

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

Date/Time/Location of Incident:	July 27, 2017/ 4:45 PM/ 2741 W. Lawrence Avenue July 28, 2017/ 1:56 PM/ 2051 W Jarvis Avenue
Date/Time of COPA Notification:	September 25, 2019/ 12:42 PM
Involved Officer #1:	Joseph Skala, #297; Employee # [REDACTED] Date of Appointment: August 1, 1994; Lieutenant; Unit of Assignment: 024; DOB: [REDACTED], 1960; Male White
Involved Officer #2:	Dawn Jackson, #2202; Employee # [REDACTED] Date of Appointment: January 30, 1991; Sergeant; Unit of Assignment: 024; DOB: [REDACTED], 1964; Female Black
Involved Officer #3:	Michael DeMarco, #14208; Employee # [REDACTED] Date of Appointment: September 11, 2000; Detective; Unit of Assignment: 050; DOB: [REDACTED], 1977; Male White
Involved Officer #4:	Tony Ramirez, #10974; Employee # [REDACTED] Date of Appointment: July 9, 2007; Police Officer; Unit of Assignment: 014; DOB: [REDACTED], 1978; Male Hispanic
Involved Officer #5:	Joseph Lopez, #15739; Employee # [REDACTED] Date of Appointment: October 27, 2003; Police Officer; Unit of Assignment: 606; DOB: [REDACTED], 1974; Male Hispanic
Involved Individual #1:	[REDACTED], 1985; Male Black  [REDACTED], 1966; Female Black
Case Type:	Unlawful detention

<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.

## I. ALLEGATIONS

Officer	Allegation	Finding
Lieutenant Joseph Skala	1. It is alleged that on July 28, 2017, at approximately 2:59 PM, at or near 2452 W. Belmont (Area North), Lieutenant Skala committed misconduct through the following acts or omissions, by wrongfully approving the charges against [REDACTED]	Exonerated
Sergeant Dawn Jackson	1. It is alleged that on July 12, 2017, at approximately 3:36 AM, at or near 6464 N. Clark Street (24 <sup>th</sup> District Station), Sergeant Dawn Jackson committed misconduct through the following acts or omissions, by wrongfully approving the charges against [REDACTED]	Exonerated
Detective Michael DeMarco	1. It is alleged that on July 28, 2017, at an unknown time, at or near 2452 W. Belmont Avenue (Area North), Detective Michael DeMarco committed misconduct through the following acts or omissions, by detaining [REDACTED] without justification.	Exonerated
	2. Arresting [REDACTED] without justification.	Exonerated
	3. Detaining [REDACTED] without justification.	Exonerated
	4. Arresting [REDACTED] without justification.	Exonerated
Officer Joseph Lopez	1. It is alleged that on July 27, 2017, at approximately 4:45 PM, at or near 2741 W. Lawrence Avenue, Officer Joseph Lopez committed misconduct through the following acts or omissions, by detaining [REDACTED] without justification.	Exonerated
	2. Arresting [REDACTED] without justification.	Exonerated
	3. It is alleged that on July 28, 2017, at approximately 1:56 PM, at or near 2051 W. Jarvis Avenue, Officer Joseph Lopez committed misconduct through the following acts or omissions, by detaining [REDACTED] without justification.	Exonerated

Officer Tony Ramirez	4. Arresting [REDACTED] without justification.	Exonerated
	1. It is alleged that on July 27, 2017, at approximately 4:45 PM, at or near 2741 W. Lawrence Avenue, Officer Tony Ramirez committed misconduct through the following acts or omissions, by detaining [REDACTED] without justification.	Exonerated
	2. Arresting [REDACTED] without justification.	Exonerated
	3. It is alleged that on July 28, 2017, at approximately 1:56 PM, at or near 2051 W. Jarvis Avenue, Officer Joseph Lopez committed misconduct through the following acts or omissions, by detaining [REDACTED] without justification.	Exonerated
	4. Arresting [REDACTED] without justification.	Exonerated

**II. SUMMARY OF EVIDENCE**

On September 25, 2019 COPA received a letter and civil complaint (19CV03921) from the complainant, [REDACTED] alleged that on July 12, 2017, Sgt. Dawn Jackson, wrongfully approved criminal charges against him. [REDACTED] also alleged that on July 27, 2017, Officers Tony Ramirez and Joseph Lopez detained and arrested [REDACTED] without justification. It is further alleged that on July 28, 2017, Officers Ramirez and Lopez detained and arrested [REDACTED] without justification. [REDACTED] alleged that on July 28, 2017 Lt. Joseph Skala wrongfully approved criminal charges against him. [REDACTED] further alleged that on July 28, 2017, Detective Michael DeMarco detained and arrested him and [REDACTED] without justification.

