

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	September 10 th , 2021 / 12:41PM / 11210 S Michigan Ave.
Date/Time of COPA Notification:	September 12 th , 2021 / 08:29AM
Involved Officer #1:	Scott Carter, Star #7429, Employee ID # [REDACTED], Date of Appointment: 29/AUG/2005, Rank: PO, Unit of Assignment: 005, DOB: [REDACTED] 1975, Male, Black.
Involved Officer #2:	Divale Roberson Star #16993, Employee ID # [REDACTED], Date of Appointment: 31/OCT/2016, Rank: PO, Unit of Assignment: 005, DOB: [REDACTED] 1990, Male, Black.
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1987, Male, Black.
Case Type:	Excessive Force No Weapon No Injury / Civil Rights Violation

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Scott Carter	It is alleged that on September 10 th , 2021, at approximately 12:41PM, at or around 11210 S Michigan., Officer Scott Carter: 1. Struck [REDACTED] on or about the throat area with his hand without justification.	Exonerated ¹

¹ Formal allegations were not served.

II. SUMMARY OF EVIDENCE²

On September 10th, 2021, at approximately 12:41pm, Officer Scott Carter (Officer Carter) and Officer Divale Roberson (Officer Roberson) observed [REDACTED] (Mr. [REDACTED]) and another unknown citizen standing in an abandoned corridor of a commercial property. The two officers exited their department vehicle and approached Mr. [REDACTED] and the other citizen for a field interview. Officer Roberson observed Mr. [REDACTED] in possession of a clear plastic bag which contained a green leaf like substance. Officer Roberson additionally observed what appeared to be an imprint of a weapon at or near the waist area of Mr. [REDACTED]. Officer Roberson performed a protective pat-down and concluded Mr. [REDACTED] was in possession of a firearm. While Officer Roberson attempted to investigate further, Mr. [REDACTED] began to flee on foot. Officer Roberson performed an emergency takedown and then attempted to place Mr. [REDACTED] in handcuffs. At the same time, Mr. [REDACTED] tried to stand up. Officer Carter then pushed Mr. [REDACTED] near his collar shirt, pushing Mr. [REDACTED] back to the ground while instructing Mr. [REDACTED] to sit down. The officers concluded their search of Mr. [REDACTED] and escorted him back to their department vehicle. Additional assisting officers arrived on scene and transported Mr. [REDACTED] to the 005 District for further processing. Further investigation revealed that Mr. [REDACTED] was a prior felon and did not possess a valid FOID or CCL at that time. Mr. [REDACTED] did not sustain any injuries during the incident.

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.

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.

² COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain investigations are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

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 AND CONCLUSION

COPA finds **Allegation 1**, that on September 10th, 2021, at approximately 12:41 PM, at or around 11210 S Michigan., Officer Scott Carter struck [REDACTED] on or about the throat area with his hand without justification, **Exonerated**, by clear and convincing evidence.

Lieutenant Charles Artz (LT. Artz) alleged that Officer Carter used excessive force by pushing Mr. [REDACTED] to the ground by way of thrusting his hand towards the throat area of Mr. [REDACTED] while Mr. [REDACTED] was being placed in handcuffs.³ However, a review of the applicable BWC, shows that Officer Carter pushed Mr. [REDACTED] near his collar shirt while instructing Mr. [REDACTED] to say down - Mr. [REDACTED] was actively resisting both the officers as they attempted to conduct a search after the recovery of a weapon from Mr. [REDACTED] person. Mr. [REDACTED] refused medical assistance and never mentioned any injuries which resulted from the incident.⁴ For these reasons, COPA finds that the force used by Officer Carter was within policy. Accordingly, COPA finds the allegation against Officer Carter, **Exonerated**.

Approved:

[REDACTED]

12/20/2021

Matthew Haynam
Deputy Chief Administrator

Date

³ Att. 7.

⁴ Att. 20, Att. 21