

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 26, 2019
Time of Incident:	9:30 am
Location of Incident:	700 E. 107 th St., Dabecca Natural Foods
Date of COPA Notification:	April 1, 2019
Time of COPA Notification:	6:25 pm

On the evening of March 26, 2019, [REDACTED] called 911 to report that he was punched by his co-worker, [REDACTED]. Officers [REDACTED] and [REDACTED] (Beat # [REDACTED]), and Sergeant [REDACTED] (Beat # [REDACTED]) responded to the scene. Sgt. [REDACTED] and Officers [REDACTED] and [REDACTED] had their Body Worn Camera activated and captured the entire interaction and interviews of [REDACTED], [REDACTED] and the witnesses, [REDACTED] and [REDACTED] who were present when the alleged incident occurred. [REDACTED] related that he was inside [REDACTED] car when they got into an argument. [REDACTED] said that [REDACTED] got out of the car and punched him on the face. However, [REDACTED] changed his account in his COPA interview and said that [REDACTED] punched him on the chest and not his face. [REDACTED] denied punching [REDACTED] and the witnesses, [REDACTED] and [REDACTED] who were present also stated that [REDACTED] did not punch [REDACTED]. [REDACTED] claimed that security camera should have captured the incident. A search of the closest security camera had a blurry view and did not captured the alleged incident. Therefore, based on the preliminary investigation, Sgt. [REDACTED] related that a report was going to be completed and no arrest would be made. [REDACTED] became upset and accused Sgt. [REDACTED] of discrimination towards him because he was an African and from Nigeria. [REDACTED] was informed that he had to leave and not to return until an internal Human Resources investigation is completed. [REDACTED] refused to leave and was told he would be placed under arrest. [REDACTED] replied, "Go ahead and arrest me" and was subsequently taken into custody and charged with Criminal Trespassing.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED], DOA: [REDACTED]/90, Sergeant, Unit of Assignment [REDACTED] District, DOB: [REDACTED]/63, Male, Black
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED], DOA: [REDACTED] 05, Police Officer, Unit of Assignment [REDACTED] District, DOB: [REDACTED] 82, Female, Black.
Involved Individual #1:	[REDACTED], DOB: [REDACTED]/81, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sgt. [REDACTED]	1. [REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Sgt. [REDACTED] was discriminating towards him for being an African Nigerian.	Exonerated
	2. [REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Sgt. [REDACTED] failed to properly investigate the incident.	Exonerated
	3. [REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Sgt. [REDACTED] unlawfully had him placed under arrest.	Exonerated
Officer [REDACTED]	1. [REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Officer [REDACTED] was rude and unprofessional towards him.	Exonerated

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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G01-01, Mission Statement and Core Values¹

State Laws

1. 720 ILCS 5.0/21-3A-2²

V. INVESTIGATION³**a. Interviews**

In an interview with COPA⁴ ██████████ related that he and his co-workers, ██████████, ██████████ and ██████████ were having lunch inside ██████████ car that was parked in the employee parking lot. ██████████ was sitting on the front passenger seat and ██████████ was sitting on the driver's seat when they got into argument about ethnicity. ██████████ accused ██████████ of making racial slur about him being an African and specifically from Nigeria. ██████████ stated that ██████████ told him to get out of his car and he then asked ██████████ what's going on. ██████████ said "I'll show you what's going on"⁵ and got out of this car and opened the passenger side door, pulled him out of the car and punched him on the chest. In the COPA video interview, ██████████ is observed describing how ██████████ used his two hands to grab him by his shirt and shove him away. ██████████ described ██████████ as punching him on his chest and not on his face. ██████████ stated that ██████████ called him a "pussy"⁶ and caused a rip to his shirt. ██████████ called the police to report the incident and then informed his supervisor that ██████████ had put his hand on him.

██████████ related police officers responded and spoke to all the involved parties. ██████████ related that he became loud and really upset because he called "911" and was the victim and felt the officers were down playing the incident. ██████████ described Sgt. ██████████ as treating him differently and felt that he was not willing to hear his account of the incident. ██████████ related that Sgt. ██████████ failed to properly investigate the incident and he felt that he was unlawfully arrest. ██████████ also felt that Sgt. ██████████ was discriminating against him because he is African with an accent. However, ██████████ related that Sgt. ██████████ did not make any discriminating comments, but only felt that Sgt. ██████████ was discriminating him. ██████████ related that he was told by a female officer, now known as Officer ██████████ that he had to leave, or he

¹ Attachment #25, GO 01-01, Mission Statement and Core Values (01 Mar 11).

² Attachment #26, (720 ILCS 5/21-3) (from Ch. 38, par. 21-3) Sec. 21-3. (a) A person commits criminal trespass to real property when he or she: (1) knowingly and without lawful authority enters or remains within or on a building.

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachment #4, Video interview of ██████████.

⁵ *Id.*

⁶ *Id.*

would be arrested. ██████ described Officer ██████ as being rude and unprofessional because she yelled at him and told him to “Listen, listen.”⁷ ██████ related that he was told by his supervisor, ██████ that he had to leave the company property and that he would be contacted by Human Resources. ██████ related that he told the officers that he was going to wait for his report and did not care if he was arrested. At that point, ██████ was taken into custody and charged with Criminal Trespassing. ██████ believes that there are outside cameras in the lot that captured when he was punched by ██████. However, ██████ was told by the officers that there were no cameras that captured the alleged incident. ██████ stated that he has not returned to work and that his status still under investigation.

b. Digital Evidence

Body Worn Camera (BWC)⁸ video shows that Officer ██████ Officer ██████ and Sgt. ██████ all had their BWC activated while responding to a battery involving ██████ and ██████. The BWC of Officers ██████ and ██████ captured them conducting interviews with ██████, ██████, ██████ and ██████. ██████ related that he and ██████ were talking about the differences in cultures and specially about African cultures. ██████ stated that ██████ came out of the car and walked around and punched him on the face. ██████ related that security cameras should have captured when ██████ punched him on the face. However, a Security Guard, ██████ is heard explaining that the security camera near the alleged incident showed a very blurry view and did capture the incident.

Officers ██████ and ██████ are observed interviewing ██████, who related that they were inside his car when he and ██████ got into a heated conversation. ██████ told ██████ “let it go”⁹, but he would not stop arguing. ██████ told ██████ to “get out of his fucking car”¹⁰ or that he was going to get out himself. At that point, ██████ got out of the car and began to take pictures of his license plate number and said that he was going to call the police. ██████ told ██████ to go ahead and call the police because he had done nothing. ██████ stated that at no time did he punch ██████. The witnesses, ██████ and ██████ related that they were seated in the backseat when ██████ and ██████ got into an argument. ██████ and ██████ stated that ██████ got out of his car and told ██████ to get out of his car. ██████ and ██████ related that no time did ██████ punch ██████ or have any physical contact with him.

Sgt. ██████ is heard trying to explain to ██████ that the witnesses, ██████ and ██████ both stated that ██████ did not punch him. ██████ is notably upset because he

⁷ *Id.*

⁸ Attachments #22-24, Body Worn Camera (BWC) of Officer ██████ Officer ██████ & Sgt. ██████

⁹ Attachment #4, Video interview of ██████.

¹⁰ *Id.*

was being told that there was no security camera that captured the battery to him. Sgt. [REDACTED] is heard explaining that a police report will be completed regarding the alleged battery to him by [REDACTED]. [REDACTED] is heard stating that he's becoming aggravated and refers to Sgt. [REDACTED] as a black officer and insinuated that because he is an African, he was being discriminated against. [REDACTED] became verbally argumentative and was repeatedly told that he had to leave the company premises. [REDACTED] refused to leave and said that he was going to wait for the report to be completed. The BWC captured Officer [REDACTED] attempting to hand [REDACTED] a copy of the report, but [REDACTED] refused to take it. [REDACTED] was warned that if he does not leave, he would be arrested for trespassing. [REDACTED] continued to argue and said to go ahead and arrest me and [REDACTED] was then taken into custody.

c. Documentary Evidence

CPD Arrest Report¹¹ and Case Reports^{12,13} of [REDACTED], states that on March 26, 2019, at approximately 11:00 pm, Officer [REDACTED] Officer [REDACTED] and Sergeant [REDACTED] responded to a battery at Dabecca Natural Foods Warehouse, 700 E. 107th Street. [REDACTED] related that he and a co-worker, [REDACTED] got into a verbal altercation during a break. [REDACTED] became upset and got out of the driver's side and walked to the passenger side and punched [REDACTED] on the face. The officers did not observe any visible injuries to the [REDACTED]. The officers spoke with [REDACTED] and two witnesses, [REDACTED] and [REDACTED] regarding the incident. [REDACTED] related that he and [REDACTED] got into argument but denied punching [REDACTED]. [REDACTED] and [REDACTED] also stated that they were present during the argument and also said that [REDACTED] did not punch [REDACTED]. Sgt. [REDACTED] informed [REDACTED] that a report documenting the battery incident would be completed and provide him with information on how to obtain a criminal summons and go before a judge. [REDACTED] was unhappy with the decision and information given to him and began yelling at the officers. [REDACTED] who is [REDACTED] supervisor told [REDACTED] to calm down and informed him that he had to leave and not to return until notified by human resources. [REDACTED] was repeatedly told by the officers to leave the premises or he would be arrested for trespassing. [REDACTED] replied, "I'm not leaving"¹⁴ and was warned that if he did not leave the premises he would be arrested for trespassing. [REDACTED] replied, "That's fine, I'll get arrested."¹⁵ [REDACTED] removed his bookbag off his shoulder and was placed into custody on signed complaints for trespassing and transported to [REDACTED] district for processing.

CPD Event Query Report # [REDACTED]¹⁶ indicated that on March 26, 2019, at approximately 9:55 pm, at 700 E. 107th Street, Beat [REDACTED] and Beat [REDACTED] responded to a battery. The

¹¹ Attachment #8, Arrest Report of [REDACTED].

¹² Attachment #10, Original Case Incident Report, [REDACTED].

¹³ Attachment #13, Original Case Incident Report, [REDACTED].

¹⁴ Attachment #10, Original Case Incident Report, [REDACTED].

¹⁵ *Id*

¹⁶ Attachment #15, CPD Event Query # [REDACTED].

report indicated that [REDACTED] reported that he was punched by a co-worker, now known as [REDACTED].

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. 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.

VI. ANALYSIS

[REDACTED] related that he was the victim of a battery and identified his co-worker, [REDACTED] as the offender. Officer [REDACTED] Officer [REDACTED] and Sgt. [REDACTED] responded to the scene and investigated the incident. While at the scene, [REDACTED] and [REDACTED] and two other witnesses, [REDACTED] and [REDACTED] were all interviewed. The entirety of the interactions and interviews were captured on the Body Worn Camera (BWC) of Officer [REDACTED] Officer [REDACTED] and Sgt. [REDACTED]. [REDACTED] related that he was sitting in the driver's seat of his vehicle, while [REDACTED] was at the front passenger seat and [REDACTED] and [REDACTED] were seated in the back seat. In the BWC video, [REDACTED] is heard stating that he and [REDACTED] got into argument about cultures. [REDACTED] repeatedly described [REDACTED] getting out of the car and walking toward the passenger side and punching him on the face.

However, in the COPA interview, ██████ changed his account and stated that ██████ punched him on his chest and not his face.

██████ stated that he did not punch ██████ and did not have physical contact with him. ██████ believed that a security camera captured the battery, but Security Guard, ██████ who was captured on BWC is heard explaining that the security camera near the alleged incident was very blurry and did not capture any incident. ██████ and ██████ who were present during the argument also related that ██████ did not punch ██████. Sgt. ██████ explained to ██████ that a report was going to be completed regarding the incident. Sgt. ██████ further related that based on the witness accounts of ██████ and ██████ and no security video there would be no arrest of ██████.

At that point, ██████ became very agitated with the police service and accused Sgt. ██████ of discriminating him for him being an African Nigerian. The BWC showed that at no time was Sgt. ██████ discriminative towards ██████, but instead Sgt. ██████ treated ██████ with professionalism and respect and was in compliance with the Mission Statement and Core Values established by CPD¹⁷ and therefore, COPA finds **Allegation #1 to be Exonerated.**

██████ also accused Sgt. ██████ of failing to properly investigate the incident. Sgt. ██████ along with the assistance of Officers ██████ and ██████ conducted a thorough preliminary investigation regarding the battery to ██████. It should be noted, ██████ told the responding officers that ██████ punched him on the face. However, ██████ related in his COPA interview that ██████ punched him on the chest and not on his face. The BWC captured the interviews of ██████, ██████, ██████ and ██████ and captured Sgt. ██████ explaining to ██████ that a report would be completed on the alleged incident. ██████ was not satisfied that ██████ was not going to be arrested and accused Sgt. ██████ of failing to properly investigate the incident and therefore, COPA finds **Allegation #2 to be Exonerated.**

██████ was repeatedly told that he had to leave and instead continued to be argumentative. ██████ was told that if he did not leave, he would be arrested for trespassing. ██████ told the officers to go ahead and arrest him and was then placed into custody and transported to the police station. ██████ accused Sgt. ██████ of unlawfully placing him under arrest and therefore, COPA finds **Allegations #3 to be Exonerated.**

██████ related that Officer ██████ raised her voice and felt that was rude and unprofessional towards him. The BWC of Officer ██████ captured the entire interaction with ██████ who was argumentative. Officer ██████ spoke to ██████ with professionalism and respect and was in compliance with the Mission Statement and Core Values established by CPD.¹⁸ and therefore, COPA finds **Allegation #1 to be Exonerated.**

¹⁷ Attachment #25, GO 01-01, Mission Statement and Core Values (01 Mar 11).

¹⁸ Attachment #25, GO 01-01, Mission Statement and Core Values (01 Mar 11).

VII. CONCLUSION

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

	Allegation	Finding / Recommendation
Sgt. [REDACTED]	1. [REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Sgt. [REDACTED] was discriminating towards him for being an African Nigerian, in violation of Rule 9. 2. [REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Sgt. [REDACTED] failed to properly investigate incident, in violation of Rule 2. 3. [REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Sgt. [REDACTED] unlawfully had him placed under arrest, in violation of Rule 2.	Exonerated Exonerated Exonerated
Officer [REDACTED]	[REDACTED] alleged that on March 26, 2019, at approximately 9:30 pm, at 700 E. 107 th St, security room of Dabecca Natural Foods, Officer [REDACTED] was rude and unprofessional towards him, in violation of Rule 9.	Exonerated

Approved:

[REDACTED SIGNATURE]

2-25-2020

Angela Hearts-Glass
 Deputy Chief Administrator

Appendix A
Assigned Investigative Staff

Squad#:

Investigator

Supervising Investigator

Deputy Chief



Angela Hearts-Glass