

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	January 16, 2017
Time of Incident:	11:24 pm
Location of Incident:	8200 S. Ellis Avenue, Chicago IL 60619
Date of COPA Notification:	January 17, 2017
Time of COPA Notification:	6:22 am

On the date and time above, Officers Cinta, Kinney, Blocker, and Hapaniewski of the 006<sup>th</sup> District conducted a traffic stop of ██████████ at a residential intersection after they reportedly observed Ms. ██████████ speeding and failing to stop at a stop sign. Riding in the vehicle with Ms. ██████████ was her male passenger, ██████████<sup>2</sup> Shortly after stopping their vehicle, the officers noticed both occupants making furtive movements and also noted a suspicious bulge in the front pocket of Mr. ██████████ sweatshirt. The officers then instructed both occupants to exit the vehicle. Ms. ██████████ and Mr. ██████████ failed to comply immediately, and when finally exiting the vehicle, they resisted the officers’ attempts to handcuff them. Both parties were placed into custody after a brief scuffle with their respective officers. Ms. ██████████ and Mr. ██████████ were arrested for Battery; no weapons or contraband were found.<sup>3</sup>

The incident was captured by the officers’ Body Worn Cameras. Upon review of that footage by Watch Lieutenants Ballauer and Sloyan at District 006, both Lieutenants determined that no intentional battery was committed by Ms. ██████████ and Mr. ██████████ Both parties were then released from custody without formal charges. Lieutenant Ballauer registered a complaint with IPRA in which he noted concerns with the officers’ behavior during their interaction with Mr. ██████████ and Ms. ██████████ at the scene.

II. INVOLVED PARTIES<sup>4</sup>

Involved Officer #1 (Accused):	<b>Clara Cinta</b> , Star #16577, Employee # ██████████ Appointed May 27, 2014; Police Officer, Unit 006/311, DOB ██████████ ██████████ 1987; White Hispanic Female
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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> Mr. ██████████ and Ms. ██████████ did not cooperate with COPA after multiple attempts were made to reach both parties by phone, mail, and home visits (see Atts 20-26).

<sup>3</sup> While both parties were detained, the arresting officers made a phone call to their on duty Sergeant, Sergeant Boyd, who did not appear at the scene. They were arrested on the authority of Sergeant Boyd.

<sup>4</sup> Responding Officers James Kinney, Katie Blocker and Ross Hapaniewski were identified on the Initiation Report (Att. #4) and Facesheet (Att.1) as potential Accused Officers. Review of the Body Worn Camera footage determined that Officer Cinta was the only officer whose behavior warranted allegations of misconduct.

Involved Officer #2 (Reporting Party):	<b>James Ballauer</b> , Star #524, Employee # [REDACTED] Appointed October 26, 1998; Lieutenant of Police, Unit 009, DOB [REDACTED] 1975; White Male
Involved Officer #3 (Reporting Party):	<b>Gregory Sloyan</b> , Star #320, Employee # [REDACTED] Appointed July 8, 1996; Lieutenant of Police; Unit 006/241, DOB [REDACTED] 1972; White Male
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1994; Black Female
Involved Individual #2:	[REDACTED] DOB [REDACTED], 1993; Black Male

**III. ALLEGATIONS**

Officer	Allegation	Finding/ Recommendation
Officer Cinta	1. It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta used inappropriate and profane language when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained/ Reprimand
	It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta used inappropriate and profane language when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained/ Reprimand
	3. It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta acted in an unprofessional manner when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained/ Reprimand
	4. It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta acted in an unprofessional manner when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained/ Reprimand

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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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 9: Engaging in any unjustified verbal or physical altercation with any person.

#### INVESTIGATION<sup>5</sup>

##### a. Interviews

##### Reporting Lieutenant Ballauer<sup>6</sup>

In his interview with COPA on February 21, 2017, Lieutenant Ballauer explained that on the date of the incident, he was the Watch Operations Lieutenant on duty and was notified of an arrest made by Sergeant Boyd's team in which there was Body Worn Camera requiring review. Lieutenant Ballauer and Lieutenant Sloyan reviewed the footage at the station. Lieutenant Ballauer explained that he had no concerns with the officers' decision to remove Ms. [REDACTED] and Mr. [REDACTED] from their vehicle, or with the officers' justification to effect the arrest. Lieutenant Ballauer stated that after observing the physical contact made between the civilians and the officers in the footage, he did not believe that the civilians intentionally battered any of the officers. He noted Ms. [REDACTED] and Mr. [REDACTED] to be resistant but not active assailants. It was agreed upon by himself and Lieutenant Sloyan to release Ms. [REDACTED] and Mr. [REDACTED] from custody without charges. Lieutenant Ballauer further noted that Officer Cinta engaged in unnecessary verbal contact with the civilians at the scene. He believed Officer Cinta's behavior to be unprofessional in that she did not demonstrate verbal behavior consistent with de-escalation. He did not observe there to be purposeful wrongdoing on the part of anyone involved, but he believed that Officer Cinta had escalated the situation unnecessarily. Lieutenant Ballauer articulated his concerns in the Initiation Report.<sup>7</sup>

