SUMMARY REPORT OF INVESTIGATION¹

I. **EXECUTIVE SUMMARY**

Date of Incident:	March 7, 2016
Time of Incident:	7:00 p.m.
Location of Incident:	
Date of COPA Notification:	March 8, 2016
Time of COPA Notification:	8:17 p.m.
Mr. responded, "Don't wo that he was not accusing he resulting in Mr. telling O responded by telling Mr. and Mr. is white. A verbal exchanged words again as the footage of their interaction, but it do	was loading and paying for his groceries, when on-duty ed him if he paid for the bottled water at the bottom of his cart. The arry about it, nobody's stealing here." Officer told Mr. It im of stealing. A staring match ensued between both parties, and that he was a disgrace to the uniform. Officer that he was a disgrace to his race. Officer is black altercation ensued between the two. Mr. It is and Officer exited the store. There is distant surveillance video does not include audio of the incident.
II INVOLVED DADTIEC	•

Involved Officer #1:	Appointment,		pployee # , Date of Police Officer, Unit of 1967, Male, Black.
Involved Individual #1:	, ,	1987, M	Iale, White.
Involved Individual #2:		,	1986, Female, Asian.
Involved Individual #3:	, M	ale,	employee.

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.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer	1. Engaged in a verbal altercation with	Sustained / 4 Day Suspension
	2. Told he was a disgrace to his race.	Sustained / 4 Day Suspension

IV. APPLICABLE RULES AND LAWS

Rules

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- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION

a. Interviews

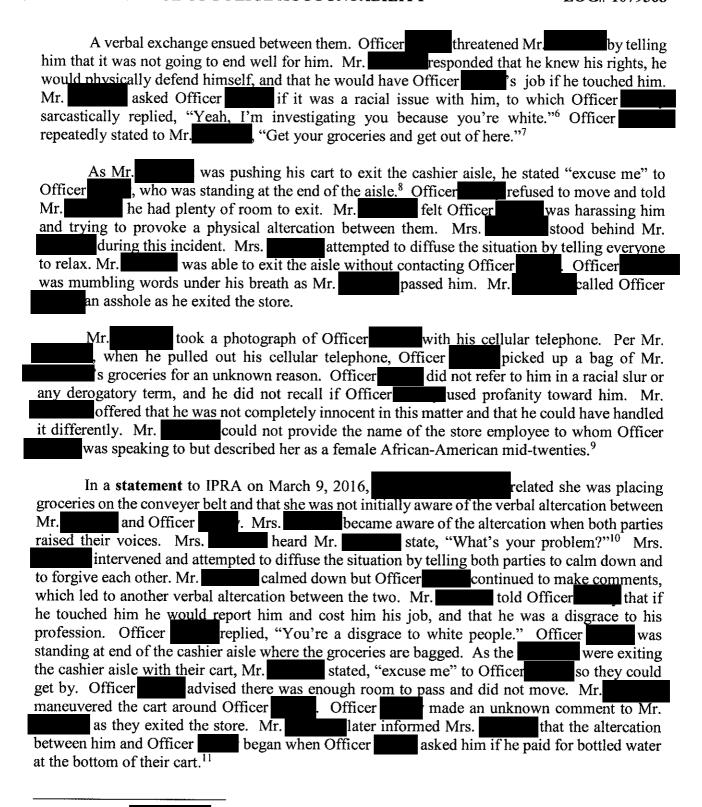
In a statement to IPRA on March 9, 2016, Involved Individual store with his wife . Mr. was loading his groceries onto the conveyer belt and his wife was behind him. Mr. lifted two cases of bottle water from the bottom of his cart and presented them to the cashier for scanning. At this time, Mr. observed Officer engaging in conversation with a store employee who was bagging groceries. Mr. returned the bottled water to the bottom of his cart and moved the cart forward so the groceries could be placed inside. Officer asked Mr. paid for the water. Mr. responded, "Don't worry about it, nobody's stealing here."² Officer told Mr. that he was not accusing him of stealing. and Officer stared at one another. Mr. looked away and then looked back to see that Officer was still staring at him. Mr. asked Officer "What is your problem?" Officer stated to Mr. words to the effect of, "You need to calm down, your mouth's gonna get you in trouble." Mr. became upset and told that he was being unprofessional and that he was a disgrace to the uniform. 5 Officer retorted, "You're a disgrace to your race."

⁴ Id. at pg. 5, lines 21, 22

² Att. 18, Transcription of Statement, pg. 5, lines 4,5

³ Id. at pg. 5, line 19

⁵ Officer was dressed in his Chicago Police Department uniform during this incident.



