

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

| | |
|----------------------------|---------------------------|
| Date of Incident: | April 13, 2019 |
| Time of Incident: | 6:55 a.m. |
| Location of Incident: | 7808 South Halsted Street |
| Date of COPA Notification: | April 16, 2019 |
| Time of COPA Notification: | 5:21 p.m. |

██████████ alleged, on April 13, 2019, while at the District 006 Station, Lieutenant Roy Boffo (Lt. Boffo) hit her in the face twice with a closed fist and applied so much pressure to her leg that she thought her leg would break.

COPA conducted a thorough investigation and determined that Lt. Boffo was in compliance with Department policy when he struck ██████████ and he did not use force on ██████████ leg. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

| | |
|-------------------------|---|
| Involved Officer #1: | Roy Boffo, star #566, employee ID# ██████████, Date of Appointment: March 26, 1990, Lieutenant, ¹ Unit 006, DOB: ██████████, 1966, Male, White |
| Involved Individual #1: | ██████████ DOB: ██████████, 1988, Female, Black |

III. ALLEGATIONS

| Officer | Allegation | Finding |
|----------------------|--|-----------------------------|
| Lieutenant Roy Boffo | It is alleged by ██████████ that on or about April 13, 2019 at approximately 6:55 a.m. at or near 7808 South Halsted Street, Lieutenant Roy Boffo, star #566 committed misconduct through the following acts or omissions, by: 1. striking ██████████ on or about the face with closed hand without justification; and 2. using excessive force on ██████████ leg. | Exonerated Unfounded |

¹ At the time of this incident Lt. Boffo was a Sergeant, star #1622.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
 2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
 3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person.
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General Orders

1. G03-02 Use of Force
2. G03-02-01 Force Options

V. INVESTIGATION²

a. Interviews

In an **interview with COPA**, on May 3, 2019, ██████████ ██████████ stated that on April 13, 2019, she was arrested³ and taken to the police station, where she was told she would be released on an I-bond. She was fingerprinted, searched and placed in a room. ██████████ asked the officers, to no avail, what was happening because processing had never taken so long before and she had never been placed in this room before. At some point, ██████████ fell asleep.

When ██████████ woke and began yelling for answers on why she was still at the police station. An officer, described as male, black, wearing a white shirt, told her she would be released soon. ██████████ fell asleep again. When she woke, she tried to figure out why she was still at the station, but no one would respond. She slipped her left hand out the handcuffs, ripped her shirt and wrapped it around her neck, all while saying she was suicidal.⁴ At some point, Lt. Boffo and three other officers came in, told her she was going to court, and handcuffed both her hands out wide. At some point, Lt. Boffo hit her with a closed hand in the face two times. He also pulled her leg upward, applying pressure, as if he were attempting to break her leg. ██████████ said she was not kicking Lt. Boffo and she was holding her arms straight out and stiff.

Outside officers were called to transport her to the hospital, where they tried to commit her for being suicidal. ██████████ stated she was not really suicidal, but she does have Post Traumatic Stress Disorder, impulse control, anxiety and depression. ██████████ face was swollen on her right-side cheekbone, knots on her left side behind her ear, her temple was sensitive, she had headaches, felt dizzy, and she could not open her mouth wide.⁵

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 While ██████████ was upset about being stopped, she admitted her license plate was expired, and did not allege any police misconduct related to her arrest. COPA reviewed BWC and did not observe any obvious misconduct by the officers. *See* Attachments 28, 29.

⁴ ██████████ indicated she made two attempts to wrap a portion of her t-shirt around her neck, but Lt. Boffo and Department Reports only document one attempt made by ██████████. Accordingly, the timeline of events and actions taken by ██████████ and Lt. Boffo is unclear.

⁵ Attachments 4, 5.

In an **interview with COPA**, on January 14, 2020, **Lieutenant Roy Boffo (“Lt. Boffo”)**, **star #566**, stated, on April 13, 2019, he was working as the District Station Supervisor, where he supervised individuals at the desk and checked on individuals held in the station, including ██████. When Lt. Boffo arrived at work, ██████ was under arrest, processed, and waiting in the youth holding room. ██████ was causing a disturbance, yelling⁶ and thrashing around, where she was flailing her free arm trying to pull at her handcuffs. An officer, while Lt. Boffo was present, double-cuffed ██████ so her left and right hands were separately handcuffed to prevent injury. Lt. Boffo exited the room and went a short distance to the kitchen area, which is on the other side of the youth room separated by a wall with a window. Approximately thirty seconds later, Lt. Boffo saw ██████ through the window, had slipped her right hand out of the handcuffs, she was huddled over in a ball, her head down with her chin tucked in next to her fists, and both her left and right hands held a ligature⁷ around her neck. Lt. Boffo believed ██████ was attempting to strangle herself. Lt. Boffo said something to the effect, “she slipped her cuffs”. Lt. Boffo then ran to ██████ yelling for her to “let go,” repeatedly. ██████ ignored him, and Lt. Boffo delivered two close hand strikes to ██████ clavicle area, where her hands were located. Lt. Boffo explained, at the time he delivered the hand strikes, ██████ ignored verbal commands and was actively attempting to cause death or great bodily harm to herself. Lt. Boffo believed he could not have used any other force in this situation and described his strikes as stunning. ██████ head sprung up, she loosened her grip, and Lt. Boffo grabbed ██████ right arm and held it securely while other officers entered the room. ██████ ligature was removed, but she remained agitated and kept moving around and pulling at her left hand that was still connected by handcuff to the bench. Lt. Boffo denied striking ██████ in the face area, but admitted, due to her positioning, contact could have been possible. Lt. Boffo denied using any pressure or force on ██████ leg and, at the time of this interview, did not recall whether ██████ moved her legs. However, Lt. Boffo stood by the reports he wrote the day of the incident.

Lt. Boffo removed himself from the situation to make notifications and complete paperwork. He did not see ██████ again, but knew an ambulance was requested and ██████ was transported to the hospital.⁸

b. Digital Evidence

Body Worn Camera did not capture the incident. ██████ while inside the holding room, is complaining about how long she has been at the station. Officer Dotson asks ██████ what happened and why is her shirt off.⁹ ██████ says a white shirt came in “whooped her ass,” gave her two blows to the face.¹⁰ He tried to break her legs and another officer stopped him.¹¹ ██████ tells the officers she will cooperate with them. She complained about the male officer, saying it is all in the approach. She was ready to start swinging because she woke up still in the station and no one would communicate with her. While walking to the ambulance, ██████ asks Officer Dotson to

⁶ Lt. Boffo could not recall what ██████ was saying, but his reports indicated she wanted to be released. Lt. Boffo did not hear ██████ make any comments to the effect that she was suicidal or she had been detained too long. Lt. Boffo did not know whether ██████ was waiting for her fingerprints to clear the system, transfer to female lockup in District 005, transport to court, or to be released on bond.

⁷ Lt. Boffo later discovered ██████ had ripped her t-shirt and used the material as a ligature around her neck.

⁸ Attachment 28.

⁹ ██████ did not explain why her shirt was off or ripped.

¹⁰ Attachment 30 at 00:48-00:52.

¹¹ Attachment 30 at 1:11-1:15.

the get the male officer's name that struck her in the face, twice, while in in handcuffs. ██████ is transported.¹²

c. Physical Evidence

Medical Records documented, on April 13, 2019, ██████ was admitted to St. Bernard hospital for a psychiatric evaluation. At the hospital, ██████ alleged an officer struck her in the head and officers denied her request for medical treatment. In anger, ██████ stated she would kill herself if she did not see a doctor. At this time, ██████ stated she had no intention of harming herself or anyone else. She only said she was going to kill herself to get attention. Doctors performed a CT of ██████ head. The results were normal, no sign of significant trauma. ██████ was diagnosed with "minor blunt head trauma (alleged)"¹³ and discharged with instructions on Head Injury.¹⁴

On April 15, 2019, ██████ went to the University of Illinois Emergency Department for further evaluation of head pain. ██████ stated she was punched in the head by a police officer in police custody. ██████ was diagnosed with contusion of the head and acute headache. The Doctor recommended ██████ add acetaminophen to her use of ibuprofen after noting ██████ does not have any physical signs of severe trauma and she received an appropriate evaluation from St. Bernard.¹⁵

d. Documentary Evidence

Department Reports documented ██████ was flailing and screaming while in police custody. ██████ was placed in the District 006 Youth holding room with both hands in handcuffs to prevent self-harm. When Lt. Boffo checked in on her, ██████ had freed one of her hands from handcuffs, ripped part of her shirt away, held the ripped cloth around her neck and applied pressure while huddled in a balled position. Lt. Boffo ordered ██████ to let go, but she did not. Lt. Boffo delivered two closed hand strikes to ██████ left clavicle to prevent further self-harm. An ambulance was called, and ██████ was transported to St. Bernard Hospital for treatment.¹⁶

Tactical Response Report ("TRR") completed by Lt. Boffo documented ██████ did not follow verbal direction and was strangling herself. Lt. Buffo responded with member presence, verbal direction/control techniques, including pressure sensitive areas, and closed hand strike/punch. Lt. Boffo's narrative is consistent with Department Reports, adding that ██████ kicked her legs and flailed her uncuffed arm.¹⁷

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;

¹² Attachments 30,31.

¹³ Attachment 35, page 10 of 34.

¹⁴ Attachment 35.

¹⁵ Attachment 23.

¹⁶ Attachments 13,14.

¹⁷ Attachment 15.

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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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

COPA finds the allegation that Lt. Boffo struck ██████████ on or about the face with closed hand without justification is **Exonerated**. Whether Lt. Boffo was able to strike ██████████ with a closed hand, must be evaluated based on the totality of the circumstances known to Lt. Boffo at the time of the incident and from the perspective of a reasonable officer in the same circumstance. An officer will only use force that is objectively reasonable, necessary and proportional in order to ensure the safety of the officer or control the individual.¹⁸ An officer may use direct mechanical techniques, including closed hand strikes or punches, against an individual classified as an Assailant, a person "who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury."¹⁹

It is undisputed ██████████ attempted to harm herself by wrapping a portion of her t-shirt around her neck, and Lt. Boffo struck her two times with a closed hand. In this case, it is clear ██████████ was an assailant and Lt. Boffo was within Department policy to administer close hand strikes. Given the position ██████████ was in on the bench, while Lt. Boffo aimed for ██████████ clavicle he could have hit her inadvertently in the face or head area as well. According to medical reports, ██████████ suffered little to no injury due to the impact, and she was not successful in losing consciousness or killing herself. ██████████ admitted she has an issue with impulse control, she was trying to get attention, and

¹⁸ General Order G03-02 III.B.

¹⁹ General Order G03-02-01 IV.C.

she did not like Lt. Boffo’s approach. Therefore, based on the totality of the circumstances, Lt. Boffo’s actions were within Department policy, and this allegation is **Exonerated**.

COPA finds the allegation that Lt. Boffo used excessive force on [REDACTED] leg is **Unfounded**. An officer will only use force that is objectively reasonable, necessary and proportional in order to ensure the safety of the officer or control the individual.²⁰ [REDACTED] stated she was not moving her legs or resisting in any way when Lt. Boffo attempted to break her leg. [REDACTED] also states to the transporting officers that Lt. Boffo attempted to break her leg. Lt. Boffo denied [REDACTED] allegation and stated he did not recall touching [REDACTED] legs at any time or her moving them around. In his TRR, Lt. Boffo documented using the control technique of applying pressure to sensitive areas, his narrative did not explain the action. His narrative did note [REDACTED] kicked her legs, but he did not document taking any action in response. There are no witness statements or video evidence to corroborate the incident as described by [REDACTED] or Lt. Boffo. However, [REDACTED] went to the hospital on two separate occasions and neither time did she seek treatment for her leg. [REDACTED] admitted that she had an issue with impulse control and was seeking attention. [REDACTED] may have been mistaken in her accounting of events. Lt. Boffo was also forthcoming in his statement describing [REDACTED] was moving around and agitated, but he was focused on preventing her from killing herself and unable to recall what she was doing with her legs. Lt. Boffo’s TRR indicated [REDACTED] was kicking, which would have given him justification for restraining her leg. It is also clear by BWC that [REDACTED] walked to the ambulance with little assistance. Therefore, COPA finds there is clear and convincing evidence that Lt. Boffo did not use excessive force against [REDACTED] leg, and this allegation is **Unfounded**.

VIII. CONCLUSION

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

| Officer | Allegation | Finding |
|----------------------|--|-----------------------------|
| Lieutenant Roy Boffo | It is alleged by [REDACTED] that on or about April 13, 2019 at approximately 6:55 a.m. at or near 7808 South Halsted Street, Lieutenant Roy Boffo, star #566 committed misconduct through the following acts or omissions, by: 1. striking [REDACTED] on or about the face with closed hand without justification; and 2. using excessive force on [REDACTED] leg. | Exonerated Unfounded |

²⁰ G03-02 III.B.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

5-27-2020

Date

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|---------------------|
| Squad#: | Six |
| Investigator: | Elizabeth Brett |
| Supervising Investigator: | Elaine Tarver |
| Deputy Chief Administrator: | Angela Hearts-Glass |