

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of First Incident:	February 8, 2019
Time of First Incident:	5:59 pm
Location of First Incident:	5101 S. Wentworth Avenue, Chicago, IL 60609 (Unit 610)
Date of Second Incident:	February 13, 2019
Time of Second Incident:	1:56 pm
Location of Second Incident:	1011 N. Orleans Street, Chicago, IL 60610
Date of Third Incident:	March 27, 2019
Time of Third Incident:	6:04 pm
Location of Third Incident:	5101 S. Wentworth Avenue, Chicago, IL 60609 (Unit 610)
Date of Fourth Incident:	April 6, 2019
Time of Fourth Incident:	5:50 am
Location of Fourth Incident:	9201 Golf Road, Des Plaines, IL 60016 ¹
Date of Fifth Incident:	April 6, 2019
Time of Fifth Incident:	6:00 am
Location of Fifth Incident:	██
Date of COPA Notifications:	February 15, 2019 and April 11, 2019
Time of COPA Notifications:	2:09 pm and 8:46 am

On November 28, 2018, ██████████ (██████████) reported, to the Chicago Police Department, theft of services by a ██████████. During the ensuing CPD criminal investigation, ██████████ was presented a photo-array and identified a ██████████ (██████████) as the person who failed to pay for services.

On February 8, 2019, Detective Jack Miller issued Investigative Alert (IA) 300000996 for a ██████████. 5-days later, Officers Haytham Mohammad and Cary Cooper (collectively “the Officers”), contacted ██████████ (██████████) and arranged to meet him. Upon meeting ██████████ Officer Mohammad arrested ██████████ on IA 300000996. After additional investigation at the 002nd District Station, ██████████ was released without charges because of misidentification.

¹ Illinois law authorizes CPD’s enforcement action in any contiguous municipality within Cook County. See 65 ILCS 5/7-4-7; 65 ILCS 5/7-4-8. Des Plaines is within Cook County and is contiguous to Chicago, along the northern boarder of the O’Hare Airport property.

On March 11, 2019, [REDACTED] was presented a second photo-array and identified [REDACTED] as the person who failed to pay for the services. 16-days later Det. Miller issued IA 300001467 for a [REDACTED]

On April 6, 2019, the Officer Mohammad located [REDACTED] in Des Plaines Illinois and arrested him on IA 300001467. After his arrest [REDACTED] complained of chest pains and was taken and admitted to a local hospital. After being admitted to the hospital, [REDACTED] was released without charges because of his medical condition and a lack of evidence to charge him.

During his two statements to COPA, [REDACTED] made the allegations detailed below. During our investigation, COPA determined that the arrest related allegations are **exonerated** or **unfounded**, the force and handcuffing allegations are **unfounded**, and the allegations related to the issuance of the IA are **exonerated**.

II. INVOLVED PARTIES

Involved Detective #1:	Detective Jack Miller / Star #20512 / Employee ID# [REDACTED] / DOA: August 1, 2012 / Unit: 610 / DOB: [REDACTED], 1982 / Male / White.
Involved Officer #1:	Officer Haytham Mohammad / Star #19999 / Employee ID# [REDACTED] / DOA: October 10, 2000 / Unit: 312/606 / DOB: [REDACTED], 1976 / Male / White.
Involved Officer #2:	Officer Cary Cooper / Star #15955 / Employee ID# [REDACTED] / DOA: August 14, 2000 / Unit: 002/606 / DOB: [REDACTED], 1975 / Male / White.
Involved Individual #1:	[REDACTED] / DOB: [REDACTED], 1962 / Male / Middle Eastern.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
First Incident		
Detective Jack Miller	1. Inattentive when issuing Investigative Alert 300000996, in violation of Rule 10.	Exonerated.
Second Incident		
Officer Haytham Mohammad	1. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.
Officer Cary Cooper	1. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.

Third Incident		
Detective Jack Miller	2. Inattentive when issuing Investigative Alert 300001467, in violation of Rule 10.	Exonerated.
Fourth Incident		
Officer Haytham Mohammad	2. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.
	3. Handcuffed Mr. [REDACTED] too tightly, without justification, in violation of Rule 8.	Unfounded.
Officer Cary Cooper	2. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Unfounded.
Fifth Incident		
Officer Haytham Mohammad	4. Forcefully removed Mr. [REDACTED] from a CPD vehicle, without justification, in violation of Rule 8.	Unfounded.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Prohibits disobedience of any order or directive whether written or oral.
2. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
3. Rule 10: Prohibits inattention to duty.

Special Orders

1. S04-13-09 – Investigatory Stop System – effective July 10, 2017 to current.
2. S04-16 – Investigative Alerts – effective December 18, 2018 to current.

V. INVESTIGATION²

a. Interviews

In **statements to COPA** on February 20, 2019³ and April 30, 2019⁴ Mr. [REDACTED] stated that on February 13, 2019, he received a telephone call from Officer Mohammad, asking to meet and speak with him. [REDACTED] agreed to meet Officer Mohammad in the parking lot of 1011 N. Orleans. Upon his arrival at the location, [REDACTED] was approached by the Officers. Officer Mohammad requested [REDACTED] identification. [REDACTED] complied with the request. Officer Mohammad examined the driver’s license and informed [REDACTED] he was being arrested. [REDACTED] asked why he was being arrested and Officer Mohammad refused to tell him.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 3.

⁴ Atts. 24 and 25.

██████████ was placed in the rear of Officer Mohammad's vehicle and was transported to the 002nd District Station. While en-route, Officer Mohammad showed ██████████ a photograph and asked if he knew who the person was. ██████████ informed Officer Mohammad that the person in the photograph was his brother, ██████████⁵ Upon arrival at the District, ██████████ was placed in a holding cell. After an unknown amount of time ██████████ was informed that he was being released. Upon his release, Officer Mohammad assisted in arranging transportation of ██████████ to return to his residence.

On April 6, 2019, ██████████ left his residence (██████████) and proceeded to the gas station (9201 Golf Rd.) Upon arrival he observed Officer Mohammad exit his vehicle and approach him. Officer Mohammad informed him he was being arrested and placed him in handcuffs. Once in handcuff's ██████████ requested that Officer Mohammad allow him to collect his medication from his residence. Officer Mohammad transported ██████████ to his residence. Once at ██████████ residence, Officer Mohammad attempted to contact the occupants of the residence. After several unsuccessful attempts, Officer Mohammad, returned to the vehicle and informed ██████████ that he could not contact anyone inside and requested ██████████ attempt to call them. Officer Mohammad then grabbed ██████████ by his right shoulder and forcefully pulled him from the CPD vehicle. As ██████████ was being pulled, he lost balance and fell to the ground landing on his right shoulder. Once on the ground, ██████████ informed Officer Mohammad that his handcuffs were too tight. Officer Mohammad did not respond to ██████████ statement. After approximately 5-minutes, ██████████ wife (██████████ ██████████) and adult daughter (██████████) exited the residence and observed ██████████ lying on the ground on his right side. Once ██████████ family was present he began to experience chest pains. ██████████ called 911 and requested medical assistance. Both the Des Plaines Police Department (DPPD) and Fire Department (DPFD) responded. Upon their arrival, Officer Mohammad removed ██████████ handcuffs. ██████████ was evaluated by DPFD and transported to Lutheran General Hospital for medical treatment. Upon arrival at the hospital, ██████████ realized the Officer Cooper was also present. ██████████ was admitted for treatment and the Officers released him. ██████████ was provided band aids for scratches to his wrists, had his right shoulder evaluated and learned it was uninjured, but was admitted for his complaint of chest pain.

██████████ was clear that only he and Officer Mohammad were present during his April 6, 2019 arrest, removal from the CPD vehicle, falling to the ground, and complaint that his handcuffs were too tight. ██████████ was also clear that he did not observe Officer Cooper until his treatment at the hospital. ██████████ was clear that he did not have any lasting injuries from his handcuffing. Finally, ██████████ admitted that he has conducted business with ██████████ via the ██████████ and that they had a dispute over payment for services which has been resolved.⁶

In a **statement to COPA**⁷ on June 7, 2019, **Det. Jack Miller** stated that in November of 2018, he was assigned to investigate ██████████ criminal complaint. During the criminal investigation he spoke with ██████████ and obtained additional information about the suspect, although admitted ██████████ provided limited information. Based on the information ██████████ provided, Det. Miller

⁵ During his statement ██████████ estimated the ██████████ was 4-6 years older than him.

⁶ During his statement ██████████ showed photographs of taken of his wrists. The photographs showed both wrists to have band aids applied but provided no information on the extent or severity of his injuries. ██████████ agreed to email the photographs to COPA; however, the photographs were never received.

