

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 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 too tightly; however, COPA sustained an allegation that Officer Fontaine failed to double lock the handcuffs, which prevented Mrs. from hurting herself. Second, and more significant, COPA sustained this allegation after 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

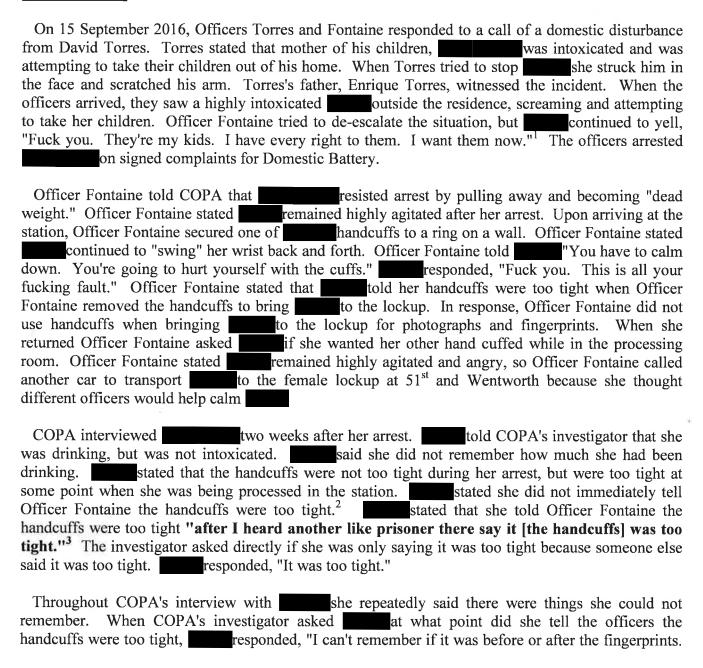
Officer Fontaine has received two (2) Complimentary Letters and thirty-one (31) honorable mentions in his seventeen (17) year career. Officer Fontaine has had no sustained complaints in the past seven (7) years.



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Case Summary



Officer Fontaine statement at 4:00

statement at 30:35

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within City limits) 3-1-1 · Non-Emergency and TTY (Outside City limits) (312) 746-6000 E-mail: police@cityofchicago.org · Website: www.cityofchicago.org/police



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I'm all messed up." 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 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. 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 complaint against Officer Fontaine is investigation has substantial evidence that Mrs. 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

statement at 32:20

statement at 33:50

statement at 34:20



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

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