

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

Date/Time/Location of Incident:	██████, 2019 / ██████ / ██████ N Michigan Ave.
Date/Time of COPA Notification:	██████, 2019 / ██████
Involved Officer #1:	████████████████████ Star # ██████, Employee ID # ██████, Date of Appointment: ██████ 2016, Rank: PO, Unit of Assignment: ██████, DOB: ██████ 1987, Male, White.
Involved Officer #2:	████████████████████ Star # ██████, Employee ID # ██████, Date of Appointment: ██████/2018, Rank: PO; Unit of Assignment: ██████; DOB: ██████/1994; Female, Asian.
Involved Officer #3:	████████████████████ Star # ██████, Employee ID # ██████, Date of Appointment: ██████/2012, Rank: PO, Unit of Assignment ██████, DOB: ██████/1987, Male, White.
Involved Individual #1:	████████████████████ DOB: ██████/1984; Male, Black
Case Type:	Harassment

I. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer ██████	It is alleged that on ██████, 2019 at approximately ██████, at or around ██████ N Michigan Ave., Officer ██████ 1. Engaged in a pattern of disrespect and/or maltreatment against ██████ in violation of Rules 2 and 8.	Exonerated
Officer ██████	It is alleged that on ██████, 2019 at approximately ██████, at or around ██████ N Michigan Ave., Officer ██████ 1. Engaged in a pattern of disrespect and/or maltreatment against ██████ in violation of Rules 2 and 8.	Exonerated

<sup>1</sup> 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.

Officer ██████	<p>It is alleged that on ██████, 2019 at approximately ██████, at or around ██████ N Michigan Ave., Officer ██████</p> <p>1. Engaged in a pattern of disrespect and/or maltreatment against ██████ ██████ in violation of Rules 2 and 8.</p>	Exonerated
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**II. SUMMARY OF EVIDENCE<sup>2,3</sup>**

██████ registered a complaint with COPA on ██████, 2019. In a digitally recorded statement,<sup>4</sup> ██████ complained that on ██████, 2019, Officers ██████ and ██████ harassed him during a protest outside of a ██████ store at or around ██████ N. Michigan Avenue. ██████ further complained that the officers threatened to arrest him if he did not stop his protest.<sup>5</sup> In the process of investigating ██████ complaint, COPA reviewed a similar event the following day, ██████, outside of a ██████ store at or around ██████ N. Michigan, Ave., involving ██████ and Officer ██████<sup>6</sup>

After reviewing body-worn camera footage<sup>7</sup> for all the involved officers, COPA found that Officers ██████ and ██████ at no point threatened ██████ nor did they harass him during his protest. Rather, Officers ██████ and ██████ were patient, courteous, and respectful of ██████ right to protest. Officers ██████ and ██████ listened to ██████ concerns and agreed that he is within his rights to peacefully protest the store. However, officers calmly informed ██████ they were responding to calls for a disturbance<sup>8</sup> and that pursuant to the City’s noise ordinance he is not permitted to use a bullhorn to disturb and interfere with the businesses in the area.<sup>9</sup>

**III. ANALYSIS AND CONCLUSION**

COPA finds the involved Officer’s interactions and conversation with ██████ to be within policy. Officers ██████ were responding to service calls about a disturbance created by an individual outside of ██████ at or around ██████ N. Michigan Ave. Upon

<sup>2</sup> COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

<sup>3</sup> COPA did not serve ██████ or ██████ an allegation nor COPA interview the officers as the facts alleged were not sufficiently supported by Body Worn Camera and other available evidence.

<sup>4</sup> Att. 1 ██████ COPA Statement, ██████, 2019.

<sup>5</sup> *Id.*

<sup>6</sup> Att. 2 Officer ██████ body worn camera footage, recorded ██████, 2019.

<sup>7</sup> Att. 2 Officers ██████ Att. 3 Officer ██████ and Att. 4 Officer ██████

<sup>8</sup> Atts. 5, 6, 7, and 8 OMEC Event Query Reports showing service calls for a noise complaint on ██████ and ██████.

<sup>9</sup> Municipal Code of Chicago, Noise and Vibration Control, 8-32-070, Part B. Limits on Noise from Specific Sources.

arriving, Officers were courteous and respectful of [REDACTED] protest while attempting to deescalate the situation by informing [REDACTED] that any use of a bullhorn would violate of the City’s noise ordinance.

Indeed, Part B of Chapter 8-32 of the Municipal Code of Chicago states in part, “[n]o person on the public way shall employ any device or instrument that creates or amplifies sound including but now limited to any loudspeaker, *bullhorn*, amplifier ... to generate sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more.”<sup>10</sup> In this instance, Officers are heard on body-worn camera being told by store security [REDACTED] bullhorn could be heard over two blocks away, far exceeding the 100 feet provided for in the Municipal Code.<sup>11</sup> Pursuant to the Municipal Code, Officers could have written [REDACTED] a ticket for the violation, fining him \$300 for a first offense, and \$500 for a second offense within a one-year period.<sup>12</sup> Rather, Officers attempted to deescalate and persuade [REDACTED] to not use a bullhorn while protesting the [REDACTED] store on Michigan Ave.

Therefore, COPA finds Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] **Exonerated.**

Approved:

[REDACTED]

February 21, 2020

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

<sup>10</sup> Municipal Code of Chicago, Noise and Vibration Control, 8-32-070, Part B. Limits on Noise from Specific Sources. [emphasis added]

<sup>11</sup> Att. 4 Officer [REDACTED] body worn camera at 7:36.

<sup>12</sup> *Id.* at 8-32-050 Remedies for Violations

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten