



Log # 2020-0002196

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On May 31, 2020, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on May 31, 2020, Officer Hassan Baig inappropriately searched her, touching her breast, vagina and buttocks.<sup>2</sup> Following its investigation, COPA reached **Not Sustained** findings regarding the allegation of inappropriate touching.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On May 31, 2020, at approximately 1:00 am, Officers Hassan Baig and Markus Briseno responded to a call for a triggered commercial alarm.<sup>4</sup> The CPD 19<sup>th</sup> District was busy that evening due to activity related to the George Floyd protests. Many commercial buildings in that district were vandalized and CPD received a large number of calls from local residents regarding the increased activity.<sup>5</sup> While the officers were en route to the location of the triggered alarm, Officers Baig and Briseno witnessed a group of people running away from a retail store, Crossroads Trading, at 2711 N. Clark Street.<sup>6</sup> In addition to the dispersing crowd, a civilian, ██████████ was standing next to Crossroads Trading in the temporary custody of a private security guard, who had apprehended ██████████ and handcuffed her.<sup>7</sup> Prior to apprehension, ██████████ broke a Crossroads Trading window with a tire iron.<sup>8</sup> Custody of ██████████ was transferred to Officers Baig and Briseno, who removed the security guard's handcuffs and replaced them with CPD handcuffs.<sup>9</sup> ██████████ explained to Officers Baig and Briseno that she was attempting to steal a purse from Crossroads

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, and involved party interviews.

<sup>4</sup> Att. 52, pg. 15, lns. 1 to 15.

<sup>5</sup> Att. 52, pg. 10, lns. 3 to 16.

<sup>6</sup> Att. 3 and Att. 52, pg. 15, lns. 6 to 15.

<sup>7</sup> Att. 12, pg. 8, lns. 10 to 24 and pg. 9, lns. 1 to 5.

<sup>8</sup> Att. 3; Att. 12, pg. 12, lns. 6 to 13, ██████████ refers to the tire iron as a crowbar; Att. 15 at 3:30 to 4:00; and Att. 52, pg. 15, ln. 15.

<sup>9</sup> Att. 12, pg. 12, lns. 6 to 24.

Trading.<sup>10</sup> Due to increased activity in the district and the unavailability of a female, CPD member on scene, ██████ was not patted down prior to transport to the 19<sup>th</sup> District.<sup>11</sup> Assisting Officers Arthur Carter and David Alegre transported ██████ to the 19<sup>th</sup> District Station, where ██████ was processed and placed in lock-up.<sup>12</sup> Due to the increased activity in the 19<sup>th</sup> District that evening, there was an increased number of civilians in police custody awaiting processing; thus, increasing individual processing time.<sup>13</sup> At the station, Officers Carter and Alegre placed ██████ in a processing room, where Officers Baig and Briseno processed ██████ together.<sup>14</sup> According to ██████ the alleged misconduct occurred in the holding cell, while she was alone with Officer Baig.<sup>15</sup> She described that the officer ran his hands on the outside of her clothes over her vagina and buttocks as he searched her, and also opened her bra to look at her breasts.<sup>16</sup> After ██████ was processed she was escorted to the women's lock-up, Officers Baig and Briseno did not have further contact with ██████

### III. ALLEGATIONS

#### **Officer Hassan Baig:**

1. Inappropriately searched ██████ by running his fingers on the outside of her clothing, making contact with her vagina and buttocks; in addition to running his fingers inside her brassiere, making contact with her skin and breast.
  - **Not Sustained**

### IV. CREDIBILITY ASSESSMENT

The involved parties agree on the overarching events of the incident under investigation; however, ██████ has alleged Officer Baig has committed sexual misconduct during her processing at the 19<sup>th</sup> District Station on May 31, 2020. However, due to a lack of material and confirmatory evidence, determining the findings of this investigation by preponderance of the evidence is heavily dependent on each of the involved parties' statements, as well as a determination of each of the involved parties' credibility regarding the recitation of facts.

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, Officer Baig has denied ██████ allegations and there is a lack of substantiating evidence bolstering either party's account; therefore, a determination of credibility

<sup>10</sup> Att. 3 and Att. 52, pg. 17, lns. 1 to 12.

<sup>11</sup> Att. 12, pg. 12, lns. 3 to 10.

<sup>12</sup> Att. 3 and 38.

<sup>13</sup> Att. 52, pg. 22, lns. 15 to 24 and pg. 23, lns. 1 to 13.

<sup>14</sup> Att. 52, pg. 21, ln. 1 to pg. 25, ln. 3.

<sup>15</sup> Att. 12, pg. 18, lns. 1 to 9.

