



Log # 2022-4261

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 4, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD) concerning a complaint from ██████████ the mother of ██████████ reporting alleged misconduct by a member of the CPD.² ██████████ alleged that on October 4, 2022, Sgt. Milton C. Kinnison, used excessive force in unlawfully detaining ██████████ and also failed to identify himself as a sworn member of CPD.³ Upon further review of the complaint and evidence, COPA served allegations that Sgt. Kinnison, detained ██████████ grabbed ██████████ (causing injury), and failed to identify himself as CPD officer. Following its investigation, COPA reached sustained findings for all allegations.

II. SUMMARY OF EVIDENCE⁴

On October 4, 2022, ██████████ was speaking with Officer Solomon C. Ing, Star #4117, and Officer Jack Lin, Star #11860, while they were investigating a rock-throwing incident,⁵ when off-duty Sgt. Kinnison drives up in his personal vehicle, approaches ██████████ and without any warning a resistance from ██████████ Sgt. Kinnison grabs ██████████ and a struggle between the two follows. Sgt. Kinnison had earlier complained to the officers that juveniles had been throwing rocks at windows in the area. Officer Ing did not hear Sgt. Kinnison identify himself to ██████████ as a CPD officer⁶ and witnessed Sgt. Kinnison placed his hands onto ██████████ without informing him or his partner that he had probable cause to arrest her. Officer Lin, separated ██████████ from Sgt. Kinnison after a struggle had ensued.⁷

III. ALLEGATIONS

Sgt. Milton C. Kinnison:

¹ 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.

² See Att. 8.

³ 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.

⁴ 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, third-party photograph, police reports, civilian and officer interviews.

⁵ Att. 25; See Att. 29 for the full transcript of Officer Ing's interview and Att. 26. See Att. 30 for the full transcript of Officer Lin's interview.

⁶ Att. 25, Pg. 18, Ln. 11

⁷ Att. 25, Pg. 21, Ln. 2

1. Detained ██████████ without justification.
- Withdrawn
2. While detaining ██████████ grabbed her arm, injuring her, without justification.
- Sustained, Violation of CPD Rules 2, 3, 6, 8, 9 and G03-02⁸
3. Failed to identify himself to ██████████ as a CPD officer, prior to detaining ██████████ without justification.
-Withdrawn

IV. ANALYSIS⁹

a. Grabbing ██████████ Arm and Injuring Her

COPA finds that Sgt. Kinnison grabbing of ██████████ arm **Sustained**. BWC footage and statements provided by the involved parties, including Sgt. Kinnison, corroborate that Sgt. Kinnison arrived on scene where ██████████ was being interviewed by two investigating officers. Upon arrival, Sgt. Kinnison did not identify himself to ██████████ and instead proceeded to escalate the situation by grabbing ██████████ arm(s). CPD’s G03-02, which states, “Force is defined as any physical contact by a Department member, either directly or through the use of equipment, to compel a person’s compliance.”¹⁰ Additionally, “Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.”¹¹ G03-02, also encourages department members to use de-escalation as a tactic. COPA finds in this instance, Sgt’ Kinnison’s use of force was not necessary nor proportional to ██████████ actions. In fact, at the time ██████████ was actively cooperating with two uniformed officers investigating the alleged vandalism. Accordingly, COPA finds that Sgt. Kinnison violated CPD policy; therefore, allegation 2 is **Sustained**.

V. DISCIPLINARY RECOMMENDATION

a. Sgt. Milton Kinnison

i. Complimentary and Disciplinary History¹²

Sgt. Kinnison has received 126 various awards and commendations and has no reported disciplinary history in the last five years.

⁸ De-Escalation, Response to Resistance, and Use of Force: Effective Date – April 15, 2021.

⁹ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

¹⁰ Att. 33 G03-02 (III) (A)

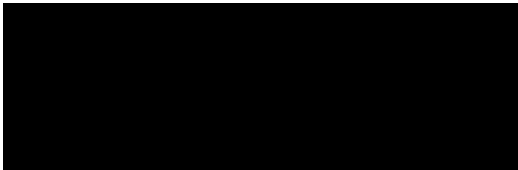
¹¹ Att. 33 G03-02 (III) (B)

¹² Att. 34

ii. Recommended Discipline

COPA has found that Sgt. Kinnison violated Rules 2, 3, 6, 8, and 9 by grabbing [REDACTED] without justification. In his interview with COPA, Considering the infraction, along with Sgt. Kinnison’s history, COPA recommends a **10-day suspension.**

Approved:



January 26, 2024

Matthew C. Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	October 4, 2022 / 7:21 p.m.
Date/Time of COPA Notification:	October 4, 2022 / 8:40 p.m.
Involved Officer #1:	Milton C. Kinnison, Star #2561, Employee ID# [REDACTED] Date of Appointment: July 28, 2008, Unit of Assignment: 005, Gender: Male, Race: Black
Involved Officer #2	Solomon C. Ing, Star #4117, Employee ID# [REDACTED] Date of Appointment: December 17, 2018, Unit of Assignment: 008, Gender: Male, Race: Asian
Involved Officer #3	Jack Lin, Star #11860, Employee ID# [REDACTED] Date of Appointment: September 25, 2006, Unit of Assignment: 008, Gender: Male, Race: Asian
Involved Individual #1:	[REDACTED] Gender: Female, Race: Black
Involved Individual #2:	[REDACTED] J. [REDACTED] Gender: Female, Race: Black

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 37:** Per CPD Rule 37, it is a violation if a sworn officer, whether on or off duty, fails to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

Applicable Policies and Laws

1. S07-03-06¹³

2. G03-02

Federal Laws

1. 4th Amendment to U.S. Constitution

State Laws

1. Illinois Constitution 1970, Art. I, § 6

2. Battery: 720 ILCS 5/12-3(a)¹⁴

3. Criminal Damage to Property: 720 ILCS 5/21-1(a)¹⁵

¹³ Investigatory Stop System

¹⁴ A person commits battery if he or she knowingly without legal justification by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.

¹⁵ A person commits criminal damage to property when he or she knowingly damages any property of another.

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.¹⁶ For example, 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. 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.”¹⁷

¹⁶ 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).

¹⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th 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
- Failure to Identify Himself as a Police Officer