##### Witness Lieutenant Sloyan<sup>8</sup>

In his interview with COPA on March 3, 2017, Lieutenant Sloyan confirmed that he had viewed the Body Worn Camera footage from the arrest with Lieutenant Ballauer at the 006<sup>th</sup> District station on the night of the incident. He noted the physical altercation in the footage, but he did not believe there to be intentional battery on the part of Ms. [REDACTED] or Mr. [REDACTED]. He also mirrored Lieutenant Ballauer's concerns that Officer Cinta verbally escalated the situation and behaved unprofessionally, noting that the other officers at the scene were not behaving in the

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<sup>5</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>6</sup> Att 19.

<sup>7</sup> Att 4.

<sup>8</sup> Att 17.

manner as Officer Cinta. Lieutenant Sloyan also had no concerns with the initial traffic stop, the reasoning for the removal of Ms. [REDACTED] and Mr. [REDACTED] from their vehicle, or the basis for their arrest.

### Accused Officer Cinta<sup>9</sup>

In her interview with COPA on July 22, 2019, Officer Cinta recalled the incident after being shown her own Body Worn Camera footage in its entirety. She stated that she and three other officers conducted a traffic stop of Ms. [REDACTED] and Mr. [REDACTED] toward the end of her tour of duty that evening for speeding in unsafe conditions and running a stop sign. The civilian's vehicle did not pull over immediately, but once it came to a stop, Officer Cinta approached the passenger's side and observed a black male lying back in the seat. She shined her flashlight into the car and immediately noticed a bulge in the male passenger's front pocket over where he had his hands, and Officer Cinta alerted her partner to this. The male then sat upright with his window still rolled up. Officer Cinta knocked on the window and began engaging with him, while overhearing the officers on the driver's side ask the female driver to step out. Believing the man may have been concealing something in his pocket, Officer Cinta instructed him to get out as well, which he refused to do. Officer Cinta ultimately got him out, and a male officer approached Mr. [REDACTED] to detain him. Officer Cinta could still hear the other officers unsuccessfully trying to get Ms. [REDACTED] out of the driver's seat, so Officer Cinta went to the driver's side to assist. When Officer Cinta approached, Ms. [REDACTED] was yelling and saying she would not get out. Officer Cinta instructed her to do so and reached inside the car to get her out. At that time, the Ms. [REDACTED] slapped Officer Cinta's hand away. Officer Cinta and the Ms. [REDACTED] were yelling at each other; Ms. [REDACTED] was stiffening and pulling away from Officer Cinta. As Officer Cinta tried to get the driver's hands behind her back using the minimal amount of force necessary, Ms. [REDACTED] knocked Officer Cinta's body camera off. Ultimately Ms. [REDACTED] was handcuffed, and Officer Cinta checked on the male passenger on the other side of the car. Ms. [REDACTED] and Officer Cinta continued speaking back and forth.

Officer Cinta articulated that that the situation was heightened by the fact that Ms. [REDACTED] pulled away and put her hands on an officer, escalating from a passive resister to an active assailant. The suspicious bulge in Mr. [REDACTED] pocket and both parties' resistance to exiting the vehicle also heightened her response. Officer Cinta handled the situation in a way she thought best at the time and reassessed her reaction during the subsequent interaction with Ms. [REDACTED] when she was detained for the second time. Officer Cinta acknowledged the language she used in the video, including addressing people as "boo," and explained that she sometimes used language of this nature when attempting to relate to individuals and make them feel comfortable speaking with her. Officer Cinta noted that since this incident, she had received more training on Use of Force and deescalating of arrest situations. She considered herself to be a more seasoned officer now and noted that in retrospect, she would have handled situations of a similar circumstance differently. In response to the allegations regarding profane and disrespectful language, she acknowledged that her behavior constituted a "huge lapse in ... judgment, and something that shouldn't just have of happened at all."<sup>10</sup> Officer Cinta denied that she acted unprofessionally and explained that she

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<sup>9</sup> Att 44.

