ medical history after fingerprinting him. ██████████ informed PO Foster he suffered from strep throat which resulted in nerve damage. PO Foster informed ██████████ he would be released from the district quickly due to his lack of criminal history. ██████████ went to sleep, woke up, and initiated another interaction with PO Foster regarding the status of his release. PO Foster became irate, and ██████████ and PO Foster engaged in a verbal altercation. During the verbal altercation, PO Foster directed profanity several times at ██████████ stating, “What the fuck you want me to do,”² “This ain’t no fucking hotel,” “You did your shit. What the fuck is you crying for,” and “Fuck you.” ██████████ also stated that PO Foster called him a “punk ass and little bitch.”³ ██████████ was released from the district shortly afterward.

PO Donovan Foster

The accused, Officer Donovan Foster, provided a statement to COPA on October 9, 2022. PO Foster encountered ██████████ while assigned to the second district lock up area. PO Foster fingerprinted and placed ██████████ inside of a holding cell. PO Foster informed ██████████ of his bond eligibility and requested ██████████ to remain patient. ██████████ went to sleep, woke up, and initiated another interaction with PO Foster regarding the status of his release. PO Foster was not able to recall the details of the verbal interaction between him and ██████████

b. Digital Evidence

POD # ██████████, located inside the 2nd District, depicted ██████████ inside of a cell. There was no audio available. The video did not provide any additional information to the incident.

IV. ANALYSIS

a. 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;

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. 5 – ██████████ audio statement, starting at 8:34.

³ Att. 5. - Starting at 11:39

- 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.

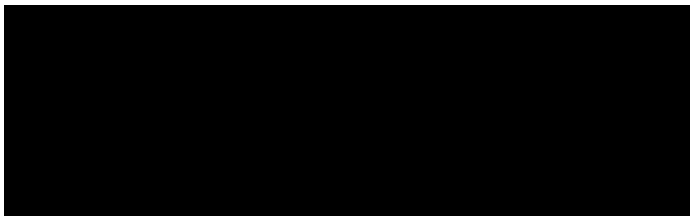
A preponderance of evidence can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill.2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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

b. Legal Analysis

COPA finds **Allegation 1**, that PO Donovan Foster verbally abused [REDACTED] without justification, **Not Sustained**. [REDACTED] alleged that PO Foster directed profanities at him. PO Foster stated that he could not recall directing profanities at [REDACTED] POD footage from the 2nd District did not have any audio. Based on the available evidence, there is insufficient evidence to prove/disprove the allegation.

Approved:



4-27-23

Angela Hearts-Glass
Deputy Chief Investigator

Date