



Log # 2021-2405

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

### I. EXECUTIVE SUMMARY

On June 20, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD) Unit 010 reporting alleged misconduct by a CPD member. It is alleged that on June 19, 2021, at approximately 9:45 pm, Officer Iwan Smith, #5218, engaged in an altercation with his [REDACTED] [REDACTED] [REDACTED] during which he struck her on the face, threw her phone over a fence, and attempted to prevent her from calling the police.<sup>2</sup> Following its investigation, COPA reached Sustained findings regarding the allegations of throwing the phone and Not Sustained findings for the other allegations.

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

Officer Iwan Smith and [REDACTED] got [REDACTED] in March 2019 and separated in April 2021. On June 19, 2021, they took their [REDACTED] to Six Flags Great America in Gurnee, Illinois. While at the waterpark and amusement park, the two got into an argument because Officer Smith sent a text message to a woman he was dating during their separation. The argument continued on the drive home on I-94, eventually culminating in a physical struggle. [REDACTED] alleged Officer Smith struck her on the face with his open hand/arm. In his interview to COPA, Officer Smith reported [REDACTED] tried to open the car door while he was driving on the highway, then tried to grab the steering wheel. He swung his arm toward her several times to get her to stop, resulting in his forearm striking her head/neck area. [REDACTED] reported Officer Smith took her phone away from her because she called 911, so she used her watch to continue the call. Officer Smith reported he saw [REDACTED] calling police but denied he tried to stop her from doing that. Officer Smith got off at the next exit and stopped at a gas station, where he threw her belongings out of the car, including her phone.<sup>4</sup> [REDACTED] took [REDACTED] from the car and Officer Smith left them at the gas station. According to Officer Smith, he intended to drive

---

<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 Illinois State Police (ISP) reports, evidence photographs, and an interview with Officer Smith. [REDACTED] did not provide an interview with COPA, but COPA was able to rely on the interview she gave to an ISP Trooper immediately after the incident.

<sup>4</sup> [REDACTED] alleged Officer Smith threw the phone over a fence; Officer Smith did not recall whether there was a fence present but acknowledged he threw the phone with force.

around to calm down before returning to pick them up. He called and texted [REDACTED] several times but she did not answer, so he did not return. Meanwhile, an Illinois State Police Trooper responded and took [REDACTED] statement and photographs showing marks on her face. Officer Smith was arrested on June 24, 2021, and charged with Domestic Battery. The charges were dismissed on July 8, 2021.

### III. ALLEGATIONS

#### Officer Iwan Smith:

1. Striking [REDACTED] on the right side of her face approximately 5 times, without justification.
  - Not Sustained
2. Throwing [REDACTED] phone over a fence, without justification.
  - Sustained, Violations of Rules 2 and 8.
3. Attempting to prevent [REDACTED] from calling the police, without justification.
  - Not Sustained

### IV. CREDIBILITY ASSESSMENT

Officer Smith reported he had two beers at the waterpark and reported [REDACTED] had beer and several other alcoholic drinks throughout the day, which resulted in her vomiting when they were getting in the car to leave. COPA was unable to corroborate this or any other details of this incident with [REDACTED] who declined to provide a formal interview. While COPA did not find any evidence to diminish the credibility of either party, [REDACTED] interview is necessary to do a complete credibility assessment.

### V. ANALYSIS<sup>5</sup>

COPA finds Allegation #1 against Officer Smith, that he struck [REDACTED] on the face, is Not Sustained. Both parties reported an argument that led to a physical struggle, but the exact details of the struggle are unknown. Officer Smith acknowledged striking [REDACTED] head/neck area but said he did so to prevent her from gaining control of the steering wheel as they drove on the highway. The account [REDACTED] provided to ISP did not contain enough details to determine what happened during the struggle in the car. Based on the available evidence, COPA is unable to determine the circumstances about the struggle and reached a finding of Not Sustained for this allegation.

COPA finds Allegation #2 against Officer Smith, that he threw [REDACTED] phone over a fence, is Sustained. [REDACTED] made this allegation to the ISP Trooper and Officer

<sup>5</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

Smith admitted he threw the phone. Officer Smith said he did so because he was upset about the situation, which does not excuse this behavior. Although Officer Smith did not recall seeing a fence, he acknowledged he threw the phone with force. Officer Smith stated that he called [REDACTED] multiple times but did not return to the scene due to her not picking up the phone. He did not explain how he expected her to answer the phone after he threw it with force. Therefore, COPA finds Allegation #2 Sustained.

COPA finds Allegation #3 against Officer Smith, that he attempted to prevent [REDACTED] from calling the police, to be Not Sustained. As with Allegation #1, COPA was unable to determine what happened when the couple argued in the car. Officer Smith did not recall having [REDACTED] phone in his hand as he drove and did not recall what conversation she had with the 911 call taker. Because COPA is unable to determine what happened during this portion of the incident, COPA finds this allegation to be Not Sustained.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Iwan Smith**

#### **i. Complimentary and Disciplinary History**

#### **ii. Recommended Discipline**

COPA has considered the totality of the evidence in this case. Officer Smith threw [REDACTED] phone without justification. However, he admitted to the allegation and took responsibility for his conduct. Therefore, COPA recommends a written reprimand.

Approved:

[REDACTED]

*Sharday Jackson*  
*Deputy Chief Administrator – Chief Investigator*

January 26, 2024

Date

**Appendix A**

**Case Details**

---

Date/Time/Location of Incident:	June 19, 2021 / 9:45 pm / I-94 Southbound, near Dempster
Date/Time of COPA Notification:	June 20, 2021 / 3:35 pm
Involved Member #1:	Iwan Smith, Star #5218, Employee ID # [REDACTED] Date of Appointment November 16, 2017, Unit of Assignment 010, Male, Black
Involved Individual #1:	[REDACTED] Female, Hispanic

**Applicable Rules**

---

- 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 1:** Violation of any law or ordinance.

**Applicable Policies and Laws**

---

- 720 ILCS 5/12-3.2 – Domestic Battery

## 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>6</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>7</sup>

---

<sup>6</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>7</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