

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 1, 2018
Time of Incident:	4:12 p.m.
Location of Incident:	2600 S. California Avenue
Date of COPA Notification:	April 5, 2018
Time of COPA Notification:	12:52 p.m.

The complainant, Subject 1, was informed by Detectives that he was subpoenaed to testify before the Grand Jury regarding a Homicide. Subject 1 stated that when he appeared at the courthouse, the Detectives tried to get him to sign a false statement. According to Subject 1, when he refused to sign the statement and told the Detectives he was not a witness, the Detectives threatened to arrest him. COPA finds that the evidence does not support the complainant’s allegations and therefore all allegations against the officers are unfounded.

**II. INVOLVED PARTIES**

Involved Officer #1:	Detective A, star# XXXXX, employee ID# XXXXX, Date of Appointment: XXX, 1995, rank: Detective, Unit of Assignment: XXX, DOB: XXX, 1970, male, white
Involved Officer #2:	Detective B, star# XXXXX, employee ID# XXXXX, Date of Appointment: XXX, 1992, rank: Detective, Unit of Assignment: XXX, DOB: XXX, 1968, male, white
Involved Civilian #1:	Subject 1, DOB: XXX, 1998, male, black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Detective A	1. It is alleged that on March 1, 2018, at approximately 4:12 p.m., at or about 2600 S. California, the accused threatened to arrest Subject 1 for perjury if he did not state that he was a witness to a homicide.	Unfounded
Detective B	1. It is alleged that on March 1, 2018, at approximately 4:12 p.m., at or about 2600 S. California, the accused threatened to arrest Subject	Unfounded

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1 for perjury if he did not state that he was a witness to a homicide.
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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

In an interview with COPA on April 16, 2018, **Subject 1** stated that in June or July 2017, two Detectives<sup>2</sup> picked him up while he was in custody at the Cook County Department of Corrections on an unrelated case, and brought him to the police station at XXX and XXX (XXX) to interview him regarding a homicide that occurred in March 2016. The Detectives showed Subject 1 a video that depicted Subject 1 and two other males, one of whom Subject 1 assumed was involved in the shooting. Subject 1 referred to one of the people as “[Civilian 1’s first name]”<sup>3</sup> Subject 1 told the Detectives that he did not see the second person’s face, but that person was *not* Civilian 2. According to Subject 1, one of the Detectives stated that he did not care whether Civilian 2 did the shooting; Civilian 2 shot at one of their police officers and Civilian 2 was “going down.”

Subject 1 stated that in February 2018, the same Detectives came to his home and informed him that he had been subpoenaed to testify before the Grand Jury regarding the March 2016 homicide. When Subject 1 appeared at the courthouse on March 1, 2018, the Detectives brought Subject 1 to an interview room with a State’s Attorney<sup>4</sup> and went over Civilian 1’s statement. The Detectives then asked Subject 1 to sign a statement. Subject 1 told the Detectives that he was not a witness; the statement was false; and that he refused to sign the statement. When Subject 1 refused, one of the Detectives told Subject 1 that he would be arrested for perjury if he did not sign the statement. The Detectives told Subject 1 they would see him at trial. Subject 1 stated that he did not testify before the Grand Jury regarding the homicide, but later that day Subject 1 gave Grand Jury testimony regarding an incident related to a homicide involving Civilian 2 and a police shooting. Subject 1 stated that he was under the influence when he testified.<sup>5</sup>

##### b. Physical Evidence

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<sup>1</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>2</sup> According to Subject 1 the Detectives never provided him their names. Subject 1 stated that the Detectives were both white males. The shorter of the two appeared to be 39-40 years of age. The taller Detective was in his 40s.

<sup>3</sup> Now known as Civilian 1.

<sup>4</sup> Subject 1 described the attorney as a white female, no further information.

<sup>5</sup> Attachment 6.

A **search warrant** was issued for Facebook. Screenshots of the Facebook pages and messages were inventoried.<sup>6</sup>

### c. Documentary Evidence

A **Case Report** dated May 2, 2018 documents that Civilian 1 is a witness to a homicide reported under RD# XXX, and an attempted murder of two Chicago Police Detectives reported under RD# XXX. A Facebook Account registered to Civilian 3 contacted Civilian 1 via Facebook Messenger instructing him to recant his statement against “her brother.” The message further instructed Civilian 1 to contact the Civilian Office of Police Accountability (COPA), and tell them that the detectives told Civilian 1 to give the statement or else he would be “locked up.” Civilian 1 provided Detectives A and B screenshots of the above Facebook Messenger conversation.<sup>7</sup>

A **Case Supplementary Report** documents that Civilian 1 is an eyewitness who gave video and Grand Jury testimony for the homicide case reported under RD# XXX, and the attempted murder of a Chicago Police Officer case reported under RD# XXX. It is reported that Civilian 1’s sister, Civilian 4, contacted Detectives A and B and related that on May 2, 2018, an unknown female named Civilian 3 contacted Civilian 1 via Facebook Messenger and essentially told Civilian 1 to recant the statement he gave against Civilian 3’s brother; Civilian 1 lied on Civilian 3’s brother; and Civilian 3’s brother did nothing wrong. The message further stated that Civilian 1 should contact COPA and relate that the “derivative”<sup>8</sup> told Civilian 1 that he would be arrested if he did not sign the statement. Civilian 4 also informed the Detectives that Civilian 3 sent a message to Civilian 1’s entire Facebook friends list stating that Civilian 1 lied on Civilian 3’s “cousin” and signed a statement against him; Civilian 1 is the police; and someone needs to tell Civilian 1 to recant his statement because Civilian 3’s cousin is fighting for his life because Civilian 1 lied on him. The Detectives requested that CPD’s Social Media Team send a Preservation Request to Facebook for Civilian 3’s and Civilian 1’s Facebook pages.<sup>9</sup>

As part of the continuing investigation to the above matter, on May 7, 2018 Detective A obtained a search warrant for Civilian 3’s Facebook account. The search warrant results revealed that the Facebook page registered under the name Civilian 3 was created on May 2, 2018, just prior to the time the messages were sent to Civilian 1. The Facebook page was created using phone numbers XXX-XXX-XXXX<sup>10</sup> and XXX-XXX-XXXX. Through further investigation, Detectives learned that on May 7, 2018, someone placed a 911 call from XXX-XXX-XXXX and requested an ambulance for a woman having abdominal pains at XXXX N. Kimball Avenue, 1<sup>st</sup> floor. Detectives realized that they had previous contact with Subject 1 at that location. Additionally, the Detectives contacted the Illinois Department of Corrections and discovered that XXXX N. Kimball Avenue is the parole address<sup>11</sup> listed for Subject 1. Finally, Subject 1 utilized phone number XXX-XXX-XXXX the last two times he called to check in for parole.

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<sup>6</sup> Attachment 27.

<sup>7</sup> Attachment 9.

<sup>8</sup> Presumably a misspelling of “Detective” given the context.

<sup>9</sup> Attachment 11.

<sup>10</sup> This is the contact number listed on Subject 1’s Arrest Report dated July 2, 2018.

<sup>11</sup> This is also listed as Subject 1’s address on his Arrest Report dated July 2, 2018.

Further investigation revealed that Subject 1's Facebook page, "XXX XXX" was created using phone number XXX-XXX-XXXX.<sup>12</sup>

On March 22, 2016, there was a homicide reported under RD# XXX. The Detective Supplementary Report dated November 27, 2017 identified Subject 1 as a witness to the homicide. At the time, he was in custody at Cook County Jail on an unrelated case. On July 6, 2017, Detectives A and B brought Subject 1 from Cook County jail to the XXX Detective Division for an interview. Subject 1 provided a statement to the Detectives, and later to Assistant State's Attorney Civilian 5. Subject 1 placed himself, Civilian 1 and a third individual, Civilian 2, in close proximity of the shooting. Subject 1 stated that he heard gunshots and then saw Civilian 2 running from the scene with a gun. Subject 1 stated that the three of them then ran to an alley next to a nearby park. Subject 1 told the Detectives that it was the same gun that Civilian 2 used later that day to shoot at the police.<sup>13</sup>

The **Supplementary Report** dated February 22, 2018 documents that Detectives A and B interviewed Civilian 1. Civilian 1 provided a similar account of the incident as Subject 1, and stated that he also heard several gunshots and observed Civilian 2 running from the scene with a gun in his hand. Civilian 1 stated that him, Subject 1 and Civilian 2 fled the area and went to an alley adjacent to XXX park. The Detectives showed Civilian 1 a Police Observation Device (POD) where he positively identified himself, Subject 1 and Civilian 2 in the video; Civilian 1 identified Civilian 2 as the shooter. An attorney from the State's Attorney's Office arrived and took an oral statement from Civilian 1.<sup>14</sup>

The **Homicide Supplementary Report** dated June 4, 2018 documents that on March 6, 2018, Subject 1 appeared at the Grand Jury and was very hostile toward Detectives A and B and the Assistant State's Attorney. Subject 1 refused to testify before the Grand Jury and was excused without giving testimony. On March 12, 2018, Detectives A and B picked up Civilian 1 from his residence and he testified in front of the Grand Jury. The Detectives then returned Civilian 1 to his residence.<sup>15</sup>

**Case Report RD# XXX** documents that on March 22, 2016, Chicago Police Detectives were investigating a homicide that occurred earlier in the day when they were shot at by Civilian 2. A Case Supplementary Report identifies Civilian 1 and Subject 1 as eye witnesses to the incident. Civilian 1 gave an Electronically Recorded Interview (ERI) and provided a description of the person who shot at the Detectives' car. Subject 1 provided a handwritten statement and identified Civilian 2 as the person who shot at the officers.<sup>16</sup>

An **Arrest Report** documents that Subject 1 was arrested on July 2, 2018 and charged with Harassing a Witness, Civilian 1. It is reported that Subject 1 created a fictitious Facebook page to

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<sup>12</sup> Attachment 13.

<sup>13</sup> Attachments 20-21.

<sup>14</sup> Attachment 22.

<sup>15</sup> Attachment 24.

<sup>16</sup> Attachment 25.

communicate with and intimidate Civilian 1, urging Civilian 1 to recant his testimony in the aforementioned Aggravated Assault to Police Officer and homicide cases.<sup>17</sup>

**VI. ANALYSIS**

COPA recommends a finding of **Unfounded** for **Allegation #1** against **Detectives A and B**, that they threatened to arrest Subject 1 for perjury if he did not state that he was a witness to a homicide. Subject 1 lacks credibility. The alleged misconduct occurred on March 1, 2018. Subject 1 first gave a statement regarding the homicide on July 6, 2017. Subject 1’s statement was consistent with statements made by another witness, Civilian 1. Subject 1 and Civilian 1 were interviewed separately and independently of each other. Subject 1 recanted his original statement when it was time to testify before the Grand Jury, and then filed a complaint with COPA. The evidence also suggests that Subject 1 reached out to Civilian 1 on Facebook urging him to recant his statement. Subject 1 further directed Civilian 1 to file a complaint with COPA and state that the Detectives threatened to arrest Civilian 1 if he did not give the statement. Subject 1’s actions suggest that he merely initiated this complaint with COPA to back his effort to recant the initial statement he gave to the Detectives and the Assistant State’s Attorney. Based on Subject 1 recanting his original statement, the Detectives decided not to present Subject 1 before the Grand Jury. Given the fact that the Detectives had video evidence and a statement from another witness that was consistent with Subject 1’s, the Detectives were in good faith to believe that Subject 1’s original statement was true. Even if Detective A or B told Subject 1 that they could potentially arrest or bring a perjury charge against Subject 1 if he changed or gave a materially inconsistent statement from the original, telling Subject 1 what could happen does not amount to coercion or misconduct. “Merely telling somebody to tell the truth is not coercive.” *Etherly v. Davis*, 619 F.3d 654, 663 (7th Cir. 2010). Based on the above factors, COPA recommends that the investigation be terminated without requesting statements from any of the involved officers in accordance with Special Order S08-01-01, Section II (F)(13).

**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Detective A	1. It is alleged that on March 1, 2018, at approximately 4:12 p.m., at or about 2600 S. California, the accused threatened to arrest Subject 1 for perjury if he did not state that he was a witness to a homicide.	Unfounded
Detective B	1. It is alleged that on March 1, 2018, at approximately 4:12 p.m., at or about 2600 S.	Unfounded

<sup>17</sup> Attachment 26.

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California, the accused threatened to arrest Subject 1 for perjury if he did not state that he was a witness to a homicide.
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Approved:

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Deputy Chief Administrator – Chief Investigator A  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator – Chief Investigator A