⁶ Transcription of s statement, pg. 13, lines 17, 18, 19

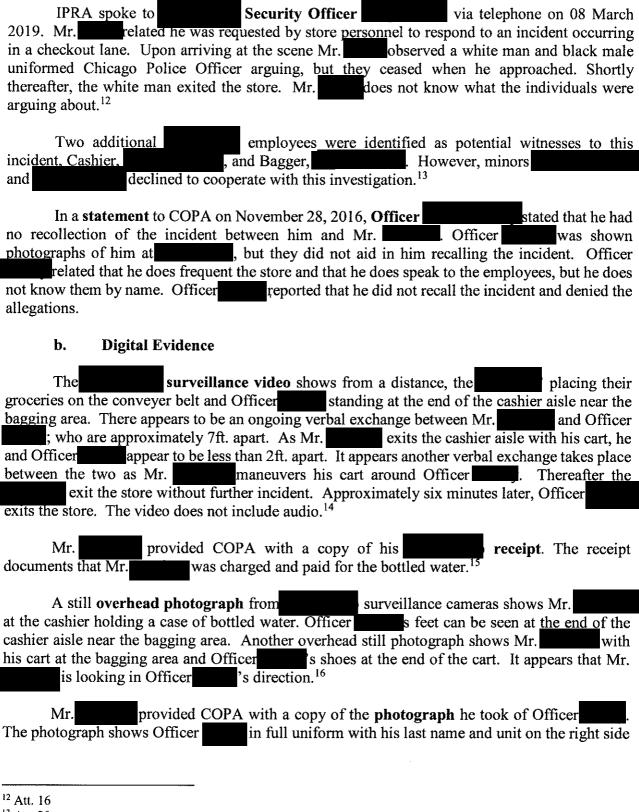
⁷ *Id.* at pg. 9, lines 29, 30

⁸ Id. at pg. 15, lines 18, 19

⁹ Att. 8, 18

¹⁰ Audio statement of , 8:00 minute mark

¹¹ Att. 12



¹³ Att. 20

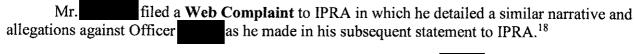
¹⁴ Att. 34

¹⁵ Att. 15

¹⁶ Atts. 32, 35

of his vest and his Department Star on the left side of his vest. Officer is holding what appears to be a brown paper bag in his right hand.¹⁷

c. Documentary Evidence



According to the **Attendance & Assignment Sheet**, Officer was on duty at the time of incident, working Watch, Beat 19.

VI. LEGAL STANDARD

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

- 1. Sustained where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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.

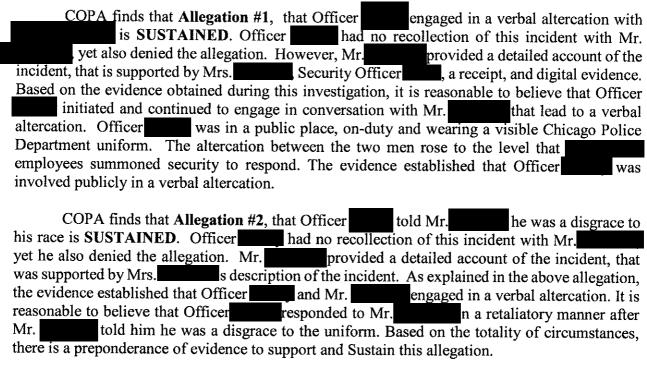
Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree 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.

¹⁷ Att. 9

¹⁸ Att. 40

¹⁹ Att. 17

VII. ANALYSIS



VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

b. Officer , Star #

Complimentary and Disciplinary History

COPA has taken into account both the complimentary and prior disciplinary history of the officer.

Complimentary History

- 1, Democratic National Convention Award
- 1, Presidential Election Deployment Award 2008
- 4, Attendance Recognition Award
- 18, Honorable Mention
- 1, 2004 Crime Reduction Ribbon
- 12, Complimentary Letter
- 1, Police Blue Star Award
- 2, Life Saving Award
- 1, NATO Summit Service Award
- 1, 2009 Crime Reduction Award
- 1, Unit Meritorious Performance Award

Disciplinary History

1 Day Suspension, 08N – Miscellaneous

Reprimand, 03G – Miscellaneous 2 Day Suspension, 10S – Sexual Harassment²¹

i. Recommended Penalty, by Allegation

1. Allegation No. 1

Officer engaged in a public verbal altercation with day punishment with public relations training appropriate.

2. Allegation No. 2

Officer told told told in the was a disgrace to his race. COPA finds a 4-day punishment with public relations training appropriate.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer	1. Engaged in a verbal altercation with	Sustained / 4 Day
	2. Told he was a disgrace to his race.	Sustained/ 4 Day
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4-24-19

Deputy Chief Administrator - Chief Investigator

²¹ Although identified on the CPD Disciplinary History as Sexual Harassment in, CLEAR identified the Sustained allegation as Conduct Unbecoming, "The Reporting Party Complainant, Sgt. Star # , alleges that on 01 AUG 2016 after off duty Police Officer, and his family, facility and its boats, located at received a tour of the Access, that conveyed his thanks by informing and Captain on how well , walked by and interjected: care of the guys, at which time, the accused Police Officer, Star # "Yeah, only if your white!"

Appendix A

Assigned Investigative Staff

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