

## SUMMARY OF INCIDENT

On September 24, 2017, the complainant, Subject 1, was displaying banners on the Natoma Overpass, which runs over the Kennedy Expressway. Chicago Police Department (CPD) Sergeant A, removed the signs. Officer A was also present.

## ALLEGATIONS

The complainant, Subject 1, was identified through an online complaint made by Subject 1's friend, Subject 2. Subject 2 submitted this web complaint to the Civilian Office of Police Accountability (COPA) on September 26, 2017. Subject 1 was subsequently contacted by COPA for an interview.<sup>1</sup>

It is alleged that on September 23, 2017 at approximately 12:12 PM, on an overpass for the Kennedy Expressway located near 5551 N. Natoma Ave., **Sergeant A, Star #XXXX**, while on duty:

1. Removed Subject 1's banners from the overpass fence without justification, in violation of Rule 2, Rule 6 in relation to the First Amendment to the United States Constitution, Rule 6 in relation to the Fourth Amendment to the United States Constitution, Rule 6 in relation to CPD General Order G02-02, and Rule 8.
2. Damaged Subject 1's banners in violation of Rule 2 and Rule 8.
3. Pushed Subject 1 while removing her banners in violation of Rule 2, Rule 6 in relation to CPD General Order G03-02, and Rule 9.

## APPLICABLE RULES AND LAWS

**Rule 2:** prohibits, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

**Rule 6:** prohibits, "Disobedience of an order or directive, whether written or oral."

**Rule 8:** prohibits, "Disrespect to or maltreatment of any person, while on or off duty."

**Rule 9:** prohibits, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty."

**Chicago Police Department Directive, General Order G03-02, Use of Force Guidelines:**<sup>2</sup> "When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are

---

<sup>1</sup> In her COPA complaint, Subject 2 stated that this incident occurred on September 22, 2017. However, a review of available records and Subject 1's Facebook page suggest that it actually occurred on September 23, 2017.

<sup>2</sup> The Use of Force policy referenced in this report was effective from October 2002 until October 2017.

entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances.”

“Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.”

**Chicago Police Department Directives, General Order G02-02, The First Amendment and Police Actions:** “Department members may not investigate, prosecute, disrupt, interfere with, harass, or discriminate against any person engaged in First Amendment conduct for the purpose of punishing, retaliating, or preventing the person from exercising his or her First Amendment rights.”

“Persons on the public way have a right to [...] express their views through any form of communication.” “Persons expressing views protected by the First Amendment on the public way are required to comply with laws prohibiting physical obstruction of the movement of persons and vehicles on the public way or place, and damage to public or private property.”

**City of Chicago Municipal Code, 10-8-320:** “No person shall distribute or cause others to distribute [...] commercial advertising material by means of posting, sticking, stamping, tacking, painting or otherwise fixing any sign, notice, placard, bill, card, poster, advertisement or other device calculated to attract the attention of the public, to [...] parts of any public bridge or viaduct [...] except such as may be required by the laws of the state and the ordinances of the city.”

**City of Chicago Municipal Code, 10-28-064:** “no person shall place, install or knowingly maintain on the surface of the public way any sign or a structure or device to which such a sign is affixed. Any such sign, structure or device that is placed, installed or maintained on the public way in violation of this section is hereby declared a public nuisance and may be removed at any time by the commissioner of business affairs and consumer protection at the expense of the person responsible for the violation.”

**First Amendment to the United States Constitution:** “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

**Fourth Amendment to the United States Constitution:** “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.”

## INVESTIGATION

### Complainant Interview, Subject 1

Subject 1 related that on September 23, 2017, between 1:30 PM and 2:30 PM, she was displaying two “hand created painted banners” on a freeway overpass for the Kennedy Expressway at Natoma Avenue.<sup>3</sup> Subject 1 related that the signs read “Medicare for All” and “Love Wins.” Subject 1 stated that she had the two banners affixed to fence on the overpass. Subject 1 elaborated that she had been displaying banners on this and another bridge for 470 days prior to the incident on September 23, 2017. Subject 1 stated that she was standing on the bridge, waving, and acknowledging the “honks and waves” from passersby.

Subject 1 reported she had been video recording her activities to share with her supporters when Sergeant A approached and told Subject 1 to remove her banners. Subject 1 began complying and detaching her “Love Wins” banner. Subject 1 stated that the sergeant “got impatient,” pushed her out of his way, and ripped one banner down. Subject 1 told the sergeant she would take down the second banner too, but the sergeant pushed her again and ripped down the second banner. Subject 1 attempted to collect the banners and told the sergeant she would leave. Sergeant A responded by pushing Subject 1 a third time. Subject 1 alleged that Sergeant A did not allow Subject 1 enough time to comply with his request, he ripped her banners, and he “pushed me around.” Subject 1 stated that she recorded this incident and provided COPA this video from her Facebook profile.

Subject 1 stated that afterwards, her arms were sore but she did not go the hospital. Subject 1 also related that she experienced shock and emotional distress after the fact. Per Subject 1, later in the day, she went to the 16<sup>th</sup> station to retrieve her banners and spoke with Sergeant Danielson. Subject 1 stated that Sergeant Danielson called Sergeant A, who arrived and allowed Subject 1 to have her banners. Subject 1 stated that when she was retrieving her property, she told Sergeant A she was filming him, but he did not say anything. Then, Subject 1 returned to the bridge she was at earlier in the day and rehung her damaged banners for an hour. Subject 1 stated she had told Sergeant Danielson she was going to rehang her banners. Subject 1 stated that her incident with Sergeant A was the first problem she had with the police regarding her banners. The next day, additional officers came to Subject 1’s banner display and she had no problems with these officers. (Att. 3)

### **Accused Interview, Sergeant A**

Sergeant A stated that on September 23, 2017, he as on-duty as a field supervisor in the 16<sup>th</sup> District. Sergeant A related that he responded to an Office of Emergency Management and Communications (OEMC) assignment of a woman standing on the Natoma overpass for the Kennedy Expressway with a Nazi banner. The sergeant stated he saw no Nazi banners upon his arrival and Subject 1 was the only individual present. Sergeant A reported that Officer A also responded to the assignment. Sergeant A stated he was the “business officer” and Officer A was the “cover officer.” Sergeant A stated that when he arrived at the overpass, he saw a woman (identified as Subject 1) with two banners affixed to the fence and waving at passing vehicles. Sergeant A believed the banners stated “#LovedTrumpsHate” and

---

<sup>3</sup> In her COPA interview, Subject 1 stated that this incident occurred on September 24, 2017. However, a review of available records and Subject 1’s Facebook page revealed that it occurred on September 23, 2017.

“#FreeHealthcareForEveryone.” Sergeant A stated that he was not aware of Subject 1’s banner demonstrations prior to this incident.

Once the sergeant arrived and exited the vehicle, he explained to Subject 1 that she needed to remove her banners from the fence. Subject 1 told the sergeant she had been displaying her banners for months without incident. Sergeant A related to Subject 1 that she did not have the “authority” to affix her signs to the fence.<sup>4</sup> Subject 1 continued that she had a right to post her banners. The sergeant told her she could hold her signs, just not affix them to government property. Sergeant A related that Subject 1 did not respond or react to his request to remove her banners, so the sergeant told her he was going to remove them and she could claim the banners from the 16<sup>th</sup> District. Sergeant A then began removing Subject 1’s banners. Sergeant A stated that the banners were attached with rubber bands and steel clips. Sergeant A stated that he pulled on the edges of the banners, at which point the bands and clips “gave way” and the banner “slid out.” Sergeant A could not recall if the banners were damaged.

Sergeant A stated that when he began taking down the banners, Subject 1 began interfering. So, he pulled off the banners and moved Subject 1 out of the way. Subject 1 told Sergeant A something to the effect of “you can’t do that” and reached towards the sergeant. Sergeant A reportedly “swept” his arm back to clear Subject 1 from his personal space while his other arm was on a banner. Sergeant A stated that Subject 1 was not given a citation or arrested, at his discretion. Sergeant A did not believe Subject 1 was going to remove the banners herself. The sergeant did not complete an Investigative Stop Report (formerly known as and referred to as a Contact Card) because he wanted to end the interaction due to Subject 1’s emotional state. Sergeant A did not want the situation to escalate, so he ended the encounter once he removed the banners.

Sergeant A stated that he saw Subject 1 when she came to the 16<sup>th</sup> District to retrieve her banners. Sergeant A was asked by the 3<sup>rd</sup> Watch Commander if Subject 1 could have her property back. Sergeant A identified Subject 1 as the owner of the banners and told the Watch Commander he could release the property to Subject 1. Sergeant A recalled that Subject 1 said something to him at the station, but he could not remember what she was said. Sergeant A tried to avoid Subject 1 at the station and he let the Desk handle returning her property. (Att. 24)

### **Video Footage**

A video was downloaded from Subject 1’s Facebook page of her interaction with Sergeant A on September 23, 2017. The video depicts two banners shown on an expressway overpass (See Photo 1). At the 1:13 minute mark, Sergeant A is seen on camera and heard telling Subject 1 to take her banners down (See Photo 2). The sergeant told Subject 1 she could stand and hold her signs, but she could not affix them to the fence or bridge. Subject 1 told the officer she has been showing her signs on bridges for seven months. Subject 1 and Sergeant A argued about whether Subject 1 is allowed to affix her signs or if she would remove them. The sergeant told Subject 1 that if she did not remove her signs, he would take them down and inventory the

---

<sup>4</sup> During his COPA interview, Sergeant A cited Municipal Code 10-8-320 (Att. 29) as his justification for telling Subject 1 this information.

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1086938

banners. At approximately the 2:53 mark, the sergeant's face can be seen in the video (See Photo 3). Shortly after, an in-uniform officer believed to be Officer A is seen on camera (See Photo 4). Sergeant A told Subject 1 that they received a call of "someone hanging banners on the bridge." Subject 1 told the sergeant she would remove the signs in "10 minutes" and continued to argue with Sergeant A about having the right to display her banners.

At the 4:37 minute mark, Sergeant A said he was going to take down the banners and not wait "10 minutes" for Subject 1 to do so. At the 5:06 minute mark, Subject 1 told Sergeant A not to touch her banners. Subject 1 told the officers they were going to "look like assholes" in her Facebook video and that the sergeant "probably voted for Trump." At approximately the 6:32 minute mark, the video jerks, Sergeant A is seen moving his hand towards the fence, and Subject 1 is heard telling the sergeant she will take the signs down and telling him to "not do this." Subject 1 is heard yelling and the sergeant's arm is seen moving by the fence (See Photo 5). What appears to be a commotion ensues and Subject 1 is heard telling Sergeant A not to ruin her banners. It is unclear exactly what is occurring in this situation as the camera is not focused on either officer or on Subject 1. At approximately the 6:39 minute mark, there is an image that is believed to be the sergeant gripping one of the banners (See Photo 6). The sergeant told Subject 1 that she could retrieve her banners from the 16<sup>th</sup> District. At this same time, the complainant sounds upset and tries to get Sergeant A to return her banners so she can go to another bridge. (Att. 7)



Photo 1



Photo 2

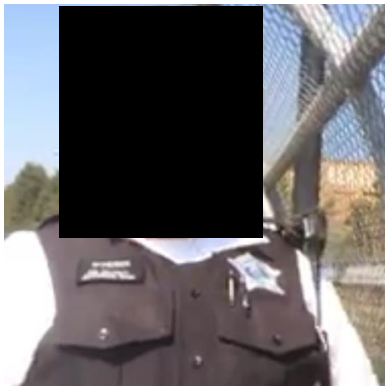


Photo 3



Photo 4



Photo 5



Photo 6

### **Witness Interview, Officer A**

Officer A stated that on September 23, 2017, he was on-duty and in-uniform. Officer A related that on this date, he was partnered with Sergeant A around 12:00 PM, after the sergeant called the officer for an assignment. Officer A stated that they received a call that a woman was posting a “large Nazi banner” on the expressway overpass. Officer A related that he was aware of previous complains related to people on overpasses, but he had no specific knowledge of these complaints. When he arrived, Officer A observed Subject 1 alone on the overpass with her banners. Officer A did not know Subject 1’s name prior to this incident, but he believed he had previously seen her on the overpasses.

Officer A believed Sergeant A was “very reasonable” with Subject 1. The sergeant asked Subject 1 to remove her banners multiple times and told her that she could stand and hold them. Officer A described Subject 1 as confrontational. Officer A stated that Subject 1 was given “plenty of time” to remove her banners and the officer did not think she was going to do so. Officer A believed Sergeant A was justified in removing Subject 1’s banners. Officer A did not believe Subject 1’s banners were damaged by the sergeant. Officer A reported that he helped the sergeant remove one of the banners. According to Officer A, Subject 1 was using “vulgarity” against Sergeant A and video recording the incident. Officer A did not see Sergeant A push Subject 1 or move her out of his way. Officer A stated a Contact Card was not created because they did not get Subject 1’s contact information. Officer A stated that Subject 1 was not arrested or given a citation because it was his “supervisor’s call.” Officer A stated that he was the assisting officer and did not interact with Subject 1. (Att. 22)

### **Department Records and Reports**

An OEMC Event Query was identified from September 23, 2017 at approximately 1:44 PM. A woman called to report a white female “who is pinning a very large Nazi flag on the overpass fence.” Similarly, a Call for Service was obtained regarding a white woman posting a Nazi flag on the overpass fence at 5557 N. Natoma Ave. (Atts. 12, 13)

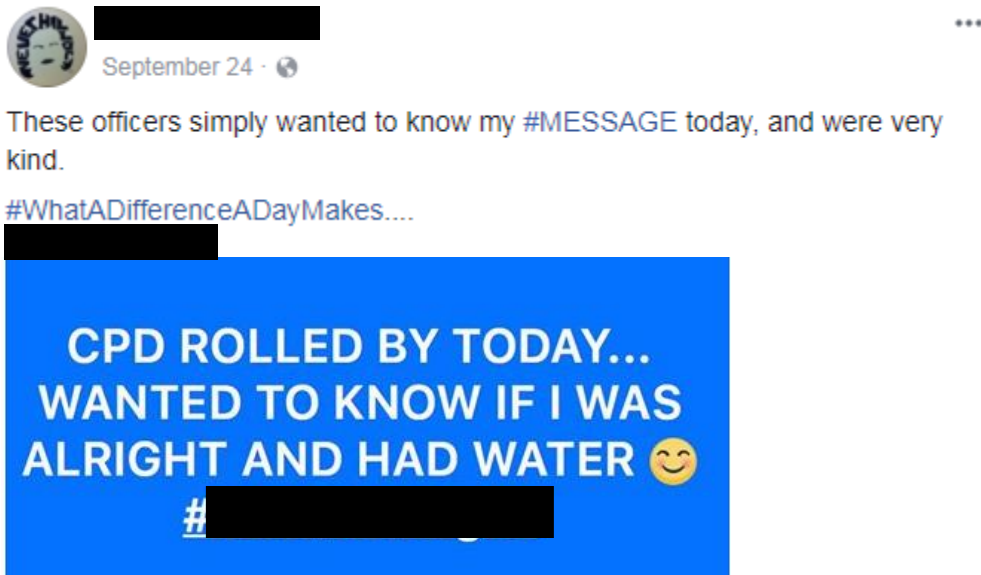
A Call for Service was located with RD #XXXXXX and Event Number XXXXXX. This report from September 23, 2017 at approximately 12:12 PM, was a report of found property. Similarly, an OEMC Event Query was obtained for Event Number XXXXXX. An Inventory

Report was located regarding Subject 1's banners that were confiscated by Sergeant A and Officer A on September 23, 2017 with RD #XXXXXX. It was reported that the sergeant "removed two banners from the fence of the Natoma bridge over I-90." This property was recovered at 5551 N. Natoma Ave. The property was classified "non-criminal property found." (Atts. 15, 16, 17)

An Investigatory Stop report was completed by Officer B and Officer C on September 26, 2017. The officers engaged Subject 1 at 5378 N. Avondale Ave. at approximately 5:30 PM. The officers responded, "to a call of a woman hanging banners off a bridge causing dangerous traffic conditions." The responding officers stated that they observed Subject 1 and were met by the complainant "who requested to have banners removed to prevent any citizens from getting hurt." Subject 1 reportedly complied and "both parties [were] satisfied with [the] outcome at this time." Similarly, a Call for Service was located from Civilian 1 on September 26, 2017 at approximately 5:21 PM. Civilian 1 stated that a white female (identified as Subject 1) was "standing on the pedestrian walkway, damaging the bridge and hanging banners." Subject 1 was also reportedly "jumping up and down and waving at cars" which caused "a traffic hazard." An OEMC Event Query Report was obtained regarding Subject 1's police interactions on September 26, 2017 which contained similar content. (Atts. 9,10, 11)

### Subject 1's Facebook Page<sup>5</sup>

A review was conducted of Subject 1's recent Facebook posts and the following relevant contact was identified.



<sup>5</sup> [https://www.facebook.com/\[Subject 1\]](https://www.facebook.com/[Subject 1])



September 24 at 1:04am

Upon returning to Bernie's Bridge...  
I felt violated all over again at the sight.  
(I did clean up the mess... a good person is good all the time)



September 23 at 2:27pm

**JUST GOTTA LOVE IT WHEN  
YOU ARE MAKING A [REDACTED]  
[REDACTED] VIDEO, AND THE  
COPS RIP YOUR BANNERS  
DOWN.....  
MORE TO COME.**



September 23 · 🌐

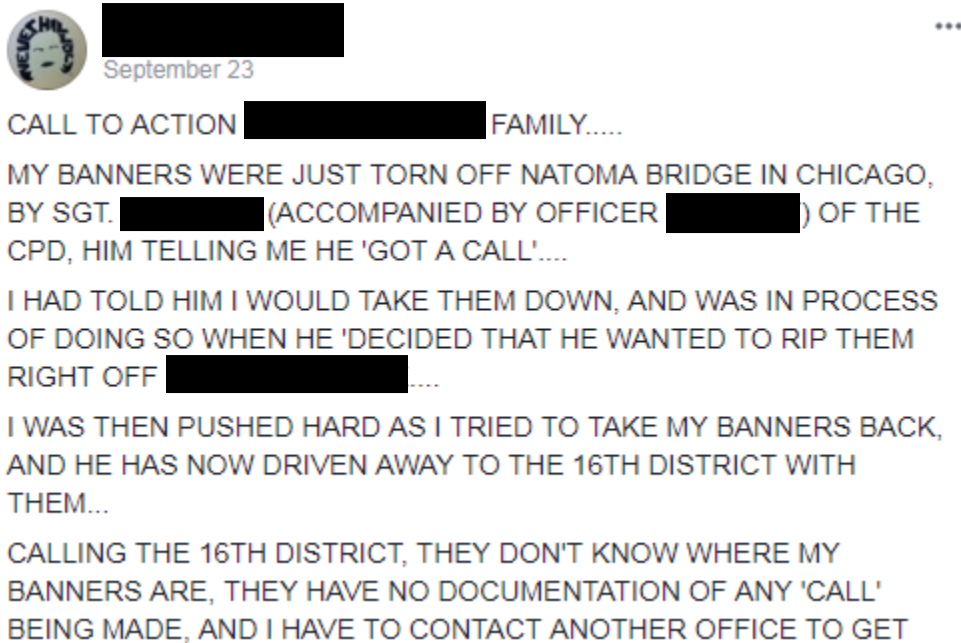
Sgt. [REDACTED] never responded when I told him he probably voted for Trump....





**Subject 1's XXXX XXXX Facebook Page<sup>6</sup>**

A second Facebook page was identified for Subject 1 in which she promotes her banner displays, referred to as XXXX XXXX. The following relevant post was noted on this account.



<sup>6</sup> <https://www.facebook.com/groups/XXXXXXXXX/>

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1086938

DOCUMENTATION OF THIS 'IMAGINARY' CALL...WHICH I WILL DO FIRST THING MONDAY MORNING.

IF YOU HAVE A SECOND... PLEASE CALL THE 16TH DISTRICT CHICAGO POLICE DEPARTMENT, TO 'EXPLAIN' THAT INFRINGING ON A CITIZENS' FREEDOM OF SPEECH DOES NOT MAKE FRIENDS FOR THE POLICE OF THIS CITY.

PHONE # 16TH DISTRICT: 312-742-4480

THE ALTERCATION, WHICH JUST SO HAPPENED TO BE VIDEO'D, STARTS AT 1:11 ... BE FOREWARNED,,,,, MY IRISH WAS 'UP A BIT' AND THE LANGUAGE GOT A BIT 'COLORFUL'....

(I MAY BE NEEDING THAT BAIL MONEY... AS I'M GOING RIGHT BACK TO MY BRIDGE 😊 )

THANKS FOR ANYTHING YOU CAN DO.

# [REDACTED]

*Approved:*

*Submitted:*

---

Supervising Investigator

---

Investigator

## ANALYSIS AND CONCLUSION

COPA recommends a finding that **allegation #1**, that **Sergeant A** removed Subject 1's banners from the overpass fence without justification be **Unfounded**.

There is no question that Sergeant A removed Subject 1's banners from the Natoma overpass however, the sergeant was justified in doing so. Sergeant A referenced City of Chicago Municipal Code as his justification for removing Subject 1's banners. City of Chicago Municipal Code, 10-28-064 prohibits Subject 1 from affixing her banners on the public way. This ordinance states in part that "no person shall place, install or knowingly maintain on the surface of the public way any sign or a structure or device to which such a sign is affixed." Subject 1 violated this ordinance by installing her signs on the overpass fence. Therefore, what Sergeant A did was both justified and lawful. In fact, the sergeant could have given Subject 1 an ordinance violation but he chose not to do so.

Sergeant A was not attempting to prohibit Subject 1 from spreading her message. The sergeant was just not going to allow Subject 1 to break the law while doing so. Sergeant A told Subject 1 that she was free to display her banners if they were not affixed. Sergeant A also gave

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1086938

Subject 1 ample opportunity to remove her banners. However, based on a review of the Subject 1's Facebook video, it appeared that Subject 1 was not going to remove her banners and that she was trying to engage the sergeant in an argument. Not only did the sergeant handle himself with composure, he chose to walk away before the situation got worse. Just because Subject 1 did not like what she was being told by Sergeant A, it did not mean he was engaged in misconduct. Subject 1 was antagonistic and refused to listen to the sergeant. Sergeant A collected the banners, told Subject 1 where she could retrieve them, and left before Subject 1 became more belligerent. The sergeant gave Subject 1 the opportunity take the banners herself and leave, but she was too intent on arguing with Sergeant A.

COPA recommends a finding that **allegation #2**, that **Sergeant A** damaged Subject 1's banners be **Not Sustained**.

There is not enough evidence to confirm or refute if Subject 1's banners were damaged when Sergeant A removed them. Subject 1 posted a Facebook photo of the "mess" from the sergeant removing her banners. However, this photo depicts the rubber bands and clips Subject 1 reportedly used to hang her banners. Furthermore, the banners could have been damaged before or after the sergeant removed them. This claim amounts to the officer's word versus Subject 1's word. After viewing her Facebook video, Subject 1's statement to COPA appeared exaggerated, diminishing her credibility. For example, Subject 1 stated that the sergeant "got impatient," pushed her out of his way, and ripped one banner down. The video depicts that Sergeant A was patient with Subject 1 and gave her time to remove her banners, despite Subject 1 being argumentative and insulting the sergeant. Subject 1 alleged that Sergeant A did not allow Subject 1 enough time to comply with his request but this is simply not supported by the video evidence.

If it could be confirmed that the sergeant damaged the banners, this allegation would be exonerated. As detailed above, Sergeant A was going to let Subject 1 remove the banners, but she never attempted to do so. If she complied with the sergeant's request, she could have removed them herself. This action does not amount to misconduct on the part of Sergeant A because it does not appear he was excessive or offensive in removing Subject 1's banners. Rather, he was carrying out a lawful task.

COPA recommends a finding that **allegation #3**, that **Sergeant A** pushed Subject 1 while removing her banners be **Exonerated**.

Sergeant A acknowledged that he used his arm to move Subject 1 out of his personal space while he removed the banners. As stated above, Subject 1's claims of what occurred with the sergeant are seemingly exaggerated and not supported by the video evidence. Subject 1 claimed the sergeant pushed her three times. Sergeant A related that he moved her with his arm one time. The sergeant stayed calm throughout the entire video and it is unsubstantiated that he made contact with Subject 1 multiple times. As for the physical contact that the sergeant acknowledged, it appears that Subject 1 attempted to interfere with the sergeant as he removed the banner. Subject 1 initiated the contact not the sergeant. When applying the use of force paradigm, Subject 1 was an active resister or even an assailant. Sergeant A used his arm to keep Subject 1 at bay as he removed the banner. Subject 1 was not injured. Subject 1 could have been arrested for obstructing a peace officer, however Sergeant A chose to use the least intrusive law

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1086938

enforcement option he had. In sum, Sergeant A's use of force was reasonable based on Subject 1's actions.

*Approved:*

---

Deputy Chief Administrator

**FINDINGS**

**Accused 1:**                **Sergeant A, Star #XXXX, while on duty:**

**Allegation 1:**           **Unfounded**

**Allegation 2:**           **Not Sustained**

**Allegation 3:**           **Exonerated**