

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	October 27, 2016
Time of Incident:	Approximately 8:30 p.m.
Location of Incident:	Near XXXX S. Ashland Avenue, Chicago, Illinois
Date of COPA Notification:	October 27, 2016
Time of COPA Notification:	Approximately 8:40 p.m.

In-Car Camera footage depicts Accused CPD Sergeant A verbally disrespecting and ridiculing a civilian by mimicking her in the presence of other CPD members.

II. INVOLVED PARTIES

Involved Member #1:	Sergeant A, Star #XXXXXX, Employee ID# XXXXXX, Date of Appointment: XXXX 1988 (29 years on force), d/o/b/ XXXXX 1963 (54 yoa), M/W
Subject #1:	Subject 1, d/o/b/ XXXXX 1962 (55 yoa), F/B

III. ALLEGATIONS

Member	Allegation	Finding
Sergeant A	1. On October 27, 2016, at approximately 8:30 p.m., at or near XXXX S. Ashland Avenue, Chicago, Illinois, the accused member showed disrespect to and maltreated the Complainant in that he stated to her, "I don't like Black people," in violation of Rule 8, Chicago Police Department Rules of Conduct.	UNFOUNDED
	2. On October 27, 2016, at approximately 8:30 p.m., at or near XXXX S. Ashland Avenue, Chicago, Illinois, the accused member showed disrespect to and maltreated the Complainant in that he stated to CPD subordinates that they "would lose their jobs" if they helped the Complainant, in violation of Rule 8.	UNFOUNDED

¹ 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.

Allegations (continued)	Findings (cont.)
<p>3. On October 27, 2016, at approximately 8:30 p.m., at or near XXXX S. Ashland Avenue, Chicago, Illinois, the accused member showed disrespect to and maltreated the Complainant, in violation of Rule 8, in that he insulted, mocked, ridiculed, taunted, mimicked, made fun of, and/or caricatured the Complainant, in that he stated to her, “I’m gonna get a CR number on you; I’m gonna get a CR number on you; You gonna be fired; I’m gonna have your job.”</p>	SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8, Rules of Conduct, Rules and Regulations of the Chicago Police Department, prohibiting “[d]isrespect to or maltreatment of any person, while on or off duty).

V. INVESTIGATION²

a. Interviews

Complainant, Civilian 1 gave a **Digitally Recorded Statement³** on November 4, 2016. Civilian 1 claimed that at the time and place in question a uniformed CPD sergeant arrived in a marked vehicle in apparent response to a 911 call that she had made earlier that evening, along with two plainclothes officers who arrived in a separate vehicle. Civilian 1 stated that she recognized the sergeant (later determined to be Sergeant A) as a CPD member who had been involved in a disturbance with her several months before. According to Civilian 1, Sergeant A stated on his arrival that he “didn’t like Black people,” and that he informed the plainclothes officers that they would “lose their jobs” if they helped Civilian 1.

Sergeant A gave a **Digitally Recorded Statement⁴** on November 21, 2017. During that statement, COPA investigators played In-Car Camera (“ICC”) footage from Sergeant A’s patrol car depicting the incident for him.⁵ The footage shows Sergeant A responding by vehicle to Civilian 1’s 911 call. Sergeant A drives through and searches from his vehicle near West 111th Street and South Ashland Avenue. He then drives south on Ashland and slows down as Civilian 1 can be seen on the sidewalk to his left.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³Attachment #23.

⁴Attachment #28.

⁵Attachment #20.

An unmarked CPD vehicle approaches from the south and the video captures Sergeant A speaking through his driver's side window with the two CPD members who are in the unmarked vehicle. In the video, Sergeant A states, "If you want to deal with her, I won't even talk with her. I'm going to knock her out if I talk to her." Sergeant A then states, in a louder voice, with a different pitch, in an apparently mimicking tone and fashion, "I'm gonna get a CR number on you. I'm gonna get a CR number on you. You gonna be fired. I'm gonna have your job." The footage then depicts Sergeant A drive away.

Sergeant A admitted that the words in the video were his, and that he was imitating Civilian 1 when he used them. However, Sergeant A claimed that he had not intended for Civilian 1 to hear any of the statements; rather, he only intended for the other CPD members who were present to hear them. Sergeant A stated that he had been frustrated by his prior dealings with Civilian 1, whom he recognized, as well as by what he claimed was her past criminal activity and the past criminal activity of others on the XXXX Block of South Ashland Avenue, which is near his home.

During his interview, Sergeant A provided COPA with CPD documentation of Civilian 1's Arrest Profile and Arrest History, each dated November 14, 2017, as well as documents listing calls for police service from November 30, 2016, through November 17, 2017, for occurrences located on the XXXX through XXXX blocks of South Ashland Avenue.⁶

b. Digital Evidence

In-Car Camera Video Footage⁷ depicts the incident, was shown to Sergeant A during his interview, and is described in Section V.a above.

VI. ANALYSIS

COPA finds that Allegation #3, that Sergeant A disrespected and maltreated Civilian 1 in violation of Rule 8, is supported by substantial evidence. Sergeant A admitted saying, "I'm gonna get a CR number on you. I'm gonna get a CR number on you. You gonna be fired. I'm gonna have your job." Sergeant A further admitted that he intended to imitate Civilian 1 when he made that statement. COPA finds Sergeant A's claim that he did not intend for Civilian 1 to hear those words to be implausible. Based on the words themselves, Sergeant A's tone, his raised voice in his use of them, and his proximity to Civilian 1 at the time, COPA finds that it is more probable than not that Sergeant A intended to disrespect and maltreat Civilian 1. Sergeant A's animus towards Civilian 1 is shown by his statement, "I'm going to knock her out if I talk to her," which is further evidence supporting an inference that Sergeant A intended for Civilian 1 to hear his words mimicking her.

COPA also finds that Civilian 1 was in fact shown disrespect and maltreated, though it is apparent that Civilian 1 did not understand that Sergeant A was mimicking her. Instead, it is

⁶Attachment #32. COPA notes that Civilian 1 is identified as the caller initiating multiple service calls during that one-year period.

⁷Attachment #28.

apparent, based on what she heard, that Civilian 1 incorrectly believed that Sergeant A was directing other CPD members to refuse to provide police service to her, and that she also incorrectly believed that Sergeant A had been threatening those other CPD members that they would lose their jobs if they did so.

Further, COPA finds that the documentation of Civilian 1's criminal history provided by Sergeant A is of no significance. That documentation tends to cast doubt upon Civilian 1's credibility, generally. However, Civilian 1's credibility is not at issue here, as there is no dispute concerning whether the words depicted by the ICC footage are Sergeant A's. In fact, Sergeant A admitted making the statements. COPA therefore recommends a finding of SUSTAINED for Allegation #3.

However, COPA recommends findings of UNFOUNDED for Allegations # 1 and 2. ICC footage disproves Civilian 1's claim that Sergeant A stated, "I don't like Black people" and it shows that Sergeant A did not make any similar statement. ICC footage also disproves Civilian 1's claim that Sergeant A stated to CPD subordinates that they "would lose their job" if they helped Civilian 1. That footage demonstrates that Sergeant A did not make such a statement. As COPA has set forth above, it is likely that Civilian 1 misheard and/or misinterpreted the disrespectful statements that Sergeant A did make.

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VII. CONCLUSION

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

Allegation	Finding
Sergeant A	
1. On October 27, 2016, at approximately 8:30 p.m., at or near XXXX S. Ashland Avenue, Chicago, Illinois, the accused member showed disrespect to and maltreated the Complainant in that he stated to her, "I don't like Black people," in violation of Rule 8, Chicago Police Department Rules of Conduct.	UNFOUNDED
2. On October 27, 2016, at approximately 8:30 p.m., at or near XXXX S. Ashland Avenue, Chicago, Illinois, the accused member showed disrespect to and maltreated the Complainant in that he stated to CPD subordinates that they "would lose their job" if they helped the Complainant, in violation of Rule 8.	UNFOUNDED
3. On October 27, 2016, at approximately 8:30 p.m., at or near XXXX S. Ashland Avenue, Chicago, Illinois, the accused member showed disrespect to and maltreated the Complainant, in violation of Rule 8, in that he insulted, mocked, ridiculed, taunted, mimicked, made fun of, and/or caricatured the Complainant, in that he stated to her, "I'm gonna get a CR number on you; I'm gonna get a CR number on you; You gonna be fired; I'm gonna have your job."	SUSTAINED

Approved:

*Deputy Chief Administrator –
 Chief of Investigations*

 Date

Appendix A

Assigned Investigative Staff

Squad#:	Squad X
Investigator:	Investigator 1
Supervising Investigator:	Supervising Investigator 1
Deputy Chief Administrator:	Deputy Chief Administrator 1