

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 4, 2018
Time of Incident:	4:30 PM
Location of Incident:	In front of or near ██████████ Chicago, IL
Date of COPA Notification:	September 11, 2018
Time of COPA Notification:	1:10 PM

On September 4, 2018, at approximately 4:30 PM, complainant ██████████ (“██████████”) requested that a Chicago Police Department (“CPD”) supervisor meet him at or near ██████████ Street. Sergeant ██████████ (“Sgt. ██████████”) responded and met ██████████ requested to make a complaint regarding his dissatisfaction with an incident involving another citizen and CPD officer at a nearby business establishment. Sgt. ██████████ engaged in a disrespectful verbal altercation with ██████████ such that ██████████ went into the ██████████ District to file his complaint. Upon his arriving at the ██████████ District, ██████████ again interacted with Sgt. ██████████. Sgt. ██████████ continued his disrespectful verbal altercation towards ██████████ and failed to take his complaint.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ Star# ██████████, Employee ID# ██████████, DOA: ██████████ 1995, Rank: Sergeant, Unit of Assignment: ██████████ District, DOB: ██████████ 1960, Male, White
Involved Individual #1:	██████████ DOB: ██████████ 1952, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sgt. ██████████	It is alleged that on or around September 4, 2018, at approximately 4:30 PM, in front of or near ██████████ that Sgt. ██████████ 1. Had an unjustified physical contact with ██████████ bumping him about the body without justification, in violation of Rules 2, 8 and 9.	Not Sustained

<p>2. Engaged in an unjustified verbal altercation with ██████████ in violation of Rules 2, 8 and 9.</p>	<p>Sustained/2-day suspension</p>
<p>3. Failed to complete any report or complaint as requested by ██████████ ██████████ in violation of Rules 6 and 10.</p>	<p>Sustained/2-day suspension</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6:** Disobedience of an order or directive, whether written or oral
3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
5. **Rule 10:** Inattention to duty.

General Orders

1. **G08-01-02:** Specific Responsibilities Regarding Allegations of Misconduct

V. INVESTIGATION¹

a. Interviews

On September 11, 2018, complainant ██████████ (“█████████”) gave COPA an audio recorded interview. ██████████ stated that on September 11, 2018, he called 311 to make a report on his dissatisfaction with an incident involving another citizen and CPD officers at the nearby Burger King.² ██████████ stated he was told that an officer could come to his home to take a report or he could go to the district. ██████████ stated he returned to the area of the Burger King to have the responding officer meet him there. ██████████ stated a marked CPD vehicle with a uniformed sergeant, later identified as Sergeant ██████████ (“Sgt. ██████████”) met him at the northwest corner of

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² ██████████ refers to a complaint as a “police report.”

██████████ and ██████████ stated he wanted to “make a police report stating these people [the CPD officers that responded to the Burger King at ██████████ Street] let someone with a dangerous weapon go.”³ ██████████ stated he told Sgt. ██████████ that he requested a police report be made regarding the incident. ██████████ stated to Sgt. ██████████ that he wanted to make a police report against the involved CPD officer. ██████████ stated to Sgt. ██████████ that a CPD officer used the word “ass” towards him during their interaction. ██████████ stated Sgt. ██████████ became upset at him using the word “ass” in describing statements made by the CPD officer. ██████████ stated he asked Sgt. ██████████ for the name of the involved CPD officer. ██████████ stated Sgt. ██████████ said he was going to investigate the incident by looking at the officer’s body worn camera (“BWC”) and then return.

██████████ stated Sgt. ██████████ told him to “get away from his car.”⁴ ██████████ stated he waited approximately twenty-five minutes for Sgt. ██████████ to return to his location. ██████████ stated when Sgt. ██████████ returned, he exited his CPD vehicle and was very hostile towards him. ██████████ stated Sgt. ██████████ said that the involved officer was very professional in his interaction with ██████████. ██████████ stated Sgt. ██████████ said that he was recording their conversation. ██████████ stated his cellphone in his left front shirt pocket was recording his interaction with Sgt. ██████████.⁵ ██████████ stated Sgt. ██████████ said for him to be careful in making statements because “if he was lying he’s subject to arrest.”⁶ ██████████ stated Sgt. ██████████ was inches from his face and yelling at him. ██████████ stated he asked Sgt. ██████████ to back off from him. ██████████ stated Sgt. ██████████ did not do so. ██████████ stated he backed away from Sgt. ██████████ on several occasions. ██████████ also stated Sgt. ██████████ chest bumped him twice. ██████████ stated he told Sgt. ██████████ that he chested bumped him. ██████████ stated Sgt. ██████████ denied it.

██████████ stated he felt Sgt. ██████████ was trying to set him up.⁷ ██████████ stated he told Sgt. ██████████ that he was so close that his BWC would only record ██████████ shirt. ██████████ stated he told Sgt. ██████████ that being so close to him, if there was a gunshot, that Sgt. ██████████ could easily say ██████████ went for his gun.”⁸ ██████████ stated that a marked CPD vehicle then pulled up. ██████████ stated he looked around and saw several CPD marked units near his location. ██████████ stated Sgt. ██████████ said the CPD unit that arrived would take his police report. ██████████ stated he told Sgt. ██████████ he wanted nothing from him and that he would file the police report at the District. ██████████ stated when he arrived at the ██████████ District, Sgt. ██████████ was there. ██████████ stated as he was attempting to file a report, Sgt. ██████████ interrupted the female police officer taking it. ██████████ stated the female police officer told him she could not file a report on another police officer.

³ Attachment 5 at 17:50

⁴ Id at 19:53

⁵ Attachment 15

⁶ Attachment 5 at 22:05

⁷ Id at 23:29

⁸ Id at 22:38

█████ stated he contacted the Bureau of Internal Affairs and was referred to COPA to file his complaint.⁹

On Thursday, May 23, 2019, **accused Sgt. █████** gave COPA an audio recorded interview. Prior to his interview with COPA, Sgt. █████ reviewed his body worn camera (BWC) video depicting his interaction with complainant █████. During his COPA interview, Sgt. █████ stated while he had no independent recollection of the event, he would stand by what is depicted in the BWC video. Sgt. █████ stated he believed when he met █████ it was for an allegation against an officer.¹⁰

b. Digital Evidence

There were several **BWC videos** depicting the totality of the incident involving Sgt. █████ and complainant █████ on September 11, 2018. In first BWC video, Sgt. █████ responds to a request for a supervisor call initiated by █████. Upon arrival at or near █████ Sgt. █████ meets █████ regarding his allegation against CPD officers for their handling of incident involved him and another citizen at the nearby Burger King. █████ asks Sgt. █████ to provide him the name of the involved CPD police officer in the incident. Sgt. █████ did not provide the name of the involved police officer and tells █████ to “get off his car” and wait at the location while he looks at the BWC video of the involved officers at the 24th District.¹¹

In his second BWC video, Sgt. █████ returns to complainant █████ location. Sgt. █████ stated to █████ that he been at the Burger King, █████ and observed the interaction between █████ and the officers. Sgt. █████ stated to █████ he viewed the officer’s BWC that captured the initial incident. Sgt. █████ asked █████ to state again what the unidentified officer said to him. Sgt. █████ is observed pointing at his BWC and emphatically stating to █████ that “you are on the air, and if you say the wrong thing, you are subject to arrest.”¹² Sgt. █████ emphatically stated that the unidentified officer was “totally professional” to █████ asks Sgt. █████ to stop yelling at him. █████ stated to Sgt. █████ that “you are trying to intimidate me.”¹³ Sgt. █████ BWC video shows him move forward and closer to █████ takes several steps backward and away from Sgt. █████ stated to Sgt. █████ that he touched him with his body. Sgt. █████ stated he did not touch █████ Sgt. █████ BWC video shows him stepping towards █████ is shown retreating backwards, █████ stated to Sgt. █████ that he was going to the District to make a report against the officers.¹⁴

⁹ Attachment 5

¹⁰ Attachment 14

¹¹ Attachment 17, BWC video 1

¹² Id BWC video 2 at 4:40

¹³ Id BWC video 2 at 5:32

¹⁴ Attachment 17, BWC video 2

The cellphone recorded video from ██████ depicts the identical interaction contained on the second BWC video of Sgt. ██████ but from ██████ perspective.¹⁵

In his third BWC video, Sgt. ██████ is shown sitting at the desk in the ██████ District. ██████ is seen walking to the desk and speaking to an unidentified desk officer. The desk officer states to ██████ that “we don’t take reports against officers.”¹⁶ ██████ states to the desk officer that Sgt. ██████ bumped him twice in the chest. Sgt. ██████ is seen approaching ██████ at the counter. Sgt. ██████ states to ██████ that the event between them was recorded and that he was making a false police report. ██████ states to Sgt. ██████ that he still is going to file a police report. Sgt. ██████ states to ██████ “go ahead, do what you gotta do, do what you gotta do. You lied from the beginning and everything is on film.”¹⁷

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

¹⁵ Attachment 15

¹⁶ Attachment 17, BWC video 3 at 2:33

¹⁷ Attachment 17, BWC video 3 at 3:52

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’s Findings

After a review of the BWC video of Sgt. [REDACTED] the cellphone video provided by [REDACTED] and the statements made by both parties, COPA concludes that there is insufficient evidence to prove that Sgt. [REDACTED] had unjustified physical contact with [REDACTED] by bumping him about the body. Therefore, this allegation against Sgt. [REDACTED] is not sustained.

General Order G08-01-02, Specific Responsibilities Regarding Allegations of Misconduct, of the Chicago Police Department, delineates initiation responsibilities of supervisory members for allegations of misconduct involving members of CPD.¹⁸ The General Order is clear in that it states that when supervisory personnel receive allegations of misconduct that they must either initiate a complete and comprehensive investigation, or if warranted, contact COPA or the Bureau of Internal Affairs (“BIA”).¹⁹ In the instant case, Sgt. [REDACTED] did neither. Sgt. [REDACTED] stated in his COPA interview that when he met with [REDACTED] he believed it was for [REDACTED] to make an allegation against a CPD officer.²⁰ Sgt. [REDACTED] stated he did not complete a report because he believed [REDACTED] assertion that the CPD officers involved in the incident failed to perform their duties, was untrue. COPA’s investigation concludes by the preponderance of evidence that Sgt. [REDACTED] was inattentive to duty by failing to complete any report or complaint from [REDACTED] concerning an allegation of misconduct by a CPD member. Therefore, the allegation against Sgt. [REDACTED] is sustained.

In his COPA interview, Sgt. [REDACTED] stated while he had no independent recollection of the event involving [REDACTED] he would stand by what was depicted in his BWC video.²¹ A review by COPA of the BWC video of Sgt. [REDACTED] and cellphone video from [REDACTED] of the incident, demonstrates intimidating behavior by Sgt. [REDACTED] in his interaction with [REDACTED]. For example, Sgt. [REDACTED] was abrasive and demeaning in his tone, exhibiting a loud and condescending demeanor throughout the incident. Moreover, it was obvious that Sgt. [REDACTED] was irritated by [REDACTED] and dismissive of his complaint. Instead of taking the complaint and preparing an Initiation Report, despite his beliefs regarding the veracity of [REDACTED] complaint, Sgt. [REDACTED] chose to engage in and continue a verbal altercation with [REDACTED]. COPA concludes the allegation that Sgt. [REDACTED] engaged in an unjustified verbal altercation with [REDACTED] sustained.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant [REDACTED]

¹⁸ Attachment 12

¹⁹ See generally G08-01-02 (II)(A) and (B)

²⁰ Attachment 14

²¹ Attachments 14 and 17

a. Sergeant [REDACTED]**i. Complimentary and Disciplinary History**

1. Sergeant [REDACTED] has received the Democratic National Convention Award, three Emblem of Recognition-Physical Fitness awards, a Presidential Election Deployment Award, three Department Commendations, and a 2004 Crime Reduction Ribbon. Additionally, Sergeant [REDACTED] has received a Crime Reduction Ribbon, ninety-two Honorable Mentions, sixteen Complimentary Letters, a NATO Summit Service Award, a 2009 Crime Reduction Award, and a Joint Operations Award.
2. Sgt. [REDACTED] has no department discipline in the last five years.

ii. Recommended Penalty, by Allegation**1. Allegation No. 1**

- a. COPA recommends a penalty of 2-day suspension.
- b. Mitigating Factor: None
- c. Aggravating Factors: Sgt. [REDACTED] showed an inattention to duty by not adhering to CPD directives by failing to complete any report or complaint as requested by [REDACTED]. As a supervising member, he is held to a higher standard, as should comport himself as such.

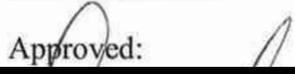
2. Allegation No. 2

- a. COPA recommends a penalty of 2-day suspension.
- b. Mitigating Factor: None
- c. Aggravating Factors: Sgt. [REDACTED] demonstrated intimidating behavior and engaged in an unjustified verbal altercation with [REDACTED]. As a supervising member, he is held to a higher standard, as should comport himself as such.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sgt. [REDACTED]	<p>It is alleged that on or around September 4, 2018, at approximately 4:30 PM, in front of or near [REDACTED] that Sgt. [REDACTED]</p> <ol style="list-style-type: none"> <li data-bbox="500 558 1081 699">1. Had an unjustified physical contact with [REDACTED] bumping him about the body without justification, in violation of Rules 8 and 9. <li data-bbox="500 747 1105 852">2. Engaged in an unjustified verbal altercation with [REDACTED] in violation of Rules 8 and 9. <li data-bbox="500 900 1105 999">3. Failed to complete any report or complaint as requested by [REDACTED] in violation of Rule 10. 	<p>Not Sustained</p> <p>Sustained/2 Day Suspension</p> <p>Sustained/2 Day Suspension</p>

Approved: 


Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator


 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass

