



Log # 2020-0001651

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 17, 2019, the Civilian Office of Police Accountability (COPA) received a complaint from ██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on April 26, 2020, Police Officer Stefanie Lampignano struck him on the chest with a closed fist, without justification and placed her hands on his neck without justification.² Following its investigation, COPA reached not sustained findings for both allegations against Police Officer Lampignano.

II. SUMMARY OF EVIDENCE³

Body Worn Camera (BWC) shows multiple officers responding to ██████████ for a domestic battery. Complainant ██████████ said ██████████ Officer Lampignano, punched and choked him. ██████████ relayed to Sgt. Maldonado that both parties were drinking and had an argument about their relationship.⁴ ██████████ said Officer Lampignano told him to leave, smacked him with an open handed across his face, and placed her hands around his neck. ██████████ said Officer Lampignano did not restrict his airway. Responding officers did not see any injuries or marks on ██████████⁵

On BWC, Officer Lampignano denied choking or striking ██████████⁶ Officer Lampignano said ██████████ shoved her inside of her apartment and she shoved him back to get him out of her apartment.⁷ Neither ██████████ nor Officer Lampignano suffered injuries. Responding officers documented the incident but did not arrest anyone.⁸

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 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.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including but not limited to interviews of the accused officer and complainant, and BWC.

⁴ Att. 5, at 02:20.

⁵ Att. 5, at 08:20.

⁶ Att. 5, 9:43 to 11:53.

⁷ Att. 5, at 37:30.

⁸ See Att. 1.

During Officer Lampignano's statement to COPA, she said she [REDACTED] for approximately three years.⁹ At the time of her statement, she was not [REDACTED] and there was no contact between them. Officer Lampignano said their relationship consisted of many disagreements where they could not see eye to eye. On April 25, 2020, Officer Lampignano said [REDACTED] was drinking and smoking marijuana and refused to leave her apartment after a verbal altercation.¹⁰ Officer Lampignano said she placed her hands on [REDACTED] back to escort him out of her apartment, but he refused to leave.¹¹ Officer Lampignano said this is not the first time the police were called during their relationship. A domestic incident occurred in Skokie where police arrested [REDACTED] for domestic battery in 2019. Officer Lampignano sustained a contusion to her left elbow from [REDACTED] throwing an object at her.¹² Officer Lampignano provided Skokie police department case number 19-001318. Officer Lampignano did not show up to court in the case in Skokie, so the State's Attorney's Office dismissed the charges against [REDACTED].¹³

COPA interviewed [REDACTED] on August 6, 2020.¹⁴ During [REDACTED] statement to COPA, he said Officer Lampignano placed her fingers near his Adam's Apple.¹⁵ [REDACTED] said he did not lose consciousness or his ability to breathe.¹⁶ [REDACTED] said he did not have any marks or bruises on him the next day. [REDACTED] said Officer Lampignano hit him in the chest with a closed fist. [REDACTED] admitted to smoking and drinking the night of the incident.¹⁷ Officers on scene documented the incident and escorted [REDACTED] to the precinct on Pulaski where he took an Uber home because he had been drinking.¹⁸

III. ALLEGATIONS

Police Officer Stefanie Lampignano

1. Striking [REDACTED] on the chest with a closed fist, without justification.
 - Not Sustained
2. Placing your hands on [REDACTED] neck, without justification.
 - Not Sustained

⁹ Att.3, pg.6, In. 13.

¹⁰ Att.3, pg. 7, Ins. 4 to 8.

¹¹ Att. 3, pg.7, Ins. 13 to 17.

¹² Att.3, pg. 8, Ins. 5 to 10.

¹³ Att.3, pg. 11, Ins. 9 to 14. *See also Illinois v. [REDACTED]* (19 DV 2005801) Case Disposition, Cook County Clerk of Court (Accessed June 21, 2024), Att. 26.

¹⁴ Att. 2, [REDACTED] Transcripts; Att. 19, [REDACTED] Statement.

¹⁵ Att.2, pg. 102, Ins. 8 to 19.

¹⁶ Att.2, pg. 102, Ins. 24 to pg. 103 Ins. 2 to 5.

¹⁷ Att.2, pg. 106 Ins. 8 to 9.

¹⁸ Att.2, pg. 106 Ins. 10 to 14.

IV. CREDIBILITY ASSESSMENT

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. When making a credibility assessment, COPA determines whether available evidence verifies or supports an individual's version of events.

In this case, COPA finds Officer Lampignano's account more credible than ██████████ for three reasons. First, ██████████ was intoxicated at the time of the incident. Officer Lampignano explained that ██████████ had been drinking and smoked cannabis, while ██████████ acknowledged drinking and said that he had "smoked."¹⁹ The fact that ██████████ was intoxicated does not suggest he was untruthful; however, it does raise questions about his ability to accurately perceive the incident and accurately recall it from memory.

Second, Officer Lampignano's description of events remained consistent. Specifically, in her account to the police and in her statement to COPA, Officer Lampignano told or asked ██████████ to leave her apartment, and the alleged conduct occurred after he refused.²⁰ ██████████ confirmed on BWC that Officer Lampignano asked him to leave the apartment.

Third, ██████████ had previously been charged with domestic battery against Officer Lampignano after he threw an object at her that struck and injured her. Both parties concurred in their COPA interviews that ██████████ threw an object at Officer Lampignano and struck her elbow.²¹ This prior domestic incident is relevant to consider in this case for ██████████ possible intent and motivation. On scene of the instant incident, ██████████ repeatedly indicated to officers that he was attempting to document the incident and that he wanted a report.²² His repeated requests appeared to be his primary concern, rather than the alleged incident itself. COPA finds it possible that ██████████ wanted to obtain a report against Officer Lampignano as retaliation for his prior domestic arrest. COPA also finds ██████████ on-scene claim that he never touched Officer Lampignano although she hit him ten times, incredible.²³ The evidence shows that ██████████ had no visible injuries and appeared agitated and high. Given ██████████ intoxication and prior domestic battery arrest, as well as Officer Lampignano's consistent accounts, COPA finds Officer Lampignano's account more credible than ██████████

V. ANALYSIS²⁴

¹⁹ Att. 2, pg. 106, ln. 8 to 9; Att. 3, pg. 13, lns. 6 to 14. While COPA acknowledges that ██████████ wording makes it unclear whether he smoked cannabis, tobacco, or another substance, the context suggests meant cannabis.

²⁰ Att. 3, pg. 5, ln. 22 to pg. 6, ln. 3; Att. 2, pg. 92, ln. 12 to pg. 96, ln. 14.

²¹ Att. 3, pg. 10, lns. 2 to 6; Att. 2, pg. 38, lns. 8 to 24. *See also*, Att. 26.

²² Att. 6 at 4:00 minutes.

²³ Att. 6 at 4:00 minutes.

²⁴ For a definition of COPA's findings and standards of proof, *see* Appendix B.

COPA finds Allegations #1 and #2 Police Officer Lampignano **Not Sustained**. COPA lacks sufficient evidence to sustain allegations against Officer Lampignano, or to reach findings of exonerated or unfounded. Responding officers could not determine if a domestic battery occurred, as [REDACTED] did not have visible injuries from the alleged incident or seek medical attention. The available evidence suggests that [REDACTED] refused to leave Officer Lampignano's house after she repeatedly asked or told him to do so. Officer Lampignano denied striking [REDACTED] or placing her hands around his neck; instead, she said she attempted to escort him out of her apartment by placing her hands on his back. Absent additional evidence to corroborate [REDACTED] account, COPA does not have sufficient evidence to reach a different finding for either allegation. Therefore, Allegations #1 and #2 against Officer Lampignano are **Not Sustained**.

Approved:

[REDACTED]

June 27, 2024

Shannon Hayes
Director of Investigations

Date

Appendix A

Case Details

Date/Time/Location of Incident:	April 26, 2020/ 02:45a.m./ [REDACTED]
Date/Time of COPA Notification:	April 26, 2020/ 05:04
Involved Member #1:	Stefanie Lampignano, star # 10282, employee ID# [REDACTED], April 17, 2017, 025 District, Female, White
Involved Individual #1:	[REDACTED] Male, 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 __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- 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.²⁵ 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.”²⁶

²⁵ 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).

²⁶ *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
- Other Investigation