<sup>16</sup> Att. 12, pg. 6, ln. 22 to pg. 7, ln. 6; pg. 21, ln. 10-12.

is required to assess whose account is more plausible. COPA finds Officer Baig's account of the incident more credible than ██████ by preponderance of the evidence for the following reasons:

1. ██████ *Account was Inconsistent and Less Plausible*

Although ██████ reported the alleged misconduct shortly after the incident, there are inconsistencies in her statements to COPA.<sup>17</sup> In particular, during her first statement to COPA ██████ claimed that she was not intoxicated.<sup>18</sup> However, in a follow-up phone call with COPA, ██████ admitted that she was high on ecstasy the night of the incident.<sup>19</sup> In addition, COPA interviewed a woman who shared a cell with ██████ in lock-up, and she also reported to COPA that ██████ was intoxicated that night.<sup>20</sup> ██████ recalled in detail both ██████ demeanor and clothing the night they were in lock-up together. If ██████ was indeed intoxicated that night, her ability to recall the details of her encounter with Officer Baig would have been mediated by the substance(s) she used. Therefore, ██████ lack of sobriety would have challenged her ability to recall events as they happened. Moreover, ██████ remarks to COPA did not corroborate ██████ allegation of misconduct. During her initial statement to COPA, ██████ claimed that she told her cellmates in lock-up about the misconduct. Although ██████ remembered critical details regarding ██████ demeanor and clothing, she said that she did not recall ██████ sharing information about her search or any misconduct. Additionally, ██████ stated that she believes she would have remembered if ██████ shared that information with her. For these reasons, COPA finds ██████ statements were inconsistent and uncorroborated; therefore, her account of the incident is less plausible.

2. *Officer Baig's Account is Plausible*

In his statement to COPA, Officer Baig asserted that he did not search ██████ on scene because he and his partner did not transport her to the 19<sup>th</sup> District Station.<sup>21</sup> Customarily, transporting officers perform a protective pat down of an individual prior to placing the individual in their vehicle. Officer Baig further explained that it is not unusual for assisting officers rather than arresting officers to transport arrestees from scene to station.<sup>22</sup> In addition to Officer Baig's account, available body worn camera (BWC) footage does not reveal a search of ██████ while she is on scene the night of the incident corroborating his recollection.<sup>23</sup> Although it was possible that Officer Baig performed a pat down of ██████ at the 19<sup>th</sup> District Station, he explained that it would have been cursory, over the clothes and brief.<sup>24</sup> For these reasons, COPA finds Officer Baig's account plausible.

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<sup>17</sup> Att. 12 and 46.

<sup>18</sup> Att. 12, pg. 7, lns. 14 to 17.

<sup>19</sup> Att. 46. ██████ confirmed that she reported to the lock-up keeper that she had taken Ecstasy and consumed alcohol that evening.

<sup>20</sup> Att. 44. ██████ claimed ██████ told her that she had taken Ecstasy that night.

<sup>21</sup> Att. 52, pg. 17, lns. 13 to 22.

<sup>22</sup> Att. 52, pg. 18, lns. 1 to 23.

<sup>23</sup> Atts. 15 to 17.

<sup>24</sup> Att. 52, pg. 13, lns. 5 to 20 and pg. 30, ln. 8 to pg. 34, ln. 9.

V. ANALYSIS<sup>25</sup>

COPA finds the **Allegation** that Officer Baig inappropriately searched [REDACTED] by running his fingers on the outside of her clothing, making contact with her vagina and buttocks; in addition to running his fingers inside her brassiere, making contact with her skin and breast is **Not Sustained**. According to [REDACTED] Officer Baig engaged in misconduct while they were alone in a holding cell together, prior to her transfer to the female lock-up facility in the 19<sup>th</sup> District Station.<sup>26</sup> For the reasons discussed above, COPA finds [REDACTED] account lacked credibility. Although neither Officer Baig nor Briseno recalled if they were alone with [REDACTED] that evening, Officer Baig explained that the door to the holding cell was left open to the hallway, which had an unusual amount of activity that evening.<sup>27</sup> Officer Baig explained that there was a constant flow of people passing by the holding cell, of which the entirety of the interior is visible from the hallway. Based on an assessment of Talyor and Officer Baig’s credibility and an analysis of the available evidence, COPA finds there is insufficient evidence to support [REDACTED] allegation by preponderance of the evidence. Therefore, COPA has determined the **Allegation** is **Not Sustained**.

Approved:

[REDACTED]

May 22, 2024

\_\_\_\_\_  
*Shannon Hayes*  
*Director of Investigations*

\_\_\_\_\_  
Date

<sup>25</sup> For a definition of COPA’s findings and standards of proof, see Appendix B.  
<sup>26</sup> Att. 12, pg. 17, lns. 20 to 24 and pg. 18, lns. 1 to 17.  
<sup>27</sup> Att. 52, pg. 44, lns. 4 to 22.

**Appendix A**

**Case Details**

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Date/Time/Location of Incident:	May 31, 2020 / 2711 N. Clark Street (Crossroads Trading)
Date/Time of COPA Notification:	June 2, 2020 / 3:08 pm
Involved Member #1:	[Hassan Baig, star #: 19686, employee ID#: [REDACTED] Date of Appointment: February 20, 2018, Unit of Assignment: 019, gender: Male, race: Unknown]
Involved Individual #1:	[REDACTED] gender: Female, race: Black]

**Applicable 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 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

**Applicable Policies and Laws**

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- N/A

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

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 a proposition is proved.<sup>28</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”<sup>29</sup>

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<sup>28</sup> 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 is found to be more probably true than not).

<sup>29</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation