



Log # 2020-5177

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

### I. EXECUTIVE SUMMARY

On November 16, 2020, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department reporting alleged misconduct by a member of the Chicago Police Department (CPD). It is alleged that on November 15, 2020, during a verbal dispute with his [REDACTED] [REDACTED] Officer Daniel Finn grabbed and pushed her without justification; scratched her on the chest; threatened her; and damaged a closet door. It is further alleged that Officer Finn was intoxicated during the incident.<sup>2</sup> Following its investigation, COPA reached sustained findings regarding the allegation of intoxication.

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

On November 20, 2020, at approximately 11:24pm, officers responded to a call<sup>4</sup> of an officer threatening to harm himself and his [REDACTED]. Upon arrival, officers spoke to [REDACTED]<sup>5</sup> who related that she and her [REDACTED] Officer Finn, got into a verbal dispute when she asked his friends to leave the residence. After their friends left, Officer Finn became physically aggressive and then left the residence with his firearms and ammunition. [REDACTED] articulated that Officer Finn did not state that he would harm himself, but she was afraid that he would.<sup>6</sup> Evidence Technician photographs depicted what appeared to be a scratch on [REDACTED] chest<sup>7</sup> and a hole<sup>8</sup> in the bedroom closet door.

Chicago Police Officers located Officer Finn at 10600 S. Artesian, where he was arrested,<sup>9</sup> transported to the 22<sup>nd</sup> District Station, and charged with Domestic Battery.<sup>10</sup> While at the District,

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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, photographs, police reports, civilian interviews, officer interviews.

<sup>4</sup> Att. 21, 22

<sup>5</sup> [REDACTED] failed to cooperate with the COPA investigation.

<sup>6</sup> Att. 28, 8:24-8:35, 9:09-9:15

<sup>7</sup> Att. 42, 43

<sup>8</sup> Att. 40, 41

<sup>9</sup> Att. 1-3

<sup>10</sup> [REDACTED] refused to proceed with the criminal proceedings and the charge was *Nolle Prosequi*.

Sgt. Rowan noticed Officer Finn's bloodshot and glassy eyes and smelled alcohol emitting from his person.<sup>11</sup> Officer Finn's breath alcohol concentrate was .114.<sup>12</sup>

In his interview, Officer Finn<sup>13</sup> stated that ██████ suspected that he was texting another girl. When they went to bed, she began accusing him again, and he gave her his cellphone to prove that he had not. After going through the contents of his phone and not finding anything, she threw the cell phone at him, striking him on the right side of his body. Officer Finn told her that she had been drinking and they would discuss the matter the following morning. ██████ began yelling, pulling the blankets off Officer Finn, and pulling him towards her. Officer Finn got up, changed his clothing, and began to retrieve some of his belongings. When ██████ realized that Officer Finn was about to leave, she began tugging at his arm and forearm and trying to pull him back to the bed. Officer Finn explained that as he was gathering his weapons out the closet, ██████ closed the closet door. He, in turn, opened the closet door. The pair repeated this cycle a few times before Officer Finn was able to retrieve his jacket and two lock boxes containing his four weapons. Officer Finn stated that the closet door, which periodically gets jammed, was damaged as the two of them both pushed and pulled on the door with force. He also added that his elbow possibly made contact with the door as he was grabbing his personal belongings. As he tried to leave the apartment, ██████ repeatedly attempted to pull and push him towards their bedroom. Officer Finn stated that he was able to exit the apartment by shoving/pushing her out of the way with his elbow and forearm. While Officer Finn denied being intoxicated during the incident, he admitted that both he and ██████ had been drinking alcoholic beverages throughout the day. Additionally, Officer Finn stated that he was unaware that ██████ sustained scratches on her chest and could not account for her injuries.

### III. ALLEGATIONS

#### Officer Daniel Finn:

It is alleged that on or about November 15, 2020, at approximately 11:05 PM, at or near the location of ██████:

1. Grabbed ██████ by the arms without justification
  - Not Sustained
2. Pushed ██████ without justification
  - Not Sustained
3. Scratched ██████ on the chest
  - Not Sustained
4. Threatened to physically harm ██████
  - Not Sustained
5. Damaged the closet door
  - Not Sustained
6. Was intoxicated in violation of Rule 15
  - Sustained, Violation of Rules 2 and 15

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<sup>11</sup> Att. 1

<sup>12</sup> Att. 49

<sup>13</sup> Att. 46, 48

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

#### V. ANALYSIS<sup>14</sup>

COPA finds that **Allegations 1-5** are **Not Sustained** against Officer Finn. Officer Finn denied grabbing ██████ scratching her on the chest, and threatening her. He admitted that he pushed ██████ as he was attempting to leave their apartment. COPA was unable to interview ██████ to obtain the full details of the physical interaction between her and PO Daniel Finn. Without her account, COPA is unable to determine if Officer Finn's physical contact with ██████ was unjustified. While the evidence shows that the couple engaged in an argument, damaged a closet door, and based on Officer Finn's admission, had physical contact with one another, there is insufficient evidence to determine if his actions rose to the level of misconduct.

COPA finds that **Allegation #6** that Officer Finn was intoxicated **is Sustained**. Department Members are not allowed to be intoxicated on or off duty. Officer Finn denied being intoxicated but related that he had been consuming alcoholic beverages throughout the day. Following his arrest, Sgt. Howard noted that Officer Finn had watery and bloodshot eyes, and a moderate odor of alcohol emitted from his person. Officer Finn's Breathalyzer result was .114, above the legal limit of alcohol consumption. Based on the evidence, it is clear that Officer Finn was intoxicated while off duty, in Violation of Rules 2 and 15.

#### VI. DISCIPLINARY RECOMMENDATION

##### a. Officer Daniel Finn

##### i. Complimentary and Disciplinary History<sup>15</sup>

Officer Finn has received a total of seven awards including one crime reduction award and five honorable mentions. He has not received any recent disciplinary action.

##### ii. Recommended Discipline

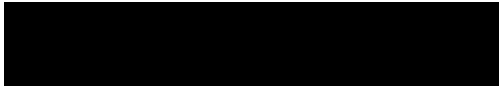
COPA has found that Officer Finn violated the above-referenced Rules and Regulations for the Chicago Police Department by being intoxicated. COPA recommends a suspension of up to 30 days.

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<sup>14</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>15</sup> Att. 53

Approved:



Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

February 5, 2024

Date

Appendix ACase Details

|                                 |   |
|---------------------------------|---|
| Date/Time/Location of Incident: | November 15, 2020/11:05PM/[REDACTED],<br>[REDACTED]   |
| Date/Time of COPA Notification: | November 16, 2020/12:50 AM  |
| Involved Officer #1:            | Daniel Finn, Star 8216, Employee ID [REDACTED], DOA June 25, 2018, UOA 002/376, Male, White |
| Involved Individual #1:         | [REDACTED] Female, White  |

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 15:** Intoxication on or off duty

Applicable Policies and Laws

- S08-01-02-II.E.3: Special Situations Involving Allegations of Misconduct (effective April 8, 2019, to present)

## 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>16</sup> 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.”<sup>17</sup>

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<sup>16</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>17</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