COPA reviewed arrest reports, case reports, OEMC event queries, and investigative alerts with probable to arrest for [REDACTED] and [REDACTED]

Based on Department reports on July 11, 2017, ██████████ and the victim's neighbor, ██████████ called 911 and reported that ██████████ had been beaten and robbed. During the police investigation, ██████████ identified ██████████ and ██████████ as the persons who physically abused and robbed him. Based on the information provided by ██████████ on July 12, 2017, Sgt. Jackson approved the submitted case report.

On July 27, 2017, Officers Ramirez and Lopez, had knowledge of ██████████ whereabouts and the Investigative Alerts with probable cause to arrest, placed ██████████ into custody and transported her to the 011<sup>th</sup> District for processing.

On July 28, 2017, Officers Ramirez and Lopez, had knowledge of ██████████ whereabouts and the Investigative Alerts with probable cause to arrest, placed ██████████ into custody and transported him to Area North (Unit 630) for processing. Based on the information provided, Lt. Skala approved the probable cause for the arrest of ██████████

On July 12, 2017, Detective DeMarco conducted a photo array line-up, that included ██████████ with ██████████ identified ██████████ as the individual who physically abused and robbed him. ██████████ was also shown a photograph of ██████████ at which time ██████████ identified ██████████ as an individual who physically abused and robbed him. Based on the information provided by ██████████ Detective DeMarco arrested, detained and questioned ██████████ and ██████████ on July 28, 2017.

Based on the allegations and the available evidence interviews of the involved Department members were not conducted as COPA found that the involved Department member's actions were proper and within Department policies.<sup>2</sup>

### III. 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.

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<sup>2</sup> COPA notes that the recent appellate case *People v. Bass*, 2019 IL App (1<sup>st</sup>) 160640 impacted the Department's ability to utilize its "Investigative Alert" system by finding arrests effected via this process to be violative of constitutional safeguards against warrantless arrest. However, this incident occurred in 2017 and the Investigative Alert system was still being utilized by the Department.

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.

#### IV. ANALYSIS

COPA finds that **Allegation #1** against **Lt. Joseph Skala** and **Sgt. Dawn Jackson** be **Exonerated**. [REDACTED] alleged that Lt. Skala and Sgt. Jackson wrongfully approved criminal charges against him. According to Department reports there was evidence that [REDACTED] and [REDACTED] were at [REDACTED] residence on the date and time of the incident. Also, [REDACTED] sustained injuries and identified [REDACTED] and [REDACTED] as the individuals who robbed and attacked him. Based on the available evidence that was presented to Lt. Skala and Sgt. Jackson they approved the criminal charges against [REDACTED] Lt. Skala's and Sgt Jackson's actions were within Department policies.

COPA finds that **Allegations #1 – 4** against **Officers Joseph Lopez, Tony Ramirez and Detective Michael DeMarco** be **Exonerated**. [REDACTED] alleged that Officers Lopez, Ramirez and Det. DeMarco arrested and detained him and [REDACTED] without justification. According to Department reports, there was an active investigative alert with probable cause to arrest for [REDACTED] and [REDACTED] on July 27, 2017 and July 28, 2017. Furthermore, the victim, [REDACTED] identified [REDACTED] and [REDACTED] as the individuals who physically abused him and robbed him. The officers' actions were within Department policies.

Approved:

[REDACTED]

July 30, 2020

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Andrea Kersten  
Chief of Investigative Operations

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Lakeisha Davis
<b>Supervising Investigator:</b>	James Murphy-Aguilu
<b>Deputy Chief Administrator:</b>	Andrea Kersten