



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

20 May 2019

Sydney Roberts
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Log # 1082353
Non-concurrence with findings and penalty for:
P.O. Dora Fontaine #4484

Dear Chief Administrator Roberts:

The Department does not concur with the following *Sustained* finding against Officer Fontaine:

Allegation: Officer Fontaine handcuffed [REDACTED] too tightly to a bench/wall restraint.

The Department believes the allegation should be classified as *Unfounded*. The Department identified two problems with COPA's findings. First, as a procedural matter, COPA served Officer Fontaine with the allegation that Officer Fontaine handcuffed [REDACTED] too tightly; however, COPA sustained an allegation that Officer Fontaine failed to double lock the handcuffs, which prevented Mrs. [REDACTED] from hurting herself. Second, and more significant, COPA sustained this allegation after [REDACTED] told COPA that she made her complaint against the officers because she heard another person complain about handcuffs being tight and she was angry the officers arrested her for "a really petty case," when all the officers had to do was take her home.

Based on all of the evidence obtained during this investigation, the Department believes the allegation against Officer Fontaine should be *Unfounded*.

Pursuant to MCC 2-57-060(b), the undersigned provides comment when there is a disagreement to a finding and penalty.

Officer's History

Officer Fontaine has received two (2) Complimentary Letters and thirty-one (31) honorable mentions in his seventeen (17) year career. Officer Fontaine has had no sustained complaints in the past seven (7) years.



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

Case Summary

On 15 September 2016, Officers Torres and Fontaine responded to a call of a domestic disturbance from David Torres. Torres stated that mother of his children, ██████████ was intoxicated and was attempting to take their children out of his home. When Torres tried to stop ██████████ she struck him in the face and scratched his arm. Torres's father, Enrique Torres, witnessed the incident. When the officers arrived, they saw a highly intoxicated ██████████ outside the residence, screaming and attempting to take her children. Officer Fontaine tried to de-escalate the situation, but ██████████ continued to yell, "Fuck you. They're my kids. I have every right to them. I want them now."¹ The officers arrested ██████████ on signed complaints for Domestic Battery.

Officer Fontaine told COPA that ██████████ resisted arrest by pulling away and becoming "dead weight." Officer Fontaine stated ██████████ remained highly agitated after her arrest. Upon arriving at the station, Officer Fontaine secured one of ██████████ handcuffs to a ring on a wall. Officer Fontaine stated ██████████ continued to "swing" her wrist back and forth. Officer Fontaine told ██████████ "You have to calm down. You're going to hurt yourself with the cuffs." ██████████ responded, "Fuck you. This is all your fucking fault." Officer Fontaine stated that ██████████ told her handcuffs were too tight when Officer Fontaine removed the handcuffs to bring ██████████ to the lockup. In response, Officer Fontaine did not use handcuffs when bringing ██████████ to the lockup for photographs and fingerprints. When she returned Officer Fontaine asked ██████████ if she wanted her other hand cuffed while in the processing room. Officer Fontaine stated ██████████ remained highly agitated and angry, so Officer Fontaine called another car to transport ██████████ to the female lockup at 51st and Wentworth because she thought different officers would help calm ██████████

COPA interviewed ██████████ two weeks after her arrest. ██████████ told COPA's investigator that she was drinking, but was not intoxicated. ██████████ said she did not remember how much she had been drinking. ██████████ stated that the handcuffs were not too tight during her arrest, but were too tight at some point when she was being processed in the station. ██████████ stated she did not immediately tell Officer Fontaine the handcuffs were too tight.² ██████████ stated that she told Officer Fontaine the handcuffs were too tight "**after I heard another like prisoner there say it [the handcuffs] was too tight.**"³ The investigator asked directly if she was only saying it was too tight because someone else said it was too tight. ██████████ responded, "It was too tight."

Throughout COPA's interview with ██████████ she repeatedly said there were things she could not remember. When COPA's investigator asked ██████████ at what point did she tell the officers the handcuffs were too tight, ██████████ responded, "I can't remember if it was before or after the fingerprints.

¹ Officer Fontaine statement at 4:00

² ██████████ statement at 30:35

³ ██████████ statement at 30:50



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

I'm all messed up."⁴ COPA's investigator responded, "I've got to get this straight because you have switched this story up three times already."

The investigator asked ██████ "At what point did she [Officer Fontaine] take off the handcuffs?" ██████ responded she was not sure. When asked why she was not sure, ██████ responded, "Because I was so upset they were not listening to me. You know how upsetting that is. They are supposed to protect you. I feel like they were not there for me."⁵ The investigator asked, "How are they supposed to be there for you?" ██████ responded, **"Well, because it was a really petty case and if they wanted me to leave, they could have took me home. You know, it's not their responsibility, I know, but I shouldn't have been treated that way. I was just so upset ...and my kid's father he just had a scratch on his left arm."**⁶

██████ stated that the other officers who transported her to 51st and Wentworth were respectful of her situation. ██████ stated she did not tell anyone that she had been injured by the handcuffs. She stated that two days after her arrest she went to Mercy Hospital to get X-rays for her wrist.

Superintendent's Professional Opinion

The Department is committed to holding officers accountable for the safe and respectful treatment of the citizens in their custody. When determining whether an allegation of mistreatment should be sustained, the investigation should assess the credibility of both the complainant and the officer by considering their statements in light of all of the evidence obtained.

All of the evidence obtained in this investigation showed that Mrs. ██████ was intoxicated and angry that Officer Fontaine arrested her. If any injury did occur, the investigation showed that Mrs. ██████ continued to swing her hand while handcuffed and, despite warnings from the officer, refused to stop. Officer Fontaine made multiple attempts to calm Mrs. ██████. When she was told the handcuffs were too tight, Officer Fontaine brought Mrs. ██████ through processing without handcuffs. Officer Fontaine offered to handcuff a different hand. Despite these attempts, Mrs. ██████ anger toward Officer Fontaine continued. Finally, Officer Fontaine requested that different officers transport Mrs. ██████ because Officer Fontaine's efforts at de-escalating this situation were not successful.

It was not until two days after her arrest that Mrs. ██████ sought medical treatment for her wrist. This investigation has substantial evidence that Mrs. ██████ complaint against Officer Fontaine is retaliation for her arrest. Even two weeks after her arrest, Mrs. ██████ by her own admission, remained angry with Officer Fontaine and believed that Officer Fontaine should have taken her home

⁴ ██████ statement at 32:20

⁵ ██████ statement at 33:50

⁶ ██████ statement at 34:20



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

rather than arrest her. Based on all of the evidence obtained in this investigation, the Department believes the allegation should be classified as *Unfounded*.



Eddie T. Johnson
Superintendent of Police
Chicago Police Department