⁷ Att. 55.

completed a search of the Department of State Identification Systems and located an individual (██████████) who matched the suspect information provided by ██████████. Once Det. Miller located the information, he created a photo-array with ██████████ photograph and had an independent administrator administer it to ██████████. During the administration of the photo-array, ██████████ identified ██████████ as the person who failed to pay for service. After the identification, Det. Miller issued IA 300000996 for ██████████. As he created the IA, Det. Miller entered all the required information required by policy but did not include any additional information – such as ██████████ driver's license information.

On February 13, 2019, Det. Miller was contacted by Officer Mohammad and informed that the suspect (██████████) had been arrested. Det. Miller went to the 002nd District and learned that ██████████ was not the person sought in IA 300000996, and in consultation with his supervisor determined that ██████████ should be released without charges.

After ██████████ was released, Det. Miller obtained ██████████ driver's license photograph, created a second photo-array which contained ██████████ photograph and had an independent administrator administer it to ██████████. During the administration of the photo-array, ██████████ identified ██████████ as the person who failed to pay for service. After the identification, Det. Miller issued IA 300001467 for ██████████. As he created the IA, Det. Miller entered all the information required by policy, but did not include any additional information – such as ██████████ driver's license information. Det. Miller did not learn of ██████████ April 6, 2019, arrest until he attempted to expire the IA after learning from ██████████ that an agreement had been made with ██████████ and ██████████ no longer wanted prosecute ██████████.

Det. Miller was clear that this is his first instance where a victim in an investigation had the same first and last name as the suspect(s). He acknowledged that the information entered into the IA system could have resulted in ██████████ being arrested, but that he has no knowledge of an instance where a Department member entered additional identifying information in the Remarks section of an IA. Det. Miller was clear that he complied with Department policy when he issued the IAs and that at no time did he ever have any contact with ██████████. Further, Det. Miller was clear that he is unaware of any prohibitions on entering additional identifying information in to the Remarks section of an IA. Det. Miller explained that neither ██████████ nor ██████████ had been issued an Inmate Record (IR) number, so there was no IR number to be entered. Additionally, Det. Miller was clear that Officer Mohammad only located and arrested ██████████. Finally, Det. Miller recalled that he had a conversation with Officer Mohammad in which he mentioned the second IA would be issued.

In a **statement to COPA**⁸ on May 30, 2019, **Officer Haytham Mohammad** stated around February 13, 2019, he was assigned the task of locating the ██████████ identified in IA 300000996. After receiving this assignment, Officer Mohammad investigated to determine the location of the subject. His investigation included reviewing the Original Case Incident Report, which assisted him in locating the phone number for ██████████ used to contact him.⁹ ██████████ agreed to meet Officer Mohammad at 1011 N. Orleans. Upon arrival at 1011 N. Orleans, Officer Mohammad informed ██████████ he was under arrest, and handcuffed him. Officer Mohammad

⁸ Att. 48.

⁹ Officer Mohammad could not recall where he located ██████████ number; however, he distinctly remembered sitting in front of a Department computer when he located the number and called ██████████.

transported ██████ to the 002nd District Station, while en route ██████ observed a photograph¹⁰ and informed Officer Mohammad the male depicted in the photograph was his brother ██████. Officer Mohammad continued to transport ██████ to the station. Once at the station, ██████ was placed in a holding cell. Officer Mohammad contacted Det. Miller and informed him that ██████ had be arrested. Officer Mohammad was clear he was not present for and did not participate in the decision to release ██████ without charges. Once ██████ was released Officer Mohammad assisted ██████ return to 1011 N. Orleans location to pick up his vehicle.

Additionally, Officer Mohammad explained that on or around April 6, 2019, he checked the IA System and discovered IA 300001467 had been issued for ██████. Around this same time Det. Miller informed Officer Mohammad that a new IA had been issued for ██████. On April 6, 2019, Officer Mohammed traveled to ██████ and surveilled the location. He observed ██████ enter a vehicle and drive to the gas station at 9201 Golf Rd. Once ██████ was stopped at the gas station, Officer Mohammad approached and informed him he was under arrest. Officer Mohammad handcuffed ██████, doubled locked the handcuffs, and ensured his finger fit between ██████ wrists and the handcuffs. Once handcuffed ██████ requested Officer Mohammad secure his vehicle and provide the keys to the clerk at the gas station, Officer Mohammad complied with this request. ██████ also requested that Officer Mohammad notify his family of the arrest. Officer Mohammad complied with this request by stopping at the Potter Rd location,¹¹ knocked on the door and informed ██████ family of the arrest. Upon returning to the vehicle, Officer Mohammad heard ██████ complain of shortness of breath. Officer Mohammad opened the rear passenger door of the vehicle to allow ██████ fresh air and ██████ attempted to exit the vehicle. Officer Mohammad assisted ██████ by placing his arm under ██████ right arm-pit. As ██████ exited he began to move to sit on the ground. Officer Mohammad assisted ██████ in sitting on the ground. Simultaneously a request for medical treatment was made.¹² DPFD arrived on scene and transported ██████ to the hospital.¹³ Upon arrival at the hospital a physician informed Officers Mohammad and Cooper that ██████ was being admitted for pneumonia. Officer Mohammad contacted his supervisor, explained ██████ was being admitted, and was instructed to release ██████ without charges because of his admission to the hospital.

Officer Mohammad was clear that at no time was he involved in Det. Miller's investigation. Additionally, Officer Mohammad was clear he had never seen either photo-array. Further, Officer Mohammad was clear that at no time during either the February 13, 2019 or April 6, 2019 arrest did ██████ complain of injuries or pain to his shoulder or wrists nor did he observe any signs of injury to or any other indication that ██████ was handcuffed too tightly.

In a **statement to COPA**¹⁴ on June 10, 2019, **Officer Cary Cooper** stated that on February 13, 2019, he provided minimal back up assistance to Officer Mohammad when ██████ was arrested. Officer Cooper was clear that he was not involved in identifying ██████ or the decision

¹⁰ Officer Mohammad confirmed the photograph ██████ observed was of ██████ and is depicted on Att. 18, pg. 4.

¹¹ Officer Mohammad explained that the Potter Rd location to was on the route to return to the City.

¹² Officer Mohammad was clear DPPD was present but did not know if DPPD or ██████ family requested medical treatment.

¹³ Officer Mohammad explained that Officer Cooper arrived as ██████ was entering or near the DPFD Ambulance.

¹⁴ Att. 59.

to release him without charges. Further, Officer Cooper was clear that he was not involved in Det. Miller's investigation.

Officer Cooper stated that when he arrived at [REDACTED] on April 6, 2019, [REDACTED] had already been arrested by Officer Mohammad and was being loaded into the DPFD ambulance for transport to the hospital. Officer Cooper recalled that while at the hospital he never heard [REDACTED] complaining of wrist or shoulder pain. Additionally, Officer Cooper was clear that hospital staff never informed him of any complaints from [REDACTED] about wrist or shoulder pain but was informed about [REDACTED] shortness of breath. Finally, Officer Cooper explained that while discussing [REDACTED] arrest with Officer Mohammad, he was never informed that [REDACTED] had any complaints of wrist or shoulder pain but was informed about [REDACTED] shortness of breath.

b. Documentary Evidence¹⁵

An **Original Case Report**,¹⁶ **Detective Supplemental Reports**,¹⁷ and **Photo-arrays**¹⁸ detail that on November 28, 2018, [REDACTED] the owner of [REDACTED] reported that a customer named [REDACTED] took possession of a repaired vehicle without paying for the repairs.¹⁹ On January 14, 2019, [REDACTED] was presented a photo-array and identified [REDACTED] as the customer who failed to pay for the vehicle repairs. The personal data listed for [REDACTED] included Illinois Driver's License Number [REDACTED] but no IR number.²⁰ Once [REDACTED] identified [REDACTED] as the suspect, Detective Miller issued IA 300000996 for the arrest of [REDACTED] [REDACTED].²¹ Additionally, on March 11, 2019, [REDACTED] was presented a second photo-array and identified [REDACTED] as the customer who failed to pay for the vehicle repairs.²² The personal data listed for [REDACTED] included Illinois Driver's License Number [REDACTED] but no IR number.²³ After [REDACTED] identified [REDACTED] as the suspect, Det. Miller issued IA 300001467 for the arrest of [REDACTED] [REDACTED].²⁴ Finally, on April 15, 2019, [REDACTED] informed Det. Miller that he and [REDACTED] had reached an agreement over the disputed payments and that he no longer wanted to prosecute [REDACTED] for theft.²⁵

IA 300000996²⁶ details the presence of probable cause to arrest a [REDACTED] [REDACTED] described as a 63-year old man, standing 5'7" in height, and weighing 160 pounds. The probable cause for arrest is detailed as a positive identification by [REDACTED]. The alert does not contain a driver's license number, IR number, or a middle name or initial.

¹⁵ There is no Body Worn Camera or In-Car Camera footage for this incident.

¹⁶ Att. 9.

¹⁷ Att. 11.

¹⁸ Atts. 18 and 19.

¹⁹ Att. 9.

²⁰ Att. 18, pg. 5.

²¹ Att. 11, pg. 9.

²² Att. 11, pg. 14; Att. 19, pgs. 3 and 5.

²³ Att. 19, pg. 4.

²⁴ Att. 11, pg. 17.

²⁵ Att. 11, pg. 19.

²⁶ Att. 10, pgs. 1 and 2.

IA 300001467²⁷ details the presence of probable cause to arrest a [REDACTED] [REDACTED] described as 56-year old man, standing 5'8" in height, and weighing 180 pounds. The probable cause for arrest is detailed as a positive identification by [REDACTED]. The alert does not contain a driver's license number, IR number, or a middle name or initial.

[REDACTED] Arrest Reports²⁸ detail his two arrests. The first arrest occurred on February 13, 2019 and was based on an active IA 300000996 for theft by deception.²⁹ After this arrest [REDACTED] was released without charges because there was a misidentification.³⁰ The second arrest occurred on April 6, 2019, and was based on an active IA 300001467 for theft by deception.³¹ After this arrest [REDACTED] was released without charges because he was admitted to a hospital for an unrelated medical condition and there was insufficient evidence to charge him.³²

DPPD³³ and DPDFD³⁴ Records detail that [REDACTED] [REDACTED] ([REDACTED] called 911 and reported that Officer Mohammad was at [REDACTED] arresting her father ([REDACTED] added that this was not the first-time officers had been to the location looking to arrest [REDACTED]. [REDACTED] informed the call taker that Officer Mohammad removed the handcuffs from [REDACTED] but that [REDACTED] is being told to stay on the ground. Additionally, the records detail that DPPD officers arrived on scene and that medical assistance was requested related to shoulder pain. Finally, a DPDFD ambulance arrived, rendered mutual aid, and provided advanced life support.

[REDACTED] Medical Records³⁵ detail [REDACTED] revealed that he had been suffering from chest pain since 2:00 am on April 6, 2019.³⁶ Additionally, records detail that [REDACTED] presented to the Emergency Department with complaints of chest pain, shortness of breath, and coughing.³⁷ [REDACTED] was diagnosed with and treated for pneumonia and sepsis. [REDACTED] was admitted to the hospital as a critically ill patient.³⁸ There is no mention of [REDACTED] complaining of or being treated for pain or injuries to his wrists or shoulder.

VI. 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;

²⁷ Att. 10, pgs. 3 and 4.

²⁸ Atts. 7 and 17.

²⁹ Att. 7, pgs. 1 and 2.

³⁰ Att. 7, pg. 5.

³¹ Att. 17, pgs. 1 and 2.

³² Att. 17, pgs. 2 and 5.

³³ When DPPD provided the records, they noted that no report was generated and only CAD notes were entered. Att. 34.

³⁴ Att. 33.

³⁵ Att. 35.

³⁶ DPDFD Medical Records. Att. 35, pg. 44.

³⁷ Lutheran General Emergency Department Medical Records. Att. 35, pg. 53.

³⁸ COPA notes that [REDACTED] diagnosis is a reasonable cause of his shoulder pain. *Id.*

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 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.

VII. ANALYSIS

a. Det. Miller

COPA finds that both allegations against Det. Miller are **exonerated**. The relevant directive that was in effect at the time states that a Department member is permitted to issue IAs for "*specific individuals*" that are being sought by the Bureau of Detectives.³⁹ IAs should be classified as "Probable Cause to Arrest" when "an individual is wanted ... concerning a specific crime [and] there is probable cause for an arrest."⁴⁰ Further, when a Department Member issues an IA they must include the "offense code"; "name of the subject..."; "government issued arrest-related identifying numbers..."; "physical description ..."; "last known address"; "justification for the investigative alert request"; "requesting member's information..."; and "RD number..."⁴¹

Here, Det. Miller administered two photo-arrays each of which resulted in a positive identification of a suspect. Based on each identification, Det. Miller issued an IA that contained all the required information that existed. Det. Miller did not include an IR number because neither ██████ nor ██████ had been issued one. The fact that ██████ was arrested on IA 300000996 was a result of a flaw in the Investigative Alert Application System (IAAS) which allows for very limited information to be entered into the system. While it is unfortunate that ██████ was arrested on February 13, 2019, Det. Miller complied with all applicable policy.

³⁹ S04-16 II(A) (emphasis added).

⁴⁰ S04-16 II(A)(1).

⁴¹ S04-16 III(F)(1-8).

b. The Officers

COPA finds that the Allegation #1 against both Officers and Allegation #2 against Officer Mohammad are **exonerated**. An officer must have probable cause to arrest a subject.⁴² “Probable cause to arrest exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject had committed it.”⁴³ The reasonable basis of any arrest “should be considered from the perspective of a reasonable officer at the time” of the arrest.⁴⁴ Here, ██████ was detained and arrested based on the active IAs with Probable Cause for Arrest issued for a ██████ after ██████ identified the subject in two photo-arrays. Despite ██████ twice being released without charges, the Officers’ decisions to arrest ██████ were reasonable based on the information possessed at the time of the arrests. While the Officers’ actions resulted in ██████ being arrested when he was possibly not the subject being sought in the IAs is unfortunate, there is no indication that the Officers were in possession of any information that would lead them to believe that either IA was faulty or invalid. Therefore, COPA determined that the Officers’ actions were reasonable and proper.⁴⁵

COPA finds that Allegation #2 against Officer Cooper is **unfounded**. Here, despite Officer Cooper being listed as an assisting arresting officer on ██████ April 6, 2019 Arrest Report, it is undisputed that Officer Cooper was not present at 9201 Golf Rd when ██████ was arrested by Officer Mohammad and that he only assisted Officer Mohammad with supervision of ██████ at the hospital.

COPA finds the Allegations # 3 and 4 against Officer Mohammad are **Unfounded**. Here, COPA was only able to locate DPPD and DPDF records that supported than ██████ claim of shoulder pain,⁴⁶ but no evidence to support ██████ claim that his handcuffs were too tight. However; COPA did locate evidence that refutes the allegations; specifically, Officer Mohammad’s assertions that he double locked the handcuffs, checked the handcuffs for fit, assisted ██████ exiting the vehicle and sitting on the ground, never heard ██████ complain of shoulder or wrists pain or injury, and never observed any signs of injury to ██████. Additionally, Officer Cooper was clear that at no time did he hear ██████ complain of wrist or shoulder pain during either encounter nor did he receive any information from hospital staff that ██████ was complaining of or being treated for wrist or shoulder pain. Finally, ██████ medical records shows that he never complained of nor received treatment for shoulder or wrist pain or injuries. Therefore; COPA determined that the alleged conduct did not occur as alleged.

VIII. CONCLUSION

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

⁴² *People v. Johnson*, 408 Ill. App. 3d 107 (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964).

⁴³ S04-13-09 II(D).

⁴⁴ S04-13-09 II(D).

⁴⁵ COPA notes that there is substantial evidence that ██████ was in fact the offender in Det. Miller’s investigation.

⁴⁶ COPA notes that a symptom of pneumonia is shoulder pain.

Officer	Allegation	Finding / Recommendation
First Incident		
Detective Jack Miller	1. Inattentive when issuing Investigative Alert 300000996, in violation of Rule 10.	Exonerated.
Second Incident		
Officer Haytham Mohammad	1. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.
Officer Cary Cooper	1. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.
Third Incident		
Detective Jack Miller	2. Inattentive when issuing Investigative Alert 300001467, in violation of Rule 10.	Exonerated.
Fourth Incident		
Officer Haytham Mohammad	2. Arrested Mr. [REDACTED] without justification, in violation of Rule 6. 3. Handcuffed Mr. [REDACTED] too tightly, without justification, in violation of Rule 8.	Exonerated. Unfounded.
Officer Cary Cooper	2. Arrested Mr. [REDACTED] without justification, in violation of Rule 6.	Unfounded.
Fifth Incident		
Officer Haytham Mohammad	4. Forcefully removed Mr. [REDACTED] from a CPD vehicle, without justification, in violation of Rule 8.	Unfounded.

Approved:

[REDACTED]

April 17, 2020

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	2
Investigator:	Garrett Schaaf
Supervising Investigator:	Bob Coleman
Deputy Chief Administrator:	Andrea Kersten