

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

## I. EXECUTIVE SUMMARY

Date of Incident:	November 5, 2016
Time of Incident:	Approximately 3:00 p.m.
Location of Incident:	3124 W. 111 <sup>th</sup> Street

On November 5, 2016, at approximately 3:00 p.m., [REDACTED] and several members of his family attended a burial. [REDACTED] siblings, [REDACTED] and [REDACTED] left Mount Hope Cemetery at 11500 S. Fairfield Avenue. The siblings rode in separate vehicles and shortly after leaving the cemetery were traveling westbound on 111<sup>th</sup> Street to return to the funeral home. [REDACTED] left the cemetery with his fiancée, [REDACTED] in a 2013 grey Dodge Charger and although intending to visit his uncle at the University of Chicago Hospital, he also drove westbound on 111<sup>th</sup> Street.<sup>2</sup> At approximately the same time, off-duty Chicago Police Department (CPD) Officer, Joseph Treacy, #17619, was returning home from work, also travelling westbound on 111<sup>th</sup> Street.

A traffic-related altercation on the 3100 block of West 111<sup>th</sup> Street led to Officer Treacy becoming involved in an argument with several people leaving the memorial service, including [REDACTED] siblings, [REDACTED] and [REDACTED] Officer [REDACTED] claimed that during this argument, which took place at approximately 3112 W. 111<sup>th</sup> Street, a group of African American males and females surrounded his vehicle and struck him in the head while he remained in the vehicle. Officer Treacy drove west on 111<sup>th</sup> Street and parked his car just west of Troy Street. The altercation continued to escalate, culminating in multiple incidents on 111<sup>th</sup> Street between Albany and Troy Streets. Several witnesses described the conflict as being divided along racial lines. A woman, now known as [REDACTED] who leaving a nearby True Value Hardware Store located at 3111 W. 111<sup>th</sup> Street, attempted to call 911 to report the disturbance and was struck in the head by a member of the [REDACTED] party, which had left their vehicles parked on 111<sup>th</sup> Street to argue with Officer Treacy.<sup>3</sup> An off-duty Chicago Fire Department (CFD) candidate, now known to be [REDACTED] was also beaten by several members of the same group when he stopped and left his vehicle near the intersection of 111<sup>th</sup> and Troy Streets.

After parking his vehicle west of Troy Street on 111<sup>th</sup> Street, Officer Treacy called 911. While calling 911, he saw the crowd beating Mr. [REDACTED] Officer Treacy then dropped the phone and exited his vehicle with his weapon drawn. An off-duty sergeant on his way to work, now identified as Thomas Derouin, #2462, saw Mr. [REDACTED] being beaten as Sergeant Derouin drove east on 111<sup>th</sup> Street near Troy. Sergeant Derouin exited his vehicle and attempted to call the 22<sup>nd</sup> District. Once outside his

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> [REDACTED] and Ms. [REDACTED] followed faulty instructions from their GPS and ended up in the same area as his siblings, though they did not travel there together.

<sup>3</sup> [REDACTED]

vehicle, Sergeant Derouin recognized Officer ██████ as a police officer. By this point, a number of members of the ██████ party had gathered at the intersection of 111<sup>th</sup> and Troy Streets, and many people were yelling and cursing. An independent witness recorded some of the incident on a cell phone. Two members of the ██████ party, ██████ and ██████ saw their family members' altercation with Officer Treacy at 111<sup>th</sup> and Troy as they approached from the east. During the group's altercation with Officer Treacy, ██████ exited the Dodge Charger, raised a handgun over the roof of the vehicle, and pointed it at the crowd.

As Officer Treacy moved towards the front of the Charger, he saw ██████ near the back of the vehicle pointing his firearm at Sergeant Derouin. Officer Treacy alerted Sergeant Derouin that a person had drawn a gun. In response, Sergeant Derouin took cover behind a building located on the northeast corner of 111<sup>th</sup> and Troy Streets and fired three to four shots. Officer Treacy, who was standing near the intersection of 111<sup>th</sup> and Troy Streets, fired three to five rounds. Both Officer Treacy and Sergeant Derouin observed ██████ fall against the Charger with the handgun, still in his right hand, pointed at Sergeant Derouin. Both officers then fired additional shots. Officer Treacy fired another four to six rounds for a total of 11 and Sergeant Derouin fired another three to four shots for a total of seven. Several of their shots hit ██████ who then fell to the ground and dropped the gun. Having sustained multiple gunshots, ██████ was fatally wounded.

As Officer Treacy attempted to secure ██████ firearm, ██████ brother ██████ attempted to grab the weapon, resulting in a physical altercation between ██████ and Officer Treacy. Officer Treacy ultimately gained control of ██████ weapon.<sup>4</sup> As indicated above, the two officers' use of deadly force was investigated and addressed in **Log #1082890**.

After the shooting, ██████ and ██████ called their mother, ██████ to inform her that ██████ had been shot. ██████ immediately drove to the area of the incident. When she arrived, she found the area of the incident had been cordoned off. ██████ approached a uniformed officer to find out what had happened to her son. ██████ told COPA investigators that the uniformed officer, who identified herself as Officer Archer, was dismissive and unprofessional before informing ██████ that ██████ had been transferred to Christ Hospital.

████████ then went to Christ Hospital where she was informed by members of the Oak Lawn Police Department that per instructions from the Chicago Police Department, she would not be let into the hospital. Eventually, ██████ was allowed access into the hospital, where she was informed by doctors that ██████ had expired from his injuries.

Below is an aerial view of each altercation (Points 1 through 3) and the approximate positioning of ██████ vehicle, which is where he was positioned at the time of the shooting (Point 4).

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<sup>4</sup> ██████ was charged with aggravated battery of a peace officer and attempting to disarm a peace officer (Att. 35). The charges were later dismissed.



Figure 1: Google maps aerial view of 111<sup>th</sup> Street between Troy Street (to the west) and Albany Avenue (to the east) with relevant points labeled 1 through 4. Point 1 notes the initial traffic altercation between Officer Treacy and the [REDACTED] party. Point 2 reflects the site of the altercation with civilian [REDACTED]. Point 3 is the site where Mr. [REDACTED] was assaulted. Point 4 is where [REDACTED] vehicle was parked and his location when the shooting occurred.

During this investigation, IPRA and COPA interviewed 12 civilians (including five members of the [REDACTED] family), one Chicago Fire Department employee, and four Chicago Police Department members (including the accused members).<sup>5</sup> IPRA/COPA obtained Electronically-Recorded Interviews (ERIs) of the statements that two civilians made to CPD detectives. Those individuals did not provide independent accounts to IPRA/COPA, but summaries of their statements to CPD are included in this Report. IPRA/COPA also collected third party video recordings from two sources, the recordings of 42 calls to 911, and an Illinois State Police trajectory analysis was conducted.

COPA acknowledges that this incident emanates from a racially-tinged confrontation between people who live in the neighborhood where it occurred and people who were merely driving through it. COPA's analysis is limited to the lawfulness of the involved officers' actions.

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<sup>5</sup> Additionally, IPRA/COPA interviewed six civilians, three CFD employees, and two CPD members who were witnesses to the shooting incident but did not provide any information about the allegations addressed in this report. Summaries of their statements can be found in the Summary Report of Investigation for Log #1082890. IPRA/COPA interviewed an additional CPD member (Officer Erik Mitchell) and three additional CFD employees (Lieutenant [REDACTED] and Paramedics [REDACTED]), none of whom were eye-witnesses to the shooting nor did they provide any information about the allegations addressed under this Log number.

**II. INVOLVED PARTIES**

Involved Officer #1:	Joseph Treacy, star # 17619, employee ID# [REDACTED] [REDACTED] 2006, Police Officer, Unit of Assignment 311, June 1, 1983, male, Caucasian
Involved Officer #2:	Kendra Archer, star #16237, employee ID# [REDACTED] [REDACTED] 1978, Police Officer, 5 <sup>th</sup> District, October 5, 2012, female, African American
Involved Individual #1:	[REDACTED] 1993, female, African American
Involved Individual #2:	[REDACTED] 1998, female, African American
Involved Individual #3:	[REDACTED] 1974, female, African American
Involved Individual #4:	[REDACTED] 1991, female, African American
Involved Individual #5:	[REDACTED] 1988, male, African American
Involved Individual #6:	[REDACTED] 1990, male, African American

**III. ALLEGATIONS**

Officer	Allegation	Finding/ Recommendation
<b>Officer Joseph Treacy</b>	1. On November 5, 2016, at approximately 3:00 p.m., in the vicinity of 3112 W. 111 <sup>th</sup> Street, Officer Treacy cut off a 2013 grey Kia Optima and prevented the vehicle from continuing to travel westbound on W. 111th Street in a reckless manner, in violation of Rules 1 and 2.	Not Sustained
	2. On November 5, 2016, at approximately 3:00 p.m., Officer Treacy pointed his weapon at [REDACTED] and [REDACTED] without justification, in violation of Rule 38.	Exonerated
	3. On November 5, 2016, at approximately 3:00 p.m., Officer Treacy used racially demeaning language, specifically by calling [REDACTED] a “black bitch,” in violation of Rules 2, 3, 8, and 9.	Not Sustained
	4. Prior to and on November 5, 2016, Officer Treacy failed to qualify with and register his Glock Model 26 9-millimeter semiautomatic pistol in violation of Rule 6 and General Order U04-02.	Sustained

<p><b>Officer Kendra Archer</b></p>	<p>1. On November 5, 2016, at approximately 1503 hours, [REDACTED] approached Officer Archer requesting information regarding her son, [REDACTED] and Officer Archer responded in a discourteous and unprofessional manner by telling [REDACTED] “Well, I can’t tell you what the fuck is going on with your son,” in violation of Rules 2 and 8.</p>	<p>Not Sustained</p>
	<p>2. On November 5, 2016, at approximately 1503 hours, Officer Archer failed to express a sense of concern and general interest to [REDACTED] regarding the death of her son, [REDACTED] in violation of Rules 2 and 8.</p>	<p>Not Sustained</p>

**IV. APPLICABLE RULES AND LAWS**

**Rules**

1. Rule 1 - Violation of any law or ordinance
2. Rule 2 - Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department
3. Rule 3 - Any failure to promote the Department’s Policy or implement its goals
4. Rule 6 - Disobedience of an order or directive, whether written or oral
5. Rule 8 - Disrespect to or maltreatment of any person while on or off duty
6. Rule 9 - Engaging in an unjustified verbal/physical altercation with any person, while on or off duty
7. Rule 38 - Unlawful or unnecessary display of a weapon

**General Orders**

1. G01-01- Mission Statement and Core Values

**Special Orders**

1. U04-02 - Department Approved Weapons and Ammunition<sup>6</sup>

<sup>6</sup> The version of U04-02 that applied to this case was effective as of December 27, 2013 and rescinded on June 2, 2017.

## V. INVESTIGATION<sup>7</sup>

### A. INTERVIEWS

#### 1. COMPLAINANT INTERVIEWS

IPRA interviewed witness ██████████ on January 27, 2017.<sup>8</sup> ██████████ lives in Indianapolis, Indiana but on November 5, 2016, she was in Chicago for her cousin's funeral. ██████████ explained that she left the cemetery located on 115<sup>th</sup> Street in a grey Kia Optima and was driving back to the funeral home for the repast. Her brother, ██████████ and an unidentified friend were in the car with her. She explained that several cars left the cemetery together and she followed her sister, ██████████ who was driving their cousin ██████████ red Hyundai Elantra with ██████████ as the passenger. ██████████ her second cousin, and ██████████ two children were behind ██████████

██████████ said they drove westbound on 111<sup>th</sup> Street when a black Buick sedan drove up behind her and cut her off.<sup>9</sup> She stated that they tried to drive around the Buick, but the driver refused to let them pass. ██████████ stated that ██████████ got out of the car and stated words to the effect of, "What are you doing, trying to, you know, run us off the road? Somebody call the police, call the police."<sup>10</sup> She explained that the driver of the Buick did not exit the vehicle.

██████████ stated that after ██████████ got out of the car, a big commotion transpired because a crowd of people, all of whom were white, came out of nearby businesses and houses in response to them almost getting run off the road. She stated, "You can hear people yelling racial slurs, like 'get off the block. You all don't belong here...calling us N words' and everything."<sup>11</sup> ██████████ said that after the yelling started, she got out of the car to gather her group to leave. She explained that at this point it was a verbal, not a physical, altercation. ██████████ explained that as more people from the neighborhood came to the area, more people coming from the funeral got out of their cars. She stated that at some point the Buick left the area but she was not sure where the vehicle went.

██████████ said that the Buick immediately returned to the area before she could get back into her car to leave.<sup>12</sup> She stated that she could not drive away because the Buick was in the middle of the street parked in both the eastbound and westbound lanes of 111<sup>th</sup> Street, in front of ██████████ red Hyundai Elantra. She said at this point, the driver of the Buick got out for the first time. She described him as a Caucasian male wearing a red shirt and jeans and carrying a gun, now known

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<sup>7</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>8</sup> Att. 16, 18.

<sup>9</sup> ██████████ reported that they were in front of the fire station at this point, but the initial traffic altercation was further east, in the 3000 block of West 111<sup>th</sup> Street.

<sup>10</sup> Att. 16, page 11, lines 7-9.

<sup>11</sup> *Id.*, page 15, lines 19-21.

<sup>12</sup> This investigation revealed that Officer Treacy parked his vehicle west of Troy on 111<sup>th</sup> Street. He returned on foot after he saw further fighting. It is possible that ██████████ confused the multiple black vehicles that were involved in this incident.

to be Officer Treacy. She stated, he “was pointing it [the gun] in everyone’s face.”<sup>13</sup> She said that she was not aware that Officer Treacy was a police officer until on-duty officers responded after the shooting.<sup>14</sup> ██████████ said that her group was trying to leave, but Officer Treacy approached the Elantra and slammed ██████████ door to prevent her from getting into the car.<sup>15</sup> ██████████ saw Officer Treacy holding a black gun with both hands, with both of arms out as if he was ready to shoot.

IPRA interviewed witness ██████████ on July 11, 2017.<sup>16</sup> ██████████ was ██████████ older brother. ██████████ stated that on November 5, 2016, she attended her cousin’s funeral service. She left the cemetery with her cousin, ██████████ a friend of her deceased cousin named ██████████ (last name unknown) and ██████████ six-year-old son. ██████████ was driving ██████████ car, a red Hyundai.<sup>17</sup> ██████████ said that when they left the cemetery, she was following her sister, ██████████ and her brother, ██████████ who were in a grey Kia. ██████████ and his fiancée, ██████████ did not follow them.

██████████ stated that immediately after they turned westbound on 111<sup>th</sup> Street, someone cut off ██████████ vehicle in front of the fire station. She was unable to remember any details about the car but described the driver as a Caucasian male wearing a red shirt, now known to be Officer Treacy.<sup>18</sup> ██████████ stated, “And the person who cut ‘er off on the side of ‘er and was just yellin’ talkin’, like sayin’ real lotta racist stuff...He was callin’ ‘er all out her name. He started, when I asked what was the problem, he even started callin’ me out my name. ...He’s callin’ ‘er ‘stupid B, a black B.’”<sup>19</sup> ██████████ stated that Officer Treacy did not exit his vehicle but was yelling at them with the window down and his vehicle stopped so close to the Kia that if he opened his door he would have hit the Kia. She said that Officer Treacy then drove away.

██████████ said that after Officer Treacy drove away, they remained in their cars and a Caucasian woman, now known to be ██████████ came out of a nearby hardware store and made

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<sup>13</sup> Att. 16, page 20, lines 11-13.

<sup>14</sup> Neither ██████████ nor ██████████ said that Officer Treacy announced his office. Several other witnesses interviewed under Log #1082890 did not hear Officer Treacy announce his office. However, some of these witnesses understood him to be a police officer or believed that if he announced his office it might not have been heard amid all the yelling. In addition, other witnesses did recall Officer Treacy identifying himself as a police officer. Further, he is heard on the video footage yelling, “Police.” In addition, during his interview on February 21, 2018, without being asked whether he identified himself as an officer, Officer Treacy stated that he yelled, “Police,” on multiple occasions throughout the incident. COPA considered bringing an allegation against Officer Treacy for failure to identify himself as a member of the CPD; however, due to the video evidence, the conflicting witness statements, and the fact that Officer Treacy already provided his account of events pertaining to this potential allegation, COPA determined it was more likely than not that Officer Treacy did in fact identify himself as the police. Accordingly, COPA did not serve this allegation on Officer Treacy.

<sup>15</sup> No other witness indicated that Officer Treacy attempted to prevent any members of the ██████████ party from getting back into their vehicles.

<sup>16</sup> Att. 20, 21. The Arrest Report for ██████████ documents that she was arrested on November 5, 2016 and charged with Battery (Att. 24).

<sup>17</sup> In her statement to IPRA, ██████████ referred to Ms. ██████████ car as a Honda, but it was in fact a Hyundai.

<sup>18</sup> ██████████ did not know that Officer Treacy was a police officer until she saw something about the incident on the news approximately one month later.

<sup>19</sup> Att. 21, page 10, lines 23-26, page 13, lines 24-26, and page 14, line 20.

racially offensive comments. ██████ stated that ██████ was swinging a mop at them and a verbal altercation transpired. At this point, ██████ got out of the car, as did the other passengers in the Hyundai and the Kia. ██████ swung at ██████ who hit ██████ in response. She said that everyone eventually returned to their cars and tried to leave but they were cut off by a tall skinny Caucasian man in a black truck, now known to be Mr. ██████

██████ explained that Officer Treacy returned driving eastbound on 111<sup>th</sup> Street with two other men in his vehicle: a short Caucasian man wearing a black baseball hat and a tall skinny Caucasian man.<sup>20</sup> Officer Treacy got out of his vehicle with a gun in his hand. She stated that her group got out of their cars because Officer Treacy was pointing his gun at them. She said, “And then he came back. They were arguin’ with him. He started wavin’ his gun in our face. He told us he was gonna kill us. He was gonna shoot us.”<sup>21</sup> She stated that Officer Treacy never announced he was a police officer and did not have anything other than a gun in his hands.

██████ stated that immediately after the shooting, she tried administering CPR to ██████. She explained that paramedics arrived, put ██████ in the ambulance, and told her she could not travel in the ambulance. She stated that after the paramedics put ██████ in the ambulance, she went up to Officer Treacy and said, “You just shot my brother,”<sup>22</sup> to which he responded, “I don’t care. Tell me somethin’ I don’t know.”<sup>23</sup> She said that at this point “All I know is some man grabbed me and said, ‘Since you wanna act like an animal, I’m gonna treat you like one,’ and put me in the back of the police car.”<sup>24</sup> ██████ was unable to identify the officer, who also handcuffed her.<sup>25</sup>

**IPRA interviewed witness ██████ on January 27, 2017.**<sup>26</sup> Ms. ██████ lives in Indianapolis, Indiana. She stated that on November 5, 2016, she traveled to Chicago with her fiancé, ██████ for his cousin’s funeral. Ms. ██████ explained that after leaving the cemetery, she was going with ██████ to the hospital to visit his uncle. When they left the cemetery, ██████ was driving a 2013 grey Dodge Charger. She said the GPS took them the wrong way. As they were driving, they observed an altercation in the street.

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<sup>20</sup> Based on the accounts from the other people interviewed for this investigation, Officer Treacy was alone when he returned. It is possible that ██████ was describing ██████ and his passenger and assumed they were with Officer Treacy.

<sup>21</sup> *Id.*, page 17, lines 15-18.

<sup>22</sup> *Id.*, page 41, lines 16-17.

<sup>23</sup> *Id.*, page 41, lines 17-18.

<sup>24</sup> *Id.*, page 42, lines 1-4.

<sup>25</sup> IPRA interviewed Sergeant Michael Dolan on December 22, 2017 (Att. 40). He lives near the firehouse located on 111<sup>th</sup> Street. He was off duty on the date of the incident. Dolan stated that on the date of the incident, he heard gunshots, got his duty weapon and proceeded to the firehouse. When he got to the firehouse he observed cars parked in the street, people yelling and an African American male laying in the street with two people attempting to give him CPR. Sergeant Dolan explained that the Captain from the 22<sup>nd</sup> District wanted a female arrested so he held her hands behind her back and a uniformed officer placed her in handcuffs. Dolan said he did not have a conversation with the woman but that she identified herself as ██████ sister. He could not identify the uniformed officer.

<sup>26</sup> Att. 80, 81.



Ms. ██████ stated that she observed a Caucasian male wearing a red shirt, now known to be Officer Treacy, pointing a gun in people's faces, including ██████. She explained that ██████ got out of the car and pulled on ██████ arm to try get her back into one of the vehicles. Ms. ██████ explained that after seeing this, she moved into the driver's seat and pulled the car forward to tell people to get back in their cars. ██████ then returned to the passenger seat.

Ms. ██████ stated that the incident appeared resolved. They were ready to leave but for an unknown reason the altercation escalated. She again observed Officer Treacy point a gun in people's faces. She stated, "And this guy is once again, has his gun out pointing it in everybody's face."<sup>27</sup> Ms. ██████ said that ██████ back was turned and Officer Treacy pointed his gun at her back.

After the shooting was over, Ms. ██████ said while heading back to the car to get her purse and follow the ambulance, she was handcuffed. She stated that the officers were rude and that she was put in a room for almost twelve hours without being told if she was arrested or what ██████ status was.

IPRA interviewed ██████ on January 10, 2017.<sup>28</sup> ██████ stated that ██████ was her son. She explained that on the date of the incident, she attended her cousin's funeral. ██████ stated that while she was at the cemetery, ██████ told her he was going to the University of Chicago Hospital with his fiancée, Ms. ██████ to visit his uncle.

████████ stated that after leaving the cemetery, she planned to go back to the funeral home. She was at 94<sup>th</sup> Street and Kedzie Avenue when she received a call from her daughter, ██████. ██████ said that there was a lot of commotion in the background, but she heard ██████ screaming, telling her that a man in a red shirt shot ██████. ██████ explained that she then received a similar call from her other daughter, ██████. ██████ asked for their location and ██████ told her they were at the 111<sup>th</sup> Street and Torrence Avenue intersection. She believed this was not correct; Torrence Avenue was too far east for her children to have travelled after leaving the cemetery. ██████ said she was on the phone trying to get better directions from ██████ when she heard a man say, "Get off the fuckin' phone,"<sup>29</sup> and then the phone hit the ground.

████████ stated one of her children, who was with her in the car at the time, tried to call 911 to get additional information. As they were driving on Kedzie Avenue they saw a police presence and she stopped the car. She stated, "When I get out, I try to see what's going on with my son and all the police officers are just hollering, 'Get the fuck back. Get the fuck back.'"<sup>30</sup> ██████ stated that she approached a female officer, now known to be Officer Kendra Archer, who was talking to a female civilian. Officer Archer said, "Ma'am what the hell do you want, I'm interviewing a witness."<sup>31</sup> ██████ stated that she told Officer Archer, "Ma'am I just wanna know about my son. Is my

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<sup>27</sup> Att. 80, page 9, lines 23-24.

<sup>28</sup> Att. 28, 29.

<sup>29</sup> Att. 28, page 12, lines 12-13.

<sup>30</sup> *Id.*, pages 12, 13, lines 23-24, 1-2.

<sup>31</sup> *Id.*, page 13, lines 4-5.

son dead? Is my son alive?"<sup>32</sup> [REDACTED] said that in response, Officer Archer told her, "well I can't tell you what the f is going on with your son."<sup>33</sup>

[REDACTED] said she found [REDACTED] who pointed out the person that shot [REDACTED]. [REDACTED] said that she went back over to Officer Archer and again asked about the status of her son and was told to go to Christ Hospital.

[REDACTED] went to the hospital and when she arrived, members of the Oak Lawn Police Department were present. She stated that she tried to go into the hospital, but that hospital security told her they received orders from CPD not to let her in the hospital as there was an ongoing investigation. [REDACTED] asked hospital security if they could tell her anything about [REDACTED] condition and she was informed that per HIPPA laws they could not. [REDACTED] explained that her cousin is a Sergeant in the Minneapolis Police Department and he became involved and she was eventually let into the hospital where a doctor informed her that her son was deceased.<sup>34</sup>

[REDACTED] stated that after the doctor informed her that [REDACTED] was dead she asked to see him. The doctor told her she could not see her son due to an ongoing investigation. [REDACTED] asked the doctor why she could not see her son. She requested to speak to an officer or sergeant in charge, but no one from CPD saw her.

## 2. CIVILIAN WITNESS INTERVIEWS<sup>35</sup>

IPRA attempted to interview witness [REDACTED] on January 25, 2017, but he declined to answer questions about the incident due to a pending criminal case.<sup>36</sup> On November 6, 2016, CPD detectives conducted a video-recorded interview of [REDACTED] a summary of which is as follows.<sup>37</sup>

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<sup>32</sup> *Id.*, page 13, lines 14-15.

<sup>33</sup> *Id.*, page 13, lines 15-16.

<sup>34</sup> [REDACTED] claimed that members of the Oak Lawn Police Department refused to grant her admission to Christ Hospital to see her son, [REDACTED] COPA does not have jurisdiction over the Oak Lawn Police Department. [REDACTED] stated that the Oak Lawn Police Department did not allow her into the hospital based on a directive from the CPD. COPA reviewed the detective file and radio transmission for additional information to determine who might have been responsible for such a directive and to determine if there was a reasonable basis based on the information available at the time to issue such a directive. However, COPA could not determine whether this directive was issued by CPD or, if so, who issued it. When determining what investigative steps would be necessary to resolve this issue, COPA placed some weight on the fact that upon meeting with members of the [REDACTED] family, the Oak Lawn Police Department ultimately permitted [REDACTED] into the hospital.

<sup>35</sup> Multiple attempts were made to interview [REDACTED] [REDACTED] [REDACTED]. As of the date of this report, the above members of the [REDACTED] family did not avail themselves for an interview.

<sup>36</sup> Att. 34. The Arrest Report for [REDACTED] documents that he was arrested on November 5, 2016 and charged with Aggravated Battery of a Peace Officer and Attempting to Disarm a Peace Officer/Correctional Officer (Att. 35)

<sup>37</sup> Att. 36, 37. The statement accompanying [REDACTED] signed affidavit does not include any information pertaining to this incident. However, his statement to CPD Detectives contains information pertaining to the incident. As the substantive information from [REDACTED] is not verified by a signed affidavit, the content of his statement is not the basis of any allegation brought against any accused member of the CPD. However, his statement will be analyzed to determine whether it corroborates or refutes any allegation.

██████████ stated that he was leaving the burial site after a funeral with his younger sister, when a 2007 navy blue Chevrolet Impala almost hit his sister's car and would not let their car pass. He said the driver, now known to be Officer Treacy, was threatening and hollering at his younger sister and calling her names. He said that suddenly there were "so many people around and everyone just started arguing." ██████████ said that people from the neighborhood and nearby businesses came out into the street and were making racist comments and asking to call the police. ██████████ said that a Caucasian female, now known as ██████████ was trying to call the police. He also stated that there was a Caucasian male with a bloody nose on the scene, now known as ██████████ who tried to help his brother after the shooting.

██████████ said that Officer Treacy left and approximately five minutes later he walked back with a gun. He said that another man was with Officer Treacy when he returned. ██████████ said that Officer Treacy approached him and pointed a gun at him, then ██████████ raised his hands in a surrendering gesture.

██████████ stated that he found out after the shooting that a police officer was involved. He said that Officer Treacy did not have a badge and did not identify himself as a police officer. He said that Officer Treacy never identified himself as a police officer, but he heard from a bystander that Officer Treacy was a police officer.

**IPRA interviewed witness ██████████ on November 5, 2016.**<sup>38</sup> Ms. ██████████ stated that on the date of the incident, she and her son stopped at the True Value store to purchase a tree trimmer. Upon exiting the store, she observed an African American male and an African American female exit a red car that was located directly across the street, near the fire station. Ms. ██████████ added that a second African American male exited a dark colored Charger or Challenger. The individuals then surrounded a male who was in a black sedan. The group yelled at the male and it appeared that they were going to drag him out of the car. According to Ms. ██████████ as she called 911, the female who was the driver of the red vehicle, now known as ██████████ and the male, who had short dreadlocks and exited the Charger/Challenger, approached her and started to yell and swear at her; telling her to get off the phone, and saying that it wasn't her business. Ms. ██████████ explained that at approximately this point, she asked her son to get into their vehicle, which was parked in front of the True Value store facing east. Ms. ██████████ stated that ██████████ then punched her in the back of the head. Ms. ██████████ took photographs of ██████████ vehicle in order to file a report at a later time.

Ms. ██████████ explained that it was her understanding, from yelling that she heard, that the male in the vehicle that they were going after cut someone off that was part of a funeral procession. Ms. ██████████ explained that the street lanes merge from two lanes to one lane after the train tracks. Ms. ██████████ stated that she heard yelling that the male drove between two of the vehicles.

Ms. ██████████ stated that the individuals, who she described as all being African American, re-entered their vehicles and proceeded west on 111<sup>th</sup> Street towards Troy Street. Ms. ██████████ explained that there was more yelling, people exited their vehicles. Ms. ██████████ stated that at this point, there were a lot of people outside, people from the True Value, from Cutrone, from the firehouse. Ms. ██████████ looked westbound towards 111<sup>th</sup> and Troy Streets and saw a white male, wearing an orange shirt, now known to be Officer Treacy, holding a gun. When Ms. ██████████ saw Officer Treacy, he was on foot in

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<sup>38</sup> Att. 89, 91. On November 2016, Ms. ██████████ provided an ERI to the Cook County State's Attorney's Office and CPD detectives. The statement she provided was consistent with the statement she provided the IPRA.

the eastbound lanes of 111<sup>th</sup> Street, facing north. Ms. ██████ stated that she got her son out of the car and they went into the True Value.

IPRA interviewed witness ██████ on November 5, 2016.<sup>39</sup> Mr. ██████ stated that he was employed as a fire candidate with the CFD at the time of the incident. Mr. ██████ said that he was driving eastbound on 111<sup>th</sup> Street in a 2015 black Dodge Durango with his friend ██████ as a passenger. Mr. ██████ explained that he was stopped in traffic when he saw a red Hyundai stopped in the fire lane in front of the firehouse.

Mr. ██████ said that he exited the vehicle and told the occupants of the Hyundai, “Hey, you need to move your vehicle, you cannot be parked over there.”<sup>40</sup> Mr. ██████ stated that the Hyundai “sped”<sup>41</sup> towards him and attempted to hit him. According to Mr. ██████ five people, to include two African American females and three African American males, got out of the Hyundai.

Mr. ██████ stated that when the five African Americans got out of the Hyundai they started hitting him, mostly striking him in the face. Mr. ██████ sustained injuries to his neck and a “busted”<sup>42</sup> nose. Mr. ██████ stated, “Everything happened so quick. The fight was going on...I looked, I saw a crowd...I just heard, ‘Chicago Police, back up.’”<sup>43</sup> Mr. ██████ said that the person who announced “Chicago Police” was wearing a Chicago White Sox jersey over his police uniform, now known to be Sergeant Derouin. Mr. ██████ was not sure where Sergeant Derouin came from, but estimated he was approximately fifteen feet away from Mr. ██████ with a gun drawn.

COPA interviewed witness ██████ on December 18, 2017.<sup>44</sup> Mr. ██████ said that on November 5, 2016, at approximately 3:00 p.m., he was visiting his friend, ██████ who was working at the firehouse located on 111<sup>th</sup> Street. Mr. ██████ explained that he was standing inside the firehouse near the closed front doors when “A car pulls up on the front apron, at a high rate of speed. Slams on the brakes, people start piling out. [...] [P]eople that exited the vehicle, went up to another car that was waiting...in traffic and started beating on the car.”<sup>45</sup> Mr. ██████ described the people surrounding the second car, which he described as a sedan, as a group of approximately ten African American males and females. Mr. ██████ said there was a single occupant in the sedan being surrounded. He believed the group came from several cars that blocked traffic on 111<sup>th</sup> Street.

Mr. ██████ said that when the traffic light changed, the sedan moved up four to five car lengths and the group followed the car screaming and yelling. Mr. ██████ could not make out anything specific; however, based on the braking sound he heard, the position of cars, and their actions as they stopped, he assumed the altercation started because the sedan would not let another car merge back into the flow of traffic.

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<sup>39</sup> Att. 93, 94.

<sup>40</sup> Att. 94 page 5, lines 3-4.

<sup>41</sup> *Id.*, page 5, line 5.

<sup>42</sup> *Id.*, page 18, line 10.

<sup>43</sup> *Id.*, page 7, lines 19-22.

<sup>44</sup> Att. 45, 47.

<sup>45</sup> Att. 47 page 4, lines 12-14 and page 5, lines 3-5.

Mr. ██████ stated that a Caucasian woman, now known to be ██████ came out of a nearby hardware store and said she was going to call the police. At that point, two African American males rushed toward her and punched her in the head. Mr. ██████ said that a Caucasian male, now known to be Officer Treacy, arrived, but Mr. ██████ was not sure where he came from. Mr. ██████ heard Officer Treacy identify himself as a police officer several times, stating, “[i]f you were within a one block radius you heard him [Officer Treacy] yelling he was a cop.”<sup>46</sup>

Mr. ██████ saw Officer Treacy with a firearm. Mr. ██████ said that Officer Treacy had his firearm pointed down and did not remember him aiming at anyone. Mr. ██████ said that he saw Officer Treacy re-holster his weapon. After Officer Treacy re-holstered his weapon, he shoved people away from himself. Mr. ██████ explained that after Officer Treacy shoved people away, the crowd directed their attention toward another person. Mr. ██████ saw a thinner Caucasian male, now known to be ██████ get out of a truck. Mr. ██████ later learned Mr. ██████ was an off duty CFD employee. Mr. ██████ stated Mr. ██████ told the group of people to leave the area, when people from the group knocked him to the ground and kicked him.

Mr. ██████ also saw a person, now known to be Sergeant Derouin, wearing a white collared shirt with a jersey over it standing on the sidewalk on the north side of 111<sup>th</sup> Street. Mr. ██████ believed Sergeant Derouin to be a CPD either coming from work or going to work.

**IPRA interviewed witness ██████ on November 9, 2016.**<sup>47</sup> Ms. ██████ stated that she was working as a bartender at Joseph’s Restaurant, located at 3123 W. 111<sup>th</sup> Street on the date of the incident. Ms. ██████ said that the restaurant was hosting a baby shower on that date. At approximately 3:00 p.m., she was outside having a cigarette and talking to two women from the baby shower. Ms. ██████ stated that she heard a vehicle stop suddenly. She saw a white male wearing a black shirt and a group of African American men and women exit their cars. Ms. ██████ explained that the white male, now known to be Mr. ██████<sup>48</sup> got out of a lighter SUV and stopped in front of two other cars.

Ms. ██████ was not sure why the cars stopped but explained the group of seven or eight people yelled at Mr. ██████. She heard both Mr. ██████ and the group of African Americans use racial language. Mr. ██████ told the group, “You guys are acting like niggers.”<sup>49</sup> She said that people from the group called Mr. ██████ a “cracker,” and screamed, “You don’t know us.”<sup>50</sup> Ms. ██████ said that an African American male wearing a red and white striped dress shirt exited a red car, he

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<sup>46</sup> *Id.*, page 15, lines 14-15.

<sup>47</sup> Att. 56, 57. On November 2016, Ms. ██████ provided an ERI to the Cook County State’s Attorney’s Office and CPD detectives. The statement she provided was consistent with the statement she provided the IPRA. (Att. 58)

<sup>48</sup> Ms. ██████ said she knew Mr. ██████ prior to this incident because he is friends with her ex-boyfriend. She identified his first name, but not his last name.

<sup>49</sup> Att. 56, page 12, line. 9. COPA referred this allegation to the City of Chicago Department of Human Resources Diversity and EEO Division, who referred it to the City of Chicago Office of the Inspector General. The City of Chicago Office of Inspector General opened an investigation involving Mr. ██████ which has since been closed. Mr. ██████ passed away on June 6, 2018.

<sup>50</sup> Att. 56, page 11, lines 12-13.

walked up to Mr. [REDACTED] and punched him in the face. She saw Mr. [REDACTED] instantly fall to the ground. Ms. [REDACTED] eventually saw Mr. [REDACTED] get up and saw that he had blood on his face.

Ms. [REDACTED] said that she saw a Caucasian male wearing a red shirt and jeans, now known to be Officer Treacy, get out of a black SUV, headed east on 111<sup>th</sup> Street. According to Ms. [REDACTED] at this point, 111<sup>th</sup> was completely blocked due to the altercation in the road. Ms. [REDACTED] said that Officer Treacy exited his vehicle holding a silver handgun, telling the group, "I'm an off-duty police. Get back, get back."<sup>51</sup> Ms. [REDACTED] explained the group surrounded Officer Treacy.

Ms. [REDACTED] said that a short black female, now known to be [REDACTED] stood directly in front of Officer Treacy. Officer Treacy told Ms. [REDACTED] to get back; she kept getting in his face, at which time Officer Treacy pointed his gun at Ms. [REDACTED]. Ms. [REDACTED] heard Ms. [REDACTED] tell Officer Treacy, "[i]f he's gonna point that gun he better do something about it."<sup>52</sup> Ms. [REDACTED] said that Ms. [REDACTED] friends tried to hold her back.

Ms. [REDACTED] said, "The next thing...I saw a gentleman across the way in a white shirt and it looked like he was wearing like a jacket, a blazer jacket...with a patch. And... he was also asking what was going on. I didn't hear him clarify what he was...I wasn't sure what he was. [...] he was wearing like...a white button-up shirt with a baseball cap."<sup>53</sup> Ms. [REDACTED] explained that this man, now known to be Sergeant Derouin, appeared from the west side of Troy Street, toward Kedzie Avenue.

**IPRA interviewed witness [REDACTED] on December 1, 2016.**<sup>54</sup> Mr. [REDACTED] is employed by Hillside Florist, located on 3144 W. 111th Street. On November 5, 2016, at approximately 3:00 p.m., he was working in the storefront window with the door open. Mr. [REDACTED] heard a commotion, left the shop and saw a gathering of people consisting of a small crowd of Caucasian people and a larger group of African American people at the intersection of 111th Street and Troy Streets. Mr. [REDACTED] then ran down to the intersection of Troy Street to see what was happening.

Mr. [REDACTED] stated that he heard a Caucasian male in a red shirt, now known to be Officer Treacy, identify himself as a police officer at least twice and repeatedly tell the crowd to "get back," because the crowd was surrounding him.<sup>55</sup> Mr. [REDACTED] explained that he did not initially see Officer Treacy with a weapon. Mr. [REDACTED] described a tall African American male who got in Officer Treacy's face, asking who the officer was. Mr. [REDACTED] saw Officer Treacy take out his gun. Mr. [REDACTED] also stated that he saw Officer Treacy and another Caucasian male wearing CFD clothing, now known to be Mr. [REDACTED] both with blood on their face. Mr. [REDACTED] was not certain whether he noticed the blood before or after the shooting.

**IPRA interviewed witness [REDACTED] on November 10, 2016.**<sup>56</sup> Mr. [REDACTED] stated that on the date of the incident, he was with [REDACTED] who drove a black SUV eastbound on 111<sup>th</sup>

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<sup>51</sup> *Id.*, page 18, lines 14-15.

<sup>52</sup> *Id.*, page 18, lines 25-26.

<sup>53</sup> *Id.*, page 19, lines 5-11 and lines 20-21.

<sup>54</sup> Att. 60, 64.

<sup>55</sup> Att. 64, page 4, line 25.

<sup>56</sup> Att. 97, 98.

Street. Mr. ██████ explained that they stopped after they passed Troy Street because there were cars stopped in front of them. Mr. ██████ described that there was a red car, a grey car and a third vehicle stopped near the fire station, blocking traffic. Mr. ██████ added that people got out of the cars. Mr. ██████ stated that Mr. ██████ windows were down and Mr. ██████ yelled repeatedly at the people in the street to get out of the street. Then Mr. ██████ got out of the vehicle and told the group to “get outta the fuckin’ street.”<sup>57</sup>

Mr. ██████ stated that the red car drove westbound, at an angle, toward Mr. ██████. An African American female driver got out of the vehicle and yelled at Mr. ██████. Mr. ██████ stated that he was still in the vehicle and could not hear what was said. Mr. ██████ stated that two other African American males also exited the red car and that the female shoved Mr. ██████ and hit him in the chest with both fists. Mr. ██████ added that he saw other people gather around Mr. ██████ but did not see him get hit. At this point Mr. ██████ got out of the vehicle.

Mr. ██████ said that he heard someone say “I’m police”<sup>58</sup> and he tried to get Mr. ██████ to leave the area. Mr. ██████ stated that he walked to the north corner of 111<sup>th</sup> Street and Troy Street and saw ██████ point a black and silver gun in the direction of Mr. ██████ and other people in the crowd. He then saw a Caucasian male wearing a red shirt, now known to be Officer Treacy, with what appeared to be a black nine-millimeter semiautomatic pistol. Mr. ██████ heard a person say, “Police back off.” Mr. ██████ did not specifically hear Officer Treacy identify himself as a police officer but believed Officer Treacy might have been the person he heard identify himself as the police. Mr. ██████ said that Officer Treacy had his pistol out as if to keep the crowd at bay, then he holstered it, then he pointed it at ██████.

**IPRA interviewed witness ██████ on December 12, 2016.**<sup>60</sup> Mr. ██████ stated that he lives nearby and on the date of the incident he was walking north on Troy Street towards 111<sup>th</sup> when he heard a commotion and noticed traffic was stopped. Mr. ██████ explained that when he was approximately fifty feet away from the intersection, he noticed a fight.

Mr. ██████ saw a skinny, bald Caucasian male, now known to be Mr. ██████ being chased and physically attacked by a group of African American males. Mr. ██████ explained that a Caucasian female, now known to be ██████ was on the phone and one of the African American males hit her in the face. Mr. ██████ said he tried to keep the crowd away from Mr. ██████ and ██████.

Mr. ██████ said that two people, who he now knows to be Chicago Police officers, arrived. He said that a man with a red shirt, now known to be Officer Treacy, appeared on foot and a male with a white police shirt and jacket over his shirt, now known to be Sergeant Derouin, pulled up in a black SUV. Mr. ██████ stated that both had their weapons drawn and both announced that they were the police.

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<sup>57</sup> Att. 98, page 14, lines 8-9.

<sup>58</sup> *Id.*, page 21, line 9.

<sup>59</sup> Mr. ██████ identified ██████ by name without being asked. He was not asked and did not say how he learned the name.

<sup>60</sup> Att. 103, 104. Mr. ██████ told the interviewing investigators that he had read and heard about the incident since it happened, which supplemented his own memories.

IPRA interviewed witness [REDACTED] on December 17, 2016.<sup>61</sup> Mr. [REDACTED] girlfriend, Officer [REDACTED] [REDACTED] (Officer [REDACTED] was having her baby shower at Joseph's Restaurant on November 5, 2016. Mr. [REDACTED] arrived at Joseph's at approximately 2:50 p.m. At approximately 3:00 p.m. he noticed people arguing in the street and cars blocking both directions of traffic on 111<sup>th</sup> Street.

Mr. [REDACTED] saw a bald Caucasian male, now known to be [REDACTED] get out of a pick-up truck and tell a group of four to six people to move their cars. Mr. [REDACTED] explained that he later learned the group of four to six people were coming from a funeral. He saw the people from the funeral punching and scratching Mr. [REDACTED] but was not sure what started the altercation.

Mr. [REDACTED] saw a Caucasian male wearing a red shirt, now known to be Officer Treacy, run into the street and tell people to get back in their cars. Mr. [REDACTED] was not sure where Officer Treacy came from but believed he was a police officer because of "the way he was speaking"<sup>63</sup> and because other people nearby started commenting that the police arrived. Mr. [REDACTED] said that he heard the people from the funeral yell at Officer Treacy, "I don't have to do what you say. We don't have to leave."<sup>64</sup>

Mr. [REDACTED] explained he was trying to get the baby shower guests into the restaurant, when he heard Officer Treacy say, "Put away your gun. Put down your gun. Put down your gun. Put down your gun."<sup>65</sup>

On November 6, 2016, an Electronically Recorded Interview (ERI) was conducted of [REDACTED]<sup>66</sup> Ms. [REDACTED] was interviewed at Area South by the Cook County State's Attorney's Office and a CPD detective.

Ms. [REDACTED] stated that she was driving home from work when she observed a group of approximately nine African American men and women exiting several vehicles in the street. She recalled seeing people exit from a small red car, a Dodge Charger, and a third vehicle. Ms. [REDACTED] further recalled that people from this group approached a white male who was wearing a black t-shirt, now known to be Mr. [REDACTED] According to Ms. [REDACTED] the group began to yell and hit Mr. [REDACTED] in the head, but she could not make out what the individuals were yelling.

Ms. [REDACTED] stated that she then pulled a woman off Mr. [REDACTED] Subsequently, Ms. [REDACTED] saw a white male wearing a red t-shirt, now known as Officer Treacy, arrive and announce that he was a police officer and to "get back." Ms. [REDACTED] said that it did not appear that the individuals cared that he was an officer and explained that the group continued to yell at him, saying "oh you're gonna pull a f'ing gun out now?"

Ms. [REDACTED] said that a black female lunged towards the "officer with the gun" and another African American male pulled her off of him. Ms. [REDACTED] stated that Officer Treacy identified himself

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<sup>61</sup> Att. 108, 109, 110.

<sup>62</sup> Officer [REDACTED] is not related to [REDACTED]

<sup>63</sup> Att. 110, page 21, lines 5-6.

<sup>64</sup> *Id.*, page 31, lines 18-19.

<sup>65</sup> *Id.*, page 30, lines 21-22.

<sup>66</sup> Att. 112, 113.



as a police officer several times, repeatedly stating “get back, I’m a police officer, I’m a police officer.” Ms. ██████ stated that Officer Treacy put his gun down for a moment and stepped back.

**On November 6, 2016, an Electronically Recorded Interview (ERI)** was conducted of ██████<sup>67</sup> Ms. ██████ was interviewed at Area South by the Cook County State’s Attorney’s Office and a CPD detective.

Ms. ██████ stated that she was in her vehicle with her boyfriend, ██████ when the incident occurred. She stated that she recorded a portion of the incident on her phone. Ms. ██████ explained that she was driving east on 111<sup>th</sup> Street and she stopped when she saw “a lot of altercation” going on by the fire department and hardware store. Ms. ██████ saw a female go behind a car, holding a broom and a mop.

Ms. ██████ stated that “from far back” she could see a lot of people arguing. She explained that first they were arguing by the hardware store. Ms. ██████ then saw the group get into their cars near the fire station and move towards Troy Street. Ms. ██████ stated that the incident occurred about five or six car lengths behind her. Ms. ██████ stated that she saw a female and other people arguing, and saw a female taking pictures of the cars.

Ms. ██████ stated that she saw a firefighter, now known to be Mr. ██████ in the middle of Troy Street, getting “beat up.” Ms. ██████ stated that she also observed a male with a red shirt, who she identified as a police officer, now known to be Officer Treacy, standing on the corner of Troy Street. Ms. ██████ explained that she later observed on her video recording that he said “police,” he exited his car and “showed” his weapon to everyone. Ms. ██████ stated that she heard people telling the officer, “we don’t care about that.”

### 3. CHICAGO POLICE DEPARTMENT PERSONNEL INTERVIEWS

**IPRA interviewed witness Detective ██████ on November 6, 2016.**<sup>68</sup> At the time of the incident, Detective Hickey was off-duty and unarmed, taking his son to get a haircut at Cutrone Barber Shop.

Detective Hickey was sitting next to the window inside Cutrone when he heard a loud commotion through the open door. He said that he heard a lot of screaming and yelling, much of which was inaudible, but he could hear swearing. He said that when he looked out the window, he saw that a group of six or seven African American males and females had surrounded a black Buick and were hitting the window and trying to open the door. Detective ██████ said that a Caucasian male was the sole occupant of the Buick. At the time, Detective ██████ did not recognize the occupant of the Buick but later learned it was Officer Treacy, who he met a few times through his former partner.

Detective ██████ said that he moved towards the exit of Cutrone and was trying to decide what to do when he saw the Buick drive westbound on 111<sup>th</sup> for approximately half a block. He said it appeared that the group of African American men and women were trying to figure out what to do and

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<sup>67</sup> Att. 114, 115.

<sup>68</sup> Att. 52, 53. Since the date of his interview, Detective Hickey was promoted to sergeant and got a new star number of #1021. For purposes of this Summary Report of Investigation, Detective Hickey will be referred to in a manner consistent with his status at the time of his interview.

tried to get into their cars. At this point, Detective Hickey noticed a Caucasian woman, now known to be ██████████ standing on the south side of 111<sup>th</sup> Street with her cell phone out. He said that one of the African American females from the group crossed over to the south side of the street and punched ██████████ in the head.

Detective Hickey said that after ██████████ was punched, he walked out of Cutrone. The crowd started to run westbound on 111<sup>th</sup> Street. He then saw a skinny Caucasian male in a black tee shirt, now known to be Mr. ██████████ standing by a black Dodge Durango facing eastbound on 111<sup>th</sup> Street, yelling at the crowd. Detective Hickey stated, “[t]he crowd just basically attacks him. I saw at least, maybe four people. [...] And, they were attacking him, and he was trying to fight back. So, at this point, I start going in that direction.”<sup>69</sup>

Detective Hickey said that by the time he went from Cutrone to where the altercation was taking place, the altercation had calmed down. He turned his back and was trying to stop other people from heading in that direction. He stated, “And I’m hearing, from behind me, ‘Police, get back in your f’n cars, police.’ [...] I heard ‘police’ several times.”<sup>70</sup> Detective Hickey said that he turned around and saw a Caucasian male in a white shirt with a jersey over it and blue pants, now known to be Sergeant Derouin. Detective Hickey believed Sergeant Derouin’s attire identified him as a member of the CPD.

**COPA interviewed Witness Sergeant Thomas Derouin, #2462, on February 8, 2018.**<sup>71</sup> Sergeant Derouin stated that at the time of the incident, he was driving to work wearing his police uniform, which consists of navy-blue pants and a white shirt. Sergeant Derouin had a black White Sox jacket over his uniform shirt and a plain baseball cap. Sergeant Derouin said he drove eastbound on 111<sup>th</sup> Street and stopped at the corner of 111<sup>th</sup> Street and Troy Street due to stalled traffic.

Sergeant Derouin stated that he observed several African American males and females yelling in the street. Sergeant Derouin was not sure who the African American group yelled at or what they said. He explained that a Caucasian male, now known to be Mr. ██████████ got out of a vehicle and yelled at the African Americans in the street. Sergeant Derouin was not sure what Mr. ██████████ yelled, but stated that members of the group punched Mr. ██████████ in the face. Sergeant ██████████ stated that when he saw Mr. ██████████ get hit, he got out of his vehicle and attempted to call the 22<sup>nd</sup> District but was not able to reach anyone.

Sergeant Derouin stated, “Officer ██████████ came to my right with his, uh, weapon drawn, and that was, he had his star showing, yelling at them, ‘Police. Get back in your cars and get out of here, or whatever.’”<sup>72</sup> Sergeant Derouin did not know whether Officer Treacy had his star in his left hand or on his belt. He explained that he instantly recognized Officer Treacy and knew him to be a member of the CPD because the two worked together in the 4<sup>th</sup> District several years ago. Sergeant Derouin said that Officer Treacy held his weapon with one hand, but he was not certain if he pointed it at anyone or pointed it at the ground. He stated that at some point, Officer Treacy holstered the weapon. Sergeant Derouin stated Officer Treacy yelled at the crowd and they yelled back and forth at Officer Treacy.

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<sup>69</sup> Att. 53, page 18, lines 23-24 and page 19, lines 4-6.

<sup>70</sup> *Id.*, page 22, lines 13-16.

<sup>71</sup> Att. 117, 118.

<sup>72</sup> Att. 118, page 16, lines 11-14.

Sergeant Derouin was unable to decipher exactly what the crowd said. Sergeant Derouin stated that at this point, he was on the phone, attempting to call the 22<sup>nd</sup> District three times without a response.

**COPA interviewed Involved Officer Joseph Treacy, #17619, on February 21, 2018 and on March 21, 2018.**<sup>73</sup> Officer Treacy stated that at the time of the incident, he was off duty as of 2:00 p.m. and travelling home from Homan Square, in a black four door Buick. Officer Treacy stated that he was in civilian attire, wearing a red t-shirt, jeans and tennis shoes.

Officer Treacy stated that he was driving westbound on 111<sup>th</sup> Street when he noticed the three cars ahead of him were driving recklessly. He stated that he attempted to drive around the three vehicles, but the last car of the three almost hit him and almost ran him off the road. Officer Treacy said that when he arrived near the front of the firehouse at 3112 W. 111<sup>th</sup> Street, one car pulled up to his left, another to the right, and the third car behind him. Officer Treacy stated that the occupants of the three vehicles, approximately twelve to fifteen African American males and females, exited the cars and surrounded his vehicle. The individuals were banging on the windows of his vehicle and trying to open his door. Officer Treacy stated that a taller, skinnier African American male punched him through his open window while he was still in his vehicle. He then heard someone to his rear yell, “Pop him,”<sup>74</sup> which he took to mean either to hit him again or possibly shoot him.

Officer Treacy stated that when traffic ahead of him cleared, he sped off, crossed Troy Street, stopped his car, and called 911. He said that he did not recall what information he relayed during the 911 call. Officer Treacy stated that he saw the group in the street move in front of the True Value Hardware Store. Officer Treacy saw a Caucasian male, now known to be ██████████ who was driving eastbound down 111<sup>th</sup>, stop, get out of a dark-colored SUV or pick-up truck, and yell at the group to move their cars. Treacy stated that members of the group then began to punch Mr. ██████████. Officer Treacy stated, “I see blood, I see he’s got a big gash, and there’s blood all over his neck. Uh, I throw down the phone...I grab my...gun and my badge. As I’m running up, I’m yelling, ‘Chicago Police...Get back in the car. Get the fuck back.’”<sup>75</sup>

Officer Treacy stated that the members of the group were screaming in his face, making threats and refusing to comply with his verbal direction. Officer Treacy was not able to remember exactly what was said but explained there was a lot of swearing and that it was a very combative situation. Officer Treacy stated the crowd was growing. He noticed Sergeant Derouin to his left on the phone. Officer Treacy recognized Sergeant Derouin immediately because they had both previously worked in the 4<sup>th</sup> District. Officer Treacy explained that when he saw Sergeant Derouin, he believed the situation would be under control and he holstered his weapon.

Officer Treacy stated that he looked to his left and saw an African American male with long dreadlocks and wearing a button-up dress shirt, now known to be ██████████ coming up from behind the open passenger side door of a Dodge Charger “racking the slide of a handgun.”<sup>76</sup> Officer Treacy

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<sup>73</sup> Att. 7, 8-9; 120-122. The interview conducted on February 21, 2018, was in response to the use of deadly force investigated under Log #1082890. The interview conducted on March 21, 2018, was in response to the allegations outlined in this report.

<sup>74</sup> Att. 121, page 13, line 9.

<sup>75</sup> *Id.*, page 14, lines 11-16.

<sup>76</sup> *Id.*, page 26, line 23.

heard ██████ say something to the effect of, “Y’all ain’t the only motherfuckers here with a gun.”<sup>77</sup> Officer Treacy was not sure where the Charger had come from but believed it had been travelling westbound on 111<sup>th</sup> Street. Officer Treacy described that ██████ was in a crouched or kneeling position and coming up from between the doors of the vehicle. According to Officer Treacy, ██████ raised the gun to shoulder height, pointed it at him and then moved the gun side to side. Officer Treacy stated that after he saw ██████ with the gun, he unholstered his weapon and alerted Sergeant Derouin. He further stated that Sergeant Derouin then moved alongside the wall of the building located on the northeast corner of 111<sup>th</sup> and Troy Streets. Officer Treacy saw an African American female sitting in the driver seat of the Charger.

Officer Treacy stated that ██████ was ducked down between the Charger’s open passenger side door and the vehicle, coming up in a crouched or kneeling position and raising the handgun to shoulder height. Officer Treacy said that ██████ pointed the barrel of the gun between the door and the vehicle, in his direction. Officer Treacy estimated he was approximately fifteen to twenty-five feet away from ██████ at the time and was located just south of the middle of the intersection of 111<sup>th</sup> and Troy Streets. Officer Treacy stated that he yelled, “Drop the gun!”<sup>78</sup>

When asked why he did not register the weapon he used during the incident or qualify with it, Officer Treacy stated that he used to carry his duty weapon with him while commuting to and from work. He had just recently started carrying this off-duty weapon during the commute and left his normal duty weapon at work. While he intended to both register and qualify with the weapon, Officer Treacy had not yet done so. He was unable to rectify this after the incident because the weapon was inventoried and he did not have access to it.

**COPA interviewed Officer Kendra Archer, #16237, on April 16, 2018.**<sup>79</sup> Officer Archer stated that she was assigned to the 5<sup>th</sup> District at the time of the incident. On November 5, 2016, she was on-duty in civilian dress, wearing a duty vest with an embroidered star and with her name and her star number displayed.

Officer Archer stated that on November 5, 2016, she heard a call of 10-1 over the radio, which she understood to be an emergency call to help an officer. In response to this call, she responded to 111<sup>th</sup> Street and Kedzie Avenue. She stated that she arrived at a chaotic scene and was directed to move the crowd of approximately 100 people away from the scene.

Officer Archer said that she interviewed several witnesses during the response to this incident. She provided information regarding one witness to the detectives on scene. She described this witness as a Caucasian female who was sitting down and crying because she witnessed the shooting from her vehicle.<sup>80</sup>

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<sup>77</sup> *Id.*, page 76, lines 12-13.

<sup>78</sup> *Id.*, page 31, line 11.

<sup>79</sup> Att. 13, 14.

<sup>80</sup> COPA requested and reviewed all reports generated by the Bureau of Detectives (Att. 73) in response to this incident in an attempt to identify the subject of this interview. Officer Archer was not mentioned in the reports and there is no information about any person she may have interviewed.

Officer Archer remembered speaking to a woman who identified herself as an aunt of the subject of the shooting. Officer Archer said the aunt helped her control the crowd. She described the aunt as distraught and remembered her talking about how the family had experienced several deaths in a short amount of time. Officer Archer stated, "I think she hugged me [...] I remember her saying 'Thank you,' to me."<sup>81</sup>

Officer Archer said that on the date of the incident, she had a lot of interaction with various people but could not remember speaking to any other members of the subject's family. She did not recall telling ██████████ "I don't give a fuck about what happened to your son." When asked if she would use such terminology, Officer Archer stated that she worked in mental health therapy for ten years before becoming a police officer and did not recall ever saying something like that. She did not recall engaging in any other conduct that could have been perceived as unprofessional or discourteous.

## B. Digital Evidence

Cell phone videos taken by ██████████ consists of two clips, 1:16 and 3:22 in length, and contains audio.<sup>82</sup> When the recording begins, Ms. ██████████ is inside of her car and the radio is playing, such that some of the events initially transpiring outside of the car are difficult to hear. Two African American females and one African American male can be seen entering a red sedan. A Caucasian woman holding what appears to be a mop or a broom, now known to be ██████████ is walking across the street. An African American male wearing military fatigues is in the street. The red sedan drives down the street followed by a grey vehicle. An African American male with dread locks wearing a black dress shirt, now known to be ██████████ is shown walking down the street following the red and grey cars. He appears to be removing a necktie as he walks.

Ms. ██████████ then stops filming the street and the footage shows the inside of a vehicle. The video then pans over to the street again and captures the red and grey cars further down the street. A group of approximately fifteen people are gathered around the red sedan. Ms. ██████████ exits the car, and several people can be heard screaming, but it is difficult to discern anything specific that they are screaming. A Caucasian male in a red shirt, now known to be Officer Treacy, is holding what appears to be a firearm in his right hand with his arm fully extended. He is heard yelling, "I'm the fucking police. Get the fuck back," and appears to point the firearm at an African American female in a white shirt.

An African American male is shown running away from the crowd. Ms. ██████████ footage pans back and forth down the street. The camera returns to the crowd and Officer Treacy is shown standing near Sergeant Derouin, and a Caucasian male, now known to be Mr. ██████████. Officer Treacy raises and lowers the firearm several times and is heard repeatedly yelling, "Get the fuck down." He appears to point at the crowd with his left hand and does not appear to be holding anything in his left hand. Sergeant Derouin appears to be making a telephone call. An unknown person yells, "He tried to run us off the road." Officer Treacy then appears to re-holster his gun in his waistband.

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<sup>81</sup> Att. 14, page 12, lines 3 and 12.

<sup>82</sup> Att. 71. As this footage was taken from a personal cell phone, it is not date or time stamped. However, based on information provided by ██████████ the footage was taken on November 5, 2016 at approximately 3:00 p.m.

The **Chicago Police Department Event Queries** document forty 911 calls made in response to this incident.<sup>83</sup> Most of the calls report fighting and shots fired. Those calls providing additional information related to this investigation are included below:

- **Event [REDACTED]**: A female caller reports a “huge fight” at 111<sup>th</sup> Street and Troy Street. She reported that people were getting out of cars and “beating the shit out of people.” The caller tells the operator that she sees a gun and the person with a gun is pointing the gun. She describes the person with the gun as a black man with a black shirt and short hair.
- **Event [REDACTED]**: The caller reports a “total race fight,” and details approximately twenty people “beating the shit out of each other.”
- **Event [REDACTED]**: The caller who identifies himself as an off-duty officer<sup>84</sup> reports that he is being encircled by two cars of people. He repeatedly refers to the people on the scene as “motherfuckers” and tells the operator to “send the police to 111<sup>th</sup> and Troy, right now, before someone gets shot.” The caller reports that he was being “attacked by about twelve motherfuckers in a car, standing near my car.” People can be heard yelling in the background. When asked for further details, the caller reports that the people attacking him previously cut him off on the road. The operator informs the caller she will send the police over and the caller says, “And now, and now, and now, they’re running up on another person. You ‘bout, I’m telling you, you better get the police here now.” The caller stops answering questions and says, “Aw this is fucking ridiculous,” before disconnecting the call.
- **Event [REDACTED]**: The caller describes a “total race thing” when reporting a shooting that occurred near a baby shower.
- **Event [REDACTED]**: The caller reports, “a whole bunch of black people beating up some white people.”

**Evidence Technician Photographs** depict Officer Treacy’s physical condition at the hospital following the incident.<sup>85</sup> The photographs show him with cuts and scratches to the neck, hands and arms.

### C. Physical Evidence

**Medical Records from Palos Hospital for Officer Treacy** document that Officer Treacy was admitted to the emergency department at 6:11 p.m. on November 5, 2016 and discharged at 8:24 p.m. the same day.<sup>86</sup> The final diagnosis was listed as unspecified injury of the face, abrasion of left elbow and cervicalgia.<sup>87</sup>

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<sup>83</sup> Att. 72.

<sup>84</sup> The caller does not provide his name but gives the star number 17619, which is Officer Treacy’s number.

<sup>85</sup> Att. 76.

<sup>86</sup> Att. 75.

<sup>87</sup> Commonly referred to as neck pain.

#### D. Documentary Evidence

The **Original Case Incident Report** documents the offenses as Battery and Aggravated Assault of a Peace Officer with a handgun. [REDACTED] Joseph Treacy and Thomas Derouin are listed as the victims.<sup>88</sup> Detective Hickey is listed as a witness. [REDACTED] and [REDACTED] are listed as the offenders.

### VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

- A. **Sustained** - where it is determined the allegation is supported by a preponderance of the evidence;
- B. **Not Sustained** - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- C. **Unfounded** - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- D. **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 the conduct occurred and violated Department policy. *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 has found to be more probably true than not”). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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.” *Id.* at ¶ 28.

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<sup>88</sup> Att. 74.

## VII. ANALYSIS

### A. Allegations Against Officer Treacy (4)

#### 1. Allegation 1

COPA recommends that Allegation 1 against Officer Treacy - that at approximately 3:00 p.m. on November 5, 2016, he cut off a 2013 grey Kia Optima and prevented the vehicle from continuing to travel westbound on 111<sup>th</sup> Street in a reckless manner, be **Not Sustained**.

Rule 1 prohibits a CPD officer from violating any law or ordinance. Rule 2 prohibits a CPD officer from engaging in any action or conduct that impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

██████████ and ██████████ alleged that Officer Treacy started the altercation that ultimately resulted in the fatal shooting of ██████████ by cutting off ██████████ vehicle. According to ██████████ she was driving behind ██████████ vehicle. However, ██████████ is certain she was following ██████████ and if this is the case, it is more unlikely that ██████████ would have seen everything leading up to the traffic confrontation because the traffic confrontation would have transpired behind her. In ██████████ statement to CPD detectives, ██████████ stated that Officer Treacy cut off ██████████ vehicle and refused to let ██████████ vehicle pass Officer Treacy's vehicle. Yet ██████████ says it was a navy-blue Chevrolet Impala that almost hit ██████████ car, while Officer Treacy's car is a black Buick. A male voice can be heard in the third-party video footage saying, "[h]e tried to run us off the road." This person is not identifiable from the video, although it is likely he was an occupant of one of the three vehicles leaving the cemetery. Without being able to identify the male voice and without further details from this potential witness, such a statement can be given little weight in determining fault for the traffic altercation.

COPA was unable to obtain eyewitness accounts from anyone else inside the vehicles that ██████████ and ██████████ were driving. This was due in part to ██████████ and ██████████ not providing names for some of the individuals. In addition, all individuals who were named refused to provide interviews. ██████████ could only provide the name of one of two other adults in her car: ██████████ who refused to be interviewed. ██████████ provided the name of ██████████ but not anybody else in her car. ██████████ was contacted multiple times. As of the date of this report, Mr. ██████████ has not provided a statement regarding the incident. ██████████ also did not provide any information to facilitate interviews with the other two people in his car. Further, COPA did not locate any exterior cameras from the neighborhood businesses or firehouse which captured this incident.

In contrast to ██████████ and ██████████ Officer Treacy stated that he observed vehicles driving in a reckless manner and that he attempted to pass the vehicles to avoid following erratic drivers. According to Officer Treacy, once he passed the vehicles, they sped up and chased him, ultimately surrounding his vehicle. Officer Treacy denied cutting off the vehicles involved and denied driving in a reckless manner.

In sum, it is undisputed that a traffic confrontation occurred, but two varying accounts have been offered of the specific conduct that led to the altercation. COPA was unable to interview any independent eyewitnesses to the traffic altercation to determine whether their accounts would



corroborate or refute the allegations. However, independent witnesses such as Mr. [REDACTED] and CFD Lieutenant Kreski both witnessed the immediate aftermath and corroborated Officer Treacy's account of the immediate aftermath. Both Mr. [REDACTED] and Lieutenant Kreski said they saw people beating on the vehicle that was later identified as Officer Treacy's vehicle. Detective Hickey provides further corroboration in that he saw people beating on a car he later determined to be Officer Treacy's. Officer Treacy's 911 call also provides a contemporaneous account of the events and is consistent with his later statements, although he states two cars are surrounding him as opposed to three.

While the evidence outlined above corroborates parts of Officer Treacy's account and therefore tends to support a finding that Officer Treacy is credible in his response to Allegation 1, based on the lack of independent eyewitnesses to the actual traffic altercation, we are unable to determine, by a preponderance of the evidence, which party's conduct incited the initial traffic altercation. Thus, based on the totality of the circumstances, there is insufficient evidence to either prove or disprove this allegation. For this reason, COPA recommends that this allegation be **Not Sustained**.

## 2. Allegation 2

COPA recommends that with regard to Allegation 2, that at approximately 3:00 p.m. on November 5, 2016, he pointed his weapon at [REDACTED] and [REDACTED] without justification, Officer Treacy be **Exonerated**.

[REDACTED] and [REDACTED] allege that Officer Treacy was pointing his weapon directly at them, including in their faces and in the faces of other people in their group. [REDACTED] alleged that Officer Treacy was pointing his weapon directly in [REDACTED] face and then directly at [REDACTED] when her back was turned.

Rule 38 prohibits the unlawful or unnecessary display of a weapon. In this case, according to Officer Treacy, he exited his vehicle with his firearm drawn. He stated that at the time, he did so in part because he had already been struck in the head, he had heard someone say "Pop 'em," and he had observed Mr. [REDACTED] being physically attacked.

There is nothing to corroborate Officer Treacy's claim that he heard someone say, "Pop 'em," There is also nothing to corroborate Officer Treacy's claim that he was struck in the head while in his car. Following the incident, Officer Treacy was documented as having sustained injuries; however, it is not clear at what point in the altercation he sustained such injuries.

Officer Treacy's statement that he saw Mr. [REDACTED] being physically attacked is however corroborated by the multiple witnesses who reported observing Mr. [REDACTED] being battered. Given that his observation of Mr. [REDACTED] being attacked by a large group of people, Officer Treacy's display of his weapon was reasonable. The scene was chaotic, and if the violence had escalated, Officer Treacy may reasonably have had to use deadly force to prevent the risk of imminent death or great bodily harm to Mr. [REDACTED] or to another individual on scene. By unholstering and displaying his weapon, Officer Treacy was prepared to act more quickly. For this reason, we find Officer Treacy's initial decision to draw his weapon was neither unlawful nor unnecessary. However, we continue this analysis to determine if Officer Treacy violated Rule 38 by pointing his weapon directly at any particular person in an unlawful or unnecessary manner.

Both [REDACTED] and [REDACTED] alleged that Officer Treacy pointed his firearm directly in both of their faces and the faces of others in their group. [REDACTED] corroborated [REDACTED]

█████ allegations in that she said she saw Officer Treacy point his weapon directly in the faces of people coming from the group, and that she saw him point his weapon at █████ specifically. Ms. █████ also said she saw Officer Treacy point his weapon at █████ when █████ back was turned. █████ and █████ did not provide statements to COPA.

The third-party video footage does not capture the entire incident but at least partially depicts Officer Treacy's actions while holding his weapon. The video footage shows Officer Treacy holding his weapon with his arm extended as he approaches the scene of the battery. However, Officer Treacy does not keep the weapon pointed at the crowd during the entire altercation. As he approaches the crowd with his firearm, people appear to retreat. As the crowd moves back, Officer Treacy lowers his weapon and points it at the ground. While the cell phone video moves away from Officer Treacy at times, it corroborates his account that he was using his weapon to scan the crowd and was not pointing it at a specific person during the portion of the incident captured on camera. In addition, █████ stated that she observed █████ moving toward Officer Treacy and taunting him to do something with his gun, suggesting that she placed herself in the direct line of his gun.

Based on the totality of the evidence, we find that Officer Treacy did point his weapon directly at people, for very short periods of time, while he was appraising the hostile crowd. However, his actions were justified in light of the chaotic situation, degree of hostility he encountered and the fact that he had already observed █████ being attacked - circumstances under which a reasonable officer would have wanted to be prepared to use deadly force as quickly as possible if the use of such force was necessary. Based on the totality of the circumstances, COPA recommends Officer Treacy be **Exonerated** of the allegation that he pointed his weapon at complainants without justification.

### 3. Allegation 3

COPA recommends that Allegation 3 against Officer Treacy, that at approximately 3:00 p.m. on November 5, 2016, he used racially demeaning language, specifically by calling █████ a "black bitch," be **Not Sustained**.

█████ alleged that Officer Treacy called her sister, █████ a "black bitch." She also claimed that he used other racially charged language and "called her out of her name." However, █████ did not corroborate her sister's allegation that Officer Treacy used any racially offensive language. █████ stated that many people joined the crowd and were using racial slurs and making racially offensive comments. However, she did not identify Officer Treacy as one of the people and believed the individuals came from nearby homes and businesses. █████ also said that people coming from nearby homes and businesses were making racially offensive remarks and using racial slurs. He also did not identify Officer Treacy as one of the individuals making racially offensive comments. It is worth noting that both █████ and █████ identified Officer Treacy regarding several other aspects of the incident, making it more likely that they would have identified one of the officers involved in █████ shooting as having made racially offensive comments had either of them heard such a remark from Officer Treacy.

Notably, many, if not all, of the witnesses noted the racial nature of the conflict based on statements that were overheard. However, the only complainant to make a specific allegation that a CPD member used racially demeaning language was █████ who complained of Officer Treacy's conduct. Her allegation that Officer Treacy used such language is not sufficiently corroborated - whether by either █████ or any other witness. Considering the racially charged nature of the altercation, it may be that someone at the scene used the odious language

██████████ attributes to Officer Treacy; however, given the absence of corroboration, we lack sufficient evidence to establish that it is more probable than not that Officer Treacy himself used such language in his interaction with ██████████. In sum, based on the statements of cooperating witnesses, there is insufficient evidence to either prove or disprove this Allegation. Therefore, COPA recommends that this allegation be **Not Sustained**.

#### 4. Allegation 4

COPA recommends that Allegation 4 against Officer Treacy - that prior to and on November 5, 2016, he failed to qualify with and failed to register his Glock Model 26 nine-millimeter semi-automatic pistol in violation of U04-02, be **Sustained**.

Uniform and Property U04-02 was in place at the time of the incident and required officers to qualify annually with both prescribed and alternate prescribed firearms “prior to carrying the firearm on or off duty.” The order defined a prescribed firearm as a required firearm that a sworn officer had to use or carry, and it defined an alternate prescribed firearm as a firearm that an officer could use or carry in lieu of a prescribed firearm. The order also required a CPD officer to register all firearms that he owned, specifying that all firearms required a one-time registration.

Officer Treacy explained that the firearm he used in this incident, a Glock Model 26, nine-millimeter semi-automatic pistol, was an off-duty weapon and that his duty weapon was locked at Homan Square. To the extent Officer Treacy used this firearm in lieu of a prescribed firearm to carry out police functions, the Glock Model 26 was an alternate prescribed firearm. Officer Treacy stated that he was aware that he was required to both qualify with and register his off-duty weapon but that he had not done so as he had only recently started carrying the off-duty weapon to and from work. Based on the overall circumstances, including Officer Treacy’s admission that he had not registered or qualified with the weapon used in this incident, COPA recommends that this allegation be **Sustained**.

#### B. Allegations Against Officer Archer (2)

COPA recommends that Allegation 1 against Officer Archer, that ██████████ approached Officer Archer requesting information regarding her son, ██████████ and Officer Archer responded in a discourteous and unprofessional manner by telling ██████████ “Well I can’t tell you what the fuck is going on with your son,” be **Not Sustained**. Similarly, COPA recommends that Allegation 2 against Officer Archer, that she failed to express a sense of concern and general interest regarding the death of ██████████ be **Not Sustained**.

██████████ alleged that when she arrived at the scene she encountered Officer Archer, who was rude and unprofessional. Specifically, ██████████ claimed that when she tried to obtain information regarding her son, ██████████ Officer Archer told her, “Well I can’t tell you what the fuck is going on with your son.” Officer Archer denied making such a statement or engaging with ██████████ in an unprofessional manner.

According to ██████████ Officer Archer was interviewing a potential witness during their interaction. As the subject of this interview would be an independent witness, COPA attempted to identify this person but was unable to do so. In addition, Ms. ██████████ did not provide the name of anyone else in the car she arrived in that might have witnessed this incident. Officer Archer described the scene as being chaotic and being tasked with crowd control of about 100 people. Due to the environment, it is possible that she was terse with many individuals that afternoon. However, we are

ultimately unable to conclude by a preponderance of the evidence that the specific statements ██████████ ██████████ alleges that Officer Archer directed at her occurred or if so, that they were made by Officer Archer or another identified member of the Department. Without an independent witness to either corroborate or refute these allegations, COPA has insufficient evidence to either prove or disprove the allegations. Therefore, COPA recommends that both Allegations #1 and #2 against Officer Archer be **Not Sustained**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### A. Officer Joseph Treacy

#### 1. Complimentary and Disciplinary History

Officer Treacy has been a CPD member since November 27, 2006. In that time, he has received 94 Honorable Mentions, 3 Complimentary Letters, 2 Police Officer of the Month Awards, and 7 Department Commendations. In the last seven years, Officer Treacy has not received any discipline.

#### 2. Recommended Penalty, by Allegation

##### a) Allegation 4

For Allegation 4, COPA recommends a **Suspension of 90 days**. During this incident, Officer Treacy was carrying and used a weapon that he had not registered with CPD and with which he did not qualify. Under Illinois law, civilians are not permitted to carry loaded firearms on public streets without a concealed carry permit. As a police officer, Officer Treacy is authorized to carry a firearm without a concealed carry permit. However, CPD requires that officers register and qualify with all firearms they intend to carry. His failure to take these steps is comparable to a civilian failing to obtain proper licensing to carry a firearm, which often results in criminal charges. While Officer Treacy's status as an officer may prevent his conduct from having criminal consequences, he had a responsibility to comply with CPD directives. In his statement to COPA, Officer Treacy could not provide any explanation for his failure to comply with CPD's rules about officers' weapons which may mitigate the discipline recommendation.

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**IX. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding/ Recommendation</b>
<b>Officer Joseph Treacy</b>	<ol style="list-style-type: none"> <li>1. On November 5, 2016, at approximately 3:00 p.m., in the vicinity of 3112 W. 111<sup>th</sup> Street, Officer Treacy cut off a 2013 grey Kia Optima and prevented the vehicle from continuing to travel westbound on W. 111th Street in a reckless manner, in violation of Rules 1 and 2.</li> <li>2. On November 5, 2016, at approximately 3:00 p.m., Officer Treacy pointed his weapon at [REDACTED] and [REDACTED] without justification, in violation of Rule 38.</li> <li>3. On November 5, 2016, at approximately 3:00 p.m., Officer Treacy used racially demeaning language, specifically by calling [REDACTED] a “black bitch,” in violation of Rules 2, 3, 8, and 9.</li> <li>4. Prior to and on November 5, 2016, Officer Treacy failed to qualify with and register his Glock Model 26 9-millimeter semiautomatic pistol in violation of Rule 6 and General Order U04-02.</li> </ol>	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Sustained</p>
<b>Officer Kendra Archer</b>	<ol style="list-style-type: none"> <li>1. On November 5, 2016, at approximately 1503 hours, [REDACTED] approached Officer Archer requesting information regarding her son, [REDACTED] and Officer Archer responded in a discourteous and unprofessional manner by telling [REDACTED] “Well, I can’t tell you what the fuck is going on with your son,” in violation of Rules 2 and 8.</li> <li>2. On November 5, 2016, at approximately 1503 hours, Officer Archer failed to express a sense of concern and general interest to [REDACTED] regarding the death of her son, [REDACTED] in violation of Rules 2 and 8.</li> </ol>	<p>Not Sustained</p> <p>Not Sustained</p>

Approved:

[REDACTED]

April 30, 2019

Sydney Roberts  
Chief Administrator

Date

Appendix A

**Assigned Investigative Staff**

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<b>Squad#:</b>	█
<b>Major Case Specialist:</b>	██████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten
<b>First Deputy Chief Administrator:</b>	Tracie Smith