<sup>10</sup> *Id.* At 27:00.

tried to uphold as much professionalism as possible as the situation escalated and became out of control.

**b. Digital Evidence**

The **Body Worn Camera** footage<sup>11</sup> showed the officers pull over a white Jeep SUV in a residential intersection. Officers Cinta and Kinney were shown approaching the front passenger's side of the vehicle as Officers Hapaniewski and Blocker approached the driver's side. Officer Cinta alerted Officer Kinney that the passenger's hands were over a bulge in his front shirt pocket. Officer Cinta instructed the passenger, later identified as ██████████ to roll his window down and provide identification. Approximately 15 seconds after doing so, Officer Cinta instructed Mr. ██████████ to step out of the vehicle and keep his hands visible. Mr. ██████████ refused. After instructing Mr. ██████████ again to exit the vehicle, Officer Cinta opened his passenger door while he remained seated inside. Officers Cinta and Kinney again instruct him to exit, and Officer Kinney then assisted him out of the vehicle while Officer Cinta walked over to the driver's side door where Ms. ██████████ was sitting in the driver's seat with the door open. Officer Cinta instructed Ms. ██████████ in a raised voice to exit the vehicle; when she did not, Officer Cinta grabbed her arm to pull her from the vehicle. Ms. ██████████ resisted Officer Cinta's attempts, and there was a brief scuffle while Officer Cinta tried to detain Ms. ██████████. Officer Cinta asked Ms. ██████████ several times why she was stiffening up and moving. Officer Cinta used profanity when interacting with Ms. ██████████ multiple times during the altercation.<sup>12</sup> Ms. ██████████ was ultimately handcuffed without having to employ a takedown.

Mr. ██████████ was shown becoming agitated and yelling at the officers after exiting the vehicle. Upon exiting the vehicle, Mr. ██████████ was pulling away when Officer Kinney attempted to handcuff him. Officers Hapaniewski and Kinney then conducted an emergency takedown of Mr. ██████████ as he continued to be an active resister. Mr. ██████████ continued to yell for approximately two minutes at the police officers while being patted down.

After Ms. ██████████ was detained, Officer Cinta walked back over to Mr. ██████████ and the two engaged in a verbal altercation. Officer Cinta used profanity when interacting with Mr. ██████████ and called him "boo" approximately three times.<sup>13</sup> Officer Cinta then returned back to Ms. ██████████ and engaged in another verbal altercation with her.<sup>14</sup>

After approximately 15 minutes, the officers released Mr. ██████████ and Ms. ██████████ from their handcuffs and allowed them to get back in the car after finding no contraband. However, a few minutes later, both individuals were placed back into custody and advised that they were being arrested for Battery on the authority of a Sergeant. The footage ended when the transport squad vehicles arrived to transport both parties to the station.

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<sup>11</sup> Att 37.

<sup>12</sup> Att 37 (Officer Cinta's BWC), 06:25, 06:42, 10:44.

<sup>13</sup> Att 37, Officer Cinta's BWC, 08:50, 08:55, 08:58, 09:09, 10:33.

<sup>14</sup> Att 37 (Officer Cinta's BWC), 27:15.

### c. Documentary Evidence

The **Contact Cards, Case Reports, Arrest Reports** and **OEMC Event Query**<sup>15</sup> documented the arrests of [REDACTED] and [REDACTED] on January 16, 2017 for Battery.<sup>16</sup> The officers observed a White Jeep Cherokee speeding and failing to stop at a stop sign, at which time the officers conducted a traffic stop. The Jeep failed to stop immediately after the officers' lights and sirens were activated. When the officers approached Ms. [REDACTED] the driver, she was observed making furtive movements and Mr. [REDACTED] reclining back in the passenger's seat. Mr. [REDACTED] was observed with a suspicious bulge in his right front jacket pocket, at which time both occupants were instructed to exit. Both occupants became irate and refused to do so while continuing their furtive movements. Believing Mr. [REDACTED] may have a weapon. Officer Cinta reached to unbuckle Ms. [REDACTED] seatbelt, at which time Ms. [REDACTED] struck Officer Cinta's hands. Officer Cinta used a wristlock to control and detain Ms. [REDACTED] while Ms. [REDACTED] stiffened and pulled away from Officer Cinta. Officer Kinney took Mr. [REDACTED] out of the vehicle, at which time Mr. [REDACTED] flailed his arms, striking Officer Kinney about the body. Mr. [REDACTED] also pulled away from Officer Kinney and stiffened. Officer Hapaniewski assisted Officer Kinney in cuffing Mr. [REDACTED] Both offenders were handcuffed and transported to District 06 by Beat 652.

**Tactical Response Reports** and **Officer's Battery Report**<sup>17</sup> were completed by Officers Kinney, Hapaniewski, and Cinta. These reports documented the failure of Ms. [REDACTED] and Mr. [REDACTED] to obey verbal commands, stiffening, pulling away, and striking the officers with their hands while the officers attempted to affect the arrest.

## V. 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;
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 found to be more probably true than not). If the evidence gathered in an investigation

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<sup>15</sup> Atts 5-9, 29, & 34.

<sup>16</sup> Ms. [REDACTED] arrest charges also included Failing to Stop at a Stop Sign.

<sup>17</sup> Atts 10-12 & 38-40.

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.

## VI. ANALYSIS

COPA finds that **Allegation #1** that Officer Cinta used inappropriate and profane language when interacting with ██████████ in violation of Rules 2 and 9 is **Sustained**. The Body Worn Camera footage documented Officer Cinta use profanity and derogatory language when interacting with Ms. ██████████ and Mr. ██████████ which is not consistent with Department policy regarding professional conduct or de-escalation practices. Officer Cinta acknowledged the use of this language in her statement to COPA and recognized that her technique and interaction during the incident were a "huge lapse in ... judgment."

COPA finds that **Allegation #2** that Officer Cinta used inappropriate and profane language when interacting with ██████████ in violation of Rules 2 and 9 is **Sustained**. See explanation in Allegation #1.

COPA finds that **Allegation #3** that Officer Cinta acted in an unprofessional manner when interacting with ██████████ in violation of Rules 2 and 9 is **Sustained**. Despite her denial that her manner was unprofessional, the BWC footage clearly established otherwise. Officer Cinta reported that she tried to maintain as much professionalism as possible in an escalating situation that became more out of control. The BWC footage documented that Officer Cinta's language and manner significantly contributed to the escalation and tenor of the incident and was against department policy.

COPA finds that **Allegation #4** that Officer Cinta acted in an unprofessional manner when interacting with ██████████ in violation of Rules 2 and 9 is **Sustained**. See explanation in Allegation #3.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Cinta

#### i. Complimentary and Disciplinary History

##### 1. Complimentary History

Superintendent's Honorable Mention, 2  
Problem Solving Award, 1  
Traffic Stop of the Month Award, 2

Department Commendation, 2  
Honorable Mention, 76  
Honorable Mention Ribbon Award, 1  
Joint Operations Award, 1

**2. Disciplinary History**

No previous discipline.

**ii. Recommended Penalty, by Allegation**

**1. Allegation No. 1**

COPA recommends that Officer Cinta receive a Reprimand for her use of inappropriate and profane language during her interaction with Ms. [REDACTED]

**2. Allegation No. 2**

COPA recommends that Officer Cinta receive a Reprimand for her use of inappropriate and profane language during her interaction with Mr. [REDACTED]

**3. Allegation No. 3**

COPA recommends that Officer Cinta receive a Reprimand for her unprofessional manner during her interaction with Ms. [REDACTED]

**4. Allegation No. 4**

COPA recommends that Officer Cinta receive a Reprimand for her unprofessional manner during her interaction with Mr. [REDACTED]

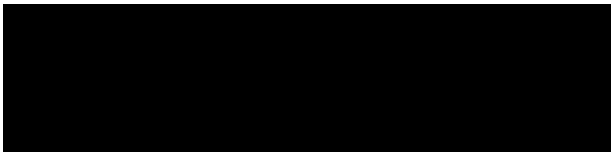


**VIII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding/ Recommendation
Officer Cinta	1. It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta used inappropriate and profane language when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained / Reprimand
	It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta used inappropriate and profane language when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained / Reprimand
	3. It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta acted in an unprofessional manner when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained / Reprimand
	4. It was alleged that on or about January 16, 2017 at approximately 11:24 pm, at or near 8200 S. Ellis Avenue, Officer Cinta acted in an unprofessional manner when interacting with [REDACTED] in violation of Rules 2 and 9.	Sustained / Reprimand

Approved:



3-13-2020

\_\_\_\_\_  
 Angela Hearts-Glass  
 Deputy Chief Administrator – Chief Investigator

\_\_\_\_\_  
 Date



Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	2
<b>Investigator:</b>	Jessica Beckman
<b>Supervising Investigator:</b>	Sherry Daun
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass