

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	December 21, 2018
Time of Incident:	Approximately between 10:00AM and 11:00 AM
Location of Incident:	Daniel Hale Williams Preparatory School, 4934 S. Wabash Ave., Chicago, IL 60615
Date of COPA Notification:	December 21, 2018
Time of COPA Notification:	11:49 AM

On December 21, 2018, it is alleged that Officer [REDACTED] (“Officer [REDACTED] Star [REDACTED] while off duty at the Daniel Hales Williams Preparatory School, (“Williams Prep”), had unjustified physical contact and a verbal altercation with [REDACTED] (“[REDACTED] a minor.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Star# [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2016, Rank: Police Officer, Unit of Assignment: [REDACTED] District, DOB: [REDACTED] 79, Male, Black
Subject #1:	[REDACTED] Juvenile, DOB: [REDACTED] 2003, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on or around December 21, 2018, between 10:00AM and 11:00AM, at the Daniel Hale Williams Preparatory School, 4934 S. Wabash Ave., Officer [REDACTED] while off duty, had unjustified physical contact with [REDACTED] a minor, pushing him about his body, in violation of Rules 8 and 9.	Not Sustained

2. It is alleged that on or around December 21, 2018, between 10:00AM and 11:00AM, at the Daniel Hale Williams Preparatory School, 4934 S. Wabash Ave., Officer [REDACTED] while off duty, had an unjustified verbal altercation with [REDACTED] a minor, in violation of Rules 8 and 9.

Not Sustained

**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
2. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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

**a. Interviews**

On January 3, 2019, minor [REDACTED] (“[REDACTED]”) gave COPA an audio recorded interview. [REDACTED] stated on December 21, 2018, between 10:00 AM and 11:00 AM., he and an unidentified female student<sup>2</sup> were in the gymnasium of Williams Prep. [REDACTED] stated while in the gymnasium, he and the student became involved in a loud verbal altercation that resulted in CPS security being called to their location. [REDACTED] stated CPS Security Officer Mr. [REDACTED] (“[REDACTED]”) arrived at the gymnasium accompanied by a man now known as Officer [REDACTED]. [REDACTED] stated that [REDACTED] said nothing to him or the other student. [REDACTED] stated that Officer [REDACTED] “told him to get the fuck out of the gym,” and pushed him on his shoulder<sup>4</sup>. [REDACTED] stated he sustained no injury from Officer [REDACTED] pushing him, and he did not recall if there were witnesses.

[REDACTED] stated he asked Officer [REDACTED] who was unknown to him, who he was. [REDACTED] stated Officer [REDACTED] said he was a police officer. [REDACTED] stated school staff said Officer [REDACTED] previously worked at the school as a security officer. [REDACTED] stated he complied with Officer [REDACTED] request and exited the gymnasium, made a left turn, and

<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> COPA was unable to obtain the name of the female student from the principal of Williams Preparatory School.

<sup>3</sup> Now known as [REDACTED]

<sup>4</sup> Attachment 11 at 5:25

proceeded to the art classroom. [REDACTED] stated that [REDACTED] and Officer [REDACTED] followed him. Before he could enter the art classroom, [REDACTED] stated Officer [REDACTED] stepped in front of him, elbowing him in the chest, and said to get back. [REDACTED] stated he believed that [REDACTED] saw Officer [REDACTED] elbow him in the chest. [REDACTED] stated he got upset and went to stand near the door of the school "to get some air."<sup>5</sup> [REDACTED] stated while in the hallway, he spoke with [REDACTED] (" [REDACTED] a Williams Prep staff member, and CPD school resource officers [REDACTED] ("Officer [REDACTED] and [REDACTED] ("Officer [REDACTED] about the incident.<sup>6</sup>

On March 26, 2019, witness [REDACTED] (" [REDACTED] a school clerk at Williams Prep, gave COPA an audio recorded interview. [REDACTED] stated that on December 21, 2018, she became aware of an incident involving [REDACTED] so she went to where he was. [REDACTED] stated when she arrived at the location, she saw [REDACTED] standing in the doorway between the staircase and a classroom down the hall from the gymnasium. [REDACTED] stated [REDACTED] was screaming, "just leave me alone."<sup>7</sup> [REDACTED] stated she was accompanied by several school faculty members and CPS Security, including [REDACTED] [REDACTED] stated several people attempted to speak to [REDACTED] but he continued to get agitated. [REDACTED] stated she asked everyone to leave so she could speak with [REDACTED] [REDACTED] stated [REDACTED] said someone called the police on him because of an incident in the gymnasium. [REDACTED] stated Officer [REDACTED] was present and told [REDACTED] "no one called the police on you."<sup>8</sup> [REDACTED] stated she and Officer [REDACTED] took [REDACTED] to a classroom where they could speak. However, [REDACTED] stated [REDACTED] left for lunch and later returned to the classroom to speak with her concerning the alleged incident. [REDACTED] stated that [REDACTED] mother, [REDACTED] was also present when [REDACTED] described what occurred in the gymnasium.

[REDACTED] stated [REDACTED] said that a CPD officer accompanying [REDACTED] put his hands on him and said to leave the gymnasium. [REDACTED] stated [REDACTED] said that after he walked out of the gymnasium, Officer [REDACTED] followed him to the art classroom, blocking his entry. [REDACTED] stated that neither location was [REDACTED] scheduled classroom at that time. [REDACTED] stated [REDACTED] said that Officer [REDACTED] identified himself as a police officer and that "he was called on him."<sup>9</sup> [REDACTED] stated [REDACTED] mother, [REDACTED] identified the involved CPD sworn member as Officer [REDACTED] [REDACTED] stated prior to being hired by CPD, Officer [REDACTED] was a CPS Security Officer at Williams Prep. [REDACTED] stated she was surprised to hear [REDACTED] comments regarding Officer [REDACTED] saying "that's not his [Officer [REDACTED]] character."<sup>10</sup> [REDACTED] stated Officer [REDACTED] visits Williams Prep to speak to the students and teachers. [REDACTED] also stated Officer [REDACTED] has volunteered his time at Williams Prep when

<sup>5</sup> Id at 7:14

<sup>6</sup> Attachment 11

<sup>7</sup> Attachment 14 at 3:50

<sup>8</sup> Id at 4:47

<sup>9</sup> Id at 7:28

<sup>10</sup> Id at 8:27

needed. ██████ stated after ██████ spoke to her regarding the incident, he left the building accompanied by ██████ and his stepfather.<sup>11</sup>

On March 26, 2019, witness ██████ (“██████ a teacher at Williams Prep, gave COPA an audio recorded interview. ██████ stated that on December 21, 2018, he does not recall the incident. ██████ stated to the best of his recollection, he remembers ██████ coming to his classroom and being upset. However, ██████ stated on that date that he could not talk to ██████ because he had students in the classroom. ██████ stated that he might have let ██████ sit in his classroom for approximately five minutes or stand outside the classroom door.<sup>12</sup>

On April 22, 2019, witness ██████ (“██████ gave COPA an audio recorded interview.<sup>13</sup> ██████ stated that on December 21, 2018, he was working as a CPS Security Officer at Williams Prep. ██████ stated he was with Officer ██████ who was visiting at Williams Prep. ██████ stated he and Officer ██████ heard a loud commotion and profanity coming from the gymnasium. ██████ stated he went to the gymnasium to investigate while Officer ██████ went to find the CPD school officers. ██████ stated Officer ██████ asked him if he knew the student causing the commotion. ██████ stated he identified the student as ██████ stated he told Officer ██████ that ██████ was a new student at Williams Prep that had been causing problems at the school. ██████ stated Officer ██████ said he would attempt to talk to ██████ to calm him down.

██████ stated he initially approached ██████ and asked him what was wrong. ██████ stated ██████ replied with an obscenity. ██████ stated Officer ██████ then approached ██████ and asked to speak with him. ██████ stated ██████ replied with an obscenity at Officer ██████ stated Officer ██████ told ██████ that he and ██████ were trying to find out what was the problem. ██████ stated Officer ██████ then backed away and discontinued his interaction with ██████ stated at no time did Officer ██████ physically touch or engage in a verbal confrontation with ██████ stated he and Officer ██████ went to find Officers ██████ and ██████ stated when ██████ did leave the gymnasium, Officers ██████ and ██████ were speaking with him. ██████ stated Officers ██████ and ██████ spent approximately ten minutes talking to ██████ stated neither he nor Officer ██████ followed ██████ through the building after their interaction with him. ██████ stated Officer ██████ left the building after his interaction with ██████<sup>14</sup>

On May 10, 2019, witness Police Officer ██████ (“Officer ██████ gave COPA an audio recorded interview. Officer ██████ stated that on December 21, 2018, he was

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<sup>11</sup> Attachment 14

<sup>12</sup> Attachment 18

<sup>13</sup> Attachment 20

<sup>14</sup> Attachment 23

working in full uniform as a CPD School Resource Officer with his partner, Officer [REDACTED] and he has no recollection of an incident involving [REDACTED] or accused Officer [REDACTED]<sup>15</sup>

On May 15, 2019, witness Police Officer [REDACTED] (“Officer [REDACTED]”) gave COPA an audio recorded interview. Officer [REDACTED] stated that on December 21, 2018, he was working in full uniform as a CPD School Resource Officer with his partner, Officer [REDACTED] and he has no recollection of an incident involving complainant [REDACTED] or Officer [REDACTED]<sup>16</sup>

On April 24, 2019, accused Police Officer [REDACTED] (“Officer [REDACTED]”) gave COPA an audio recorded interview. Officer [REDACTED] stated that on December 21, 2018, while off-duty and in plainclothes, he dropped his son off at a nearby school and then proceeded to Williams Prep. Officer [REDACTED] stated he went to Williams Prep to speak with former co-workers. Officer [REDACTED] stated he spoke with [REDACTED] while at the school. Officer [REDACTED] stated that while he and [REDACTED] were on the 3<sup>rd</sup> floor of the school, [REDACTED] received a call to proceed to the gymnasium and remove [REDACTED] from that location because he was not supposed to be there. Officer [REDACTED] stated he accompanied [REDACTED] to the gymnasium. Officer [REDACTED] stated upon arriving, he observed [REDACTED] having a verbal altercation with an unknown female student. Officer [REDACTED] stated he heard [REDACTED] using profanities and threatening the student.

Officer [REDACTED] stated [REDACTED] repeatedly asked [REDACTED] to leave the gymnasium. Officer [REDACTED] stated he intervened and told [REDACTED] he had to leave the gymnasium and that he “couldn’t be cursing the little girl like that, plus you don’t even belong in here [gymnasium] so you need to go.”<sup>17</sup> Officer [REDACTED] stated that [REDACTED] replied he did not have to do anything. Officer [REDACTED] stated [REDACTED] told [REDACTED] that Officer [REDACTED] was an off-duty police officer. Officer [REDACTED] stated he told [REDACTED] again that he had to leave. Officer [REDACTED] stated [REDACTED] eventually left the gymnasium.

Officer [REDACTED] stated during the incident in the gymnasium, [REDACTED] was very aggressive in his body movements and language. Officer [REDACTED] stated [REDACTED] proceeded down the hallway and went into the back door of [REDACTED] classroom. Officer [REDACTED] stated that [REDACTED] told [REDACTED] he had to leave the classroom. Officer [REDACTED] stated [REDACTED] exited [REDACTED] classroom and proceeded up the stairway. Officer [REDACTED] stated that was the end of his encounter with [REDACTED] Officer [REDACTED] stated he did not recall seeing any CPD school resource officers during the incident with [REDACTED] Officer [REDACTED] stated he never physically touched or had a verbal altercation with [REDACTED]<sup>18</sup>

#### b. Digital Evidence

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<sup>15</sup> Attachment 32

<sup>16</sup> Attachment 34

<sup>17</sup> Attachment 24 at 11:42

<sup>18</sup> Attachment 24

COPA requested video from Williams Prep, however it was beyond CPS' retention period.<sup>19</sup>

## VI. ANALYSIS

### A. 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. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. 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.

### B. COPA Finds that the Allegations are Not Sustained

It is undisputed that on December 21, 2018, Officer ██████ while off duty at Williams Prep, and assisting CPS Security Officer ██████ encountered ██████ asserts that Officer ██████ cursed at him and pushed him. However, Officer ██████ stated, which is corroborated by ██████ that he did not physically touch or have a verbal altercation with ██████ No other witness was able to provide any additional information to bolster either version of events. Moreover, there was no independent evidence to corroborate either story. Therefore, COPA finds there is insufficient evidence to prove the allegations against Officer ██████ by a preponderance of the evidence and the allegations are Not Sustained.

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<sup>19</sup> Attachments 21 and 28.



Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass