



Log # 2019-0000783

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

### I. EXECUTIVE SUMMARY

On April 11, 2019, the Civilian Office of Police Accountability (COPA) received a complaint from Dr. [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on April 11, 2019, Police Officer/Evidence Technician Stacy Spires smacked her [REDACTED] across the face.<sup>2</sup> Upon review of the evidence, COPA served additional allegations that Stacy Spires struck the minor victim [REDACTED] on the head and/or face, providing false, misleading, incomplete, and/or inaccurate statement to Detective Donald Barker star # 20944, relative to her physical contact with [REDACTED].<sup>3</sup> COPA served allegations to Detective Donald Barker was inattentive to duty that the accused failed to conduct a complete and thorough investigation regarding RD#JC221033. Following its investigation, COPA reached sustained findings regarding the allegations of Officer Stacy Spires who struck the minor victim, [REDACTED] on the head and/or face.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

On April 11, 2019, Officer Spires and [REDACTED] arrived at [REDACTED] school, [REDACTED], to pick up her report card. Report cards were picked up in the school's cafeteria along with the teachers. Witnesses in the cafeteria observed Officer Spires hitting [REDACTED] and noticed [REDACTED] face was visibly red. Reporting witness [REDACTED] contacted Department of Children and Family Services (DCFS) Child Abuse Hotline to report that Officer Spires smacked [REDACTED] across the face in front of 20 teachers and other parents and threatened to beat her. Detective Donald Barker was assigned to the child abuse case under RD JC221033.<sup>5</sup>

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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> Att.3

<sup>3</sup> Att.55

<sup>4</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 *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

<sup>5</sup> Att.2 Det. Barker was re-assigned the case. Case originally assigned to Detective Ned Polovina

During the statement of Officer Spires, Officer Spires said on April 11, 2019, she did not know it was report card pickup day because ██████ did not tell her.<sup>6</sup> Officer Spires said ██████ wanted her to talk to one of her teachers because her grade went from an A to a C. ██████ grade changed due to missing assignments according to ██████. During the conference, Officer Spires received a phone call from ██████ at ██████ high school to report that ██████ was there earlier with three other girls trying to fight another female student from the school. When Officer Spires got off the phone, she told ██████ she was going to beat her, and she struck ██████ in the face in front of ██████. ██████ was struck in the face because during the phone call with ██████ it was revealed that she stole Officer Spires' car keys.

During the statement of ██████ she said Officer Spires told her how she was very dissatisfied, and that ██████ grades were unsatisfactory. ██████ observed ██████ cheeks were visibly red. ██████ said she explained to Officer Spires that ██████ had a C in her class because she was missing assignment deadlines, not submitting quality work, and low-test scores.<sup>7</sup> ██████ could not remember if ██████ was hit with an open or closed hand. She did remember seeing ██████ flinching and trying to move out of Officer Spires' way. ██████ said Officer Spires and ██████ were approximately a foot apart. ██████ said her colleagues ██████, ██████, ██████, ██████, also observed ██████ get struck.<sup>8</sup> ██████ notified ██████ ██████ about the incident and what her next steps would be. ██████ said she completed an incident report and emailed it to her superiors.<sup>9</sup>

During the statement of Detective Barker, he said he interviewed Officer Spires over the phone, and she denied the allegations. Detective Barker said he contacted ██████ but the call went to voicemail. Detective Barker could not remember if he contacted ██████ or (DFCS) because he did not document it in his detective supplement report.<sup>10</sup> Detective Barker said he spoke to Officer Spires for approximately ten minutes. Officer Spires told Detective Barker that she does remember going to the school on April 11, 2019 for report card pick up. Officer Spires also told Detective Barker that she never made physical contact with ██████ and believes that because she made a complaint against ██████ about her lack of ██████, is why she made a DCFS complaint.<sup>11</sup> Detective Barker said the case was closed based on DCFS closing their investigation. Detective Barker said from his investigation and the narrative of DCFS hotline, he found that it was corporal punishment from a parent to a child and it is not a crime.<sup>13</sup>

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<sup>6</sup> Att.58

<sup>7</sup> Att.27-page 8 line 22-24.

<sup>8</sup> Att.27-page 19 line 4, page 22 line 13.

<sup>9</sup> Att.27-page 29 line 9.

<sup>10</sup> Att.53-page 19 line 2.

<sup>11</sup> Att.53-page 19 line 18-23.

<sup>12</sup> Att.54-page 21 line 1-12.

<sup>13</sup> Att.53-page 29 line 23-24.

COPA attempted to retrieve a statement from [REDACTED] on May 18, 2021 at approximately 04:11 pm. [REDACTED] did not want to provide a statement and stated she did not remember much; except she took [REDACTED] car without permission and drove to her old school.<sup>14</sup>

### III. ALLEGATIONS

#### Police Officer Stacy Spires:

1. It is alleged that on or about April 11, 2019, between approximately 04:00pm and 06:00pm, at or near [REDACTED], [REDACTED], Chicago, Illinois, Officer Spires struck the minor victim, [REDACTED] on the head and/or face.

- **Sustained in violation of Rule 2 and Rule 8.**

2. It is alleged that on or about April 24, 2019, via telephone at approximately 10:51 am, Officer Spires provided false, misleading, incomplete, and/or inaccurate statements to Detective Donald Barker, #20944, relative to her physical contact with [REDACTED] on or about April 11, 2019, between approximately 4:00 pm and 6:00 pm, at or near [REDACTED] [REDACTED], Chicago, Illinois.

- **Not Sustained**

#### Police Officer Donald Barker:

3. It is alleged that on or above September 25, 2019, at approximately 10:40a.m., the accused was inattentive to duty in that the accused failed to conduct a complete and thorough investigation regarding RD# JC221033.

- **Sustained in violation of Rule 10**

### IV. CREDIBILITY ASSESSMENT

The investigation did not reveal any evidence that cause COPA to doubt the credibility of any individuals.

### V. ANALYSIS<sup>15</sup>

COPA finds Allegation #1 against Officer Stacy Spires that she struck [REDACTED] on the head and or face, is Sustained. Multiple witnesses at [REDACTED] witnessed Officer Stacy Spires strike [REDACTED] in the on the head and/or face. During Officer

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<sup>14</sup> Att.60

<sup>15</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

Stacy Spires' statement she admitted to striking [REDACTED] Therefore, COPA finds Allegation #1 is Sustained.

COPA finds Allegation #2 against Officer Stacy Spires that she provided false, misleading, incomplete, and or inaccurate statements to Detective Donald Barker Not Sustained. In her statement to COPA, Officer Stacy Spires reported she was confused by Detective Barker's questioning. Officer Stacy Spires reported that she was unclear if the questioning from Detective Barker was with regards to the incident at [REDACTED] or if there was another complaint made. Detective Barker was unable to provide a clear response. COPA reached a finding of Not Sustained.

COPA finds the Allegation against Detective Donald Barker that he failed to conduct a complete and thorough investigation, is Sustained. In his statement, Detective Barker could not provide documentation of investigative steps with regards to interactions with DCFS or [REDACTED] the reporter to DCFS, or any other person representing [REDACTED]. Detective Barker also could not verify that he spoke with the minor, [REDACTED] in his statement to COPA.<sup>16</sup> COPA sustained the allegations.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Stacy D. Spires**

#### **i. Complimentary and Disciplinary History<sup>17</sup>**

Officer Spires has received a total of 19 awards, including two crime reduction awards and one ribbon, three complimentary letters and ten honorable mentions. Officer Spires has not received any disciplinary actions in her career as a police officer with the Chicago Police Department.

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

COPA has considered Officer Spires' complimentary history and lack of disciplinary history. Officer Spires admittance of striking [REDACTED] is a significant violation and should be subject to discipline. COPA recommends a suspension of up to 30 days.

### **b. Detective Donald Baker**

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

Detective Baker has 89 awards and recognitions and no recent disciplinary history.

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

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<sup>16</sup> Att. 50

<sup>17</sup> Att. 60

COPA has considered Detective Baker’s complimentary history and lack of disciplinary history. Detective Baker’s lack of investigation is concerning and could undermine public trust in the Department. COPA recommends a suspension of up to 30 days.

Approved:

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Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

January 26, 2024  
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Date

Appendix ACase Details

Date/Time/Location of Incident:	April 11, 2019/08:00a.m./ [REDACTED]
Date/Time of COPA Notification:	April 11, 2019/ 3:00p.m.
Involved Member #1:	Stacy Spires star # 10622, employee ID# [REDACTED], March 18, 1996, 117, Female, Black
Involved Member #2:	Donald Barker star # 20944, employee ID# [REDACTED], December 2, 1991, Male, White
Involved Individual #1:	[REDACTED]

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

- *[Directive #]: [Directive Name] (effective [date] to [date (or 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>18</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>19</sup>

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<sup>18</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>19</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