

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 24, 2018
Time of Incident:	2:15 pm
Location of Incident:	6221 South Archer Avenue Chicago, Illinois 60638
Date of COPA Notification:	April 25, 2018
Time of COPA Notification:	4:02 pm

On April 24, 2018, [REDACTED] and [REDACTED] and [REDACTED] were arrested for disorderly conduct. POs [REDACTED] and [REDACTED] arrested the four individuals because they caused a traffic jam on Archer Avenue by allegedly standing in the middle of the street and yelling obscenities. This followed an altercation that broke out during school, which continued after school and onto Archer Avenue. Sergeant [REDACTED] who was off-duty and shopping in a nearby store, stood guard near POs [REDACTED] and [REDACTED] and shouted obscenities at the arrestees.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment [REDACTED] 1996, Sergeant, Unit of Assignment [REDACTED] DOB [REDACTED] 1970, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment [REDACTED] 1994, Police Officer, Unit of Assignment [REDACTED] DOB [REDACTED] 1968, Male, White
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment [REDACTED] 1995, Police Officer, Unit of Assignment [REDACTED] DOB [REDACTED] 1947, Male, White ¹
Involved Individual #1:	[REDACTED] DOB [REDACTED] 2000, Male, Black
Involved Individual #2:	[REDACTED] DOB [REDACTED] 1996, Male, Black
Involved Individual #3:	[REDACTED] DOB [REDACTED] 1999, Male, Black
Involved Individual #4:	[REDACTED] DOB [REDACTED] 1999, Male, Black

¹ PO [REDACTED] retired from CPD prior to giving a statement regarding this incident.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant [REDACTED] [REDACTED]	1. Called [REDACTED] and [REDACTED] "niggers" in violation of Rules 8 and 9. 2. Directed profanities at [REDACTED] and [REDACTED] in violation of Rules 8 and 9.	Not Sustained Sustained/1 Day and training
Officer [REDACTED]	1. Unjustifiably arrested [REDACTED] and [REDACTED] in violation of Rule 6. 2. It is alleged that on April 24, 2018, at approximately 2:15 p.m., at or near 6221 South Archer Avenue, the accused Officer [REDACTED] Star # [REDACTED] failed to comply with Special Order S03-14 Body Worn Cameras, by failing to activate his body worn camera.	Exonerated Sustained/ Reprimand
Officer [REDACTED] [REDACTED]	1. Unjustifiably arrested [REDACTED] and [REDACTED] in violation of Rule 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. General Order G02-01 Human Rights and Human Resources
2. General Order G04-01 Preliminary Investigations

Federal Laws

1. United States Constitution, Amendment IV

V. INVESTIGATION²

a. Interviews

COPA attempted to interview [REDACTED] and [REDACTED] but they declined to cooperate with this investigation.³ COPA obtained an affidavit override to proceed with the allegations.⁴

On January 8, 2019, **Police Officer [REDACTED]**⁵ star # [REDACTED] provided a statement to COPA. PO [REDACTED] stated that on April 24, 2018, she was assigned to Beat [REDACTED] which is Kennedy High School. PO [REDACTED] said she received a call of a battery in progress involving some Kennedy High School students on Archer Avenue. She knew who was fighting because the [REDACTED] and [REDACTED] had been fighting off and on throughout the school day. At the time of the call, students were fighting inside and outside of the school. Of the four arrestees, PO [REDACTED] knew [REDACTED] and [REDACTED] to be students of Kennedy High School and known [REDACTED] but she was unfamiliar with [REDACTED]. As PO [REDACTED] approached the scene, she saw the four arrestees in the middle of the street. Due to the fighting in the street, a lot of traffic had backed up on Archer Avenue, so it took her a few minutes to get to the scene. By the time PO [REDACTED] arrived, the arrestees were standing against a fence on Archer Avenue in the custody of POs [REDACTED] and [REDACTED].

Regarding Sergeant [REDACTED] presence on the scene, PO [REDACTED] said she did not know or recognize the Sergeant but was thankful for his assistance and presence on the scene. PO [REDACTED] said she did not recall hearing Sergeant [REDACTED] or any officers using any racial slurs or verbal abuse toward arrestees.

On February 1, 2019 and September 24, 2019, **Police Officer [REDACTED]**⁶ star # [REDACTED] provided statements to COPA. PO [REDACTED] stated that on April 24, 2018, he and PO [REDACTED] who is now retired, both responded to a call of a battery in progress at Kennedy High School. The school was experiencing a lot of gang fighting at that time. He saw dozens of students chasing each other and physically fighting. PO [REDACTED] attempted to break it up and the students started running over to Archer Avenue. PO [REDACTED] followed them and saw the students stop traffic because they were chasing each other running back and forth across Archer Avenue. PO [REDACTED] tried to disburse the group by yelling and telling them to get out of the street because it was dangerous. PO [REDACTED] noted that multiple motorists stopped and several expressed concern about the behavior to the officers. He was eventually able to detain the four arrestees, [REDACTED] and [REDACTED]. PO [REDACTED] believed them to be the main instigators of the fighting and running in traffic. PO [REDACTED] recognized off-duty Sergeant [REDACTED] as being on the scene. According to PO [REDACTED] he did not hear Sgt. [REDACTED] call the arrestees

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 4, 8, 19, 20.

⁴ Att. 9, 12

⁵ Att. 26, 40.

⁶ Att. 36, 41, 45.

“niggers”⁷ because he had gone to his car to get a pair of handcuffs and did not observe that exchange.⁸ PO ██████ said the arrestees were “talking smack”⁹ but were not physically resisting arrest. He and PO ██████ arrested the four individuals for disorderly conduct and PO ██████ transported them to the district.

In addressing his failure to activate his body-worn camera, PO ██████ explained this incident happened at the end of his shift and he had been heading back to the station when he was sidetracked to go to this call. He may have already turned off the camera by that point. Turning the camera back on and/or activating it slipped his mind during the chaotic scene he encountered.

On March 5, 2019, Sergeant ██████¹⁰ star # ██████ provided a statement to COPA. Sgt. ██████ stated that on April 24, 2018, he was off-duty and grocery shopping with his wife at Jewel on Archer Avenue. When Sgt. ██████ left Jewel, he observed four unknown black individuals nearby in the street yelling. Sgt. ██████ believed his wife called the police. Sgt. ██████ followed the individuals, now known to be ██████ and ██████. Numerous police officers responded and detained the individuals. Sgt. ██████ recognized PO ██████ as one of the arresting officers because they used to work together. Sgt. ██████ stood by to help the officers if needed. While standing beside the arrestees, Sgt. ██████ directed profanity at them, including by saying, “Because you mother fuckers don’t know how to listen, get on the bus. We’ll see who’s getting pussy tonight.”¹¹ When asked why he directed profanity at the arrestees, Sgt. ██████ said, “To be honest with you, it’s just language that I use – it’s just language that I use commonly every day be it at work, be it at home. I don’t consider it to be profane.”¹² Sgt. ██████ said he did not call anyone a “nigger”¹³ and denied that he heard any officer use that or any other racial slurs. Sgt. ██████ also said CPD never trained him on what profane language is and there are no General Orders that define it. He further explained that the language he used is very common and natural for him.

b. Digital Evidence

The **body worn camera** footage¹⁴ of several different officers who responded to the scene captured various parts of the incident, but the body worn camera of PO ██████ is the one that recorded verbal abuse from Sgt. ██████. PO ██████ BWC starts in the school and shows her and her partner on foot in the school, then in their police vehicle driving to the scene. PO ██████ is seen talking to a female at the scene as she approaches. The female describes seeing several individuals “beating the crap out of”¹⁵ someone. PO ██████ approaches the scene and there are four black males facing a fence. Sgt. ██████ who is standing behind arrestees wearing a blue shirt,

⁷ Att. 41, pg. 15, line 5.

⁸ This is corroborated by the body-worn camera recordings.

⁹ Att. 41, pg. 14, line 11.

¹⁰ Att. 32, 42.

¹¹ Att. 42, pg. 19, lines 10-15. The “bus” in this statement refers to a police vehicle.

¹² Att. 42, pg. 19, lines 16-20. Sgt. ██████ repeated this sentiment on pg. 22, lines 20-24; and pg. 23, lines 1-11.

¹³ Att. 42, pg. 19, line 23.

¹⁴ Att. 23.

¹⁵ Att.23, video at 5:20.

can be heard saying, “Cause you mother fuckers don’t know how to listen, that’s why you’re going to jail.”¹⁶ Arguing between PO [REDACTED] and the four arrestees ensues as they try to determine what happened. Sgt. [REDACTED] can be heard cursing inaudibly and saying, “I’m a sergeant of police.”¹⁷ POs [REDACTED] and [REDACTED] and Sgt. [REDACTED] continue to argue with the four arrestees. Several other unknown officers are seen. Sgt. [REDACTED] says, “you’re all four going to jail, dog, mark my words, because I’m a fucking sergeant and I said so.”¹⁸ Sgt. [REDACTED] proceeds to say, “get on the bus, get on the bus, we’ll see who’s getting pussy tonight shit talker, shit talker.”¹⁹ The four arrestees are placed in squad cars and transported.

c. Documentary Evidence

The arrest reports for [REDACTED]²⁰ [REDACTED]²¹ [REDACTED]²² and [REDACTED] show they were all arrested on April 24, 2018, at 2:01 P.M., at 6221 South Archer Avenue by PO’s [REDACTED] and [REDACTED]. The narrative section of the reports states that the reporting officers responded to a battery in progress outside Kennedy High School. The officers observed the arrestees running into traffic on Archer Avenue, shouting obscenities. The motorists on Archer Avenue had to stop to avoid the arrestees. Officers ordered the arrestees to disburse but they refused and were arrested for Disorderly Conduct.

VI. ANALYSIS

a. Allegations of Verbal Abuse Against Sgt. [REDACTED]

COPA was unable to determine if Sgt. [REDACTED] called the arrestees “niggers” from the video footage. Sgt. [REDACTED] and other officers said Sgt. [REDACTED] did not call them “niggers.” There is insufficient evidence to determine whether Sgt. [REDACTED] called the arrestees “niggers” and therefore, this allegation is **Not Sustained**.

There is, however, much video evidence depicting Sgt. [REDACTED] directing profanities at the arrestees throughout his interactions with them. In explaining his actions, Sgt. [REDACTED] said CPD never trained him on what kind of language is profane or unacceptable to use. Sgt. [REDACTED] also said the language he used is the language he uses every day at home and that he does not find it to be profane. Per General Order G02-01 Human Rights and Human Resources (III)(B) “In addition to respect for those human rights prescribed by law, Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all

¹⁶ Att. 23, video at 5:41

¹⁷ Att. 23, video at 6:25.

¹⁸ Att. 23, video at 10:47.

¹⁹ Att. 23, video at 11:18.

²⁰ Att. 16.

²¹ Att. 11.

²² Att. 15.

²³ Att. 10.

contacts with the public.” Sgt. ██████ acted, spoke, and conducted himself in an unprofessional manner and therefore the allegation is **Sustained**.

b. Allegation of False Arrest against Officers ██████ and ██████

Both POs ██████ and ██████ reported that there had been gang fighting all day at Kennedy High School. PO ██████ said the arrestees were involved in that fighting. During the BWC footage, an unknown woman is seen describing what she saw in the street, which includes a physical fight. PO ██████ reported the individuals were arrested for disorderly conduct because they were blocking the street while they were fighting. That story is corroborated by the unknown woman who describes the street fight, as well as PO ██████ saying she saw ██████ and ██████ at Kennedy High School fighting. COPA finds the arrest of the subjects was lawful. An officer must have probable cause to arrest a subject. *People v. Johnson*, 408 Ill. App. 3d 107 (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)). “Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest.” (citing *People v. Wear*, 229 Ill. 2d 545, 563-64, 893 (2008)). Based on the eye witness accounts, as well as the officers’ own on-scene observations, there was a sufficient probable cause for the arrests. Therefore, the allegation against POs ██████ and ██████ is **Exonerated**.

c. Allegation for Failing to Activate Body Worn Camera against Officer ██████

PO ██████ did not activate his body worn camera for the entire duration of this incident. PO ██████ had multiple opportunities to activate to body worn camera, including en route to the scene as well as during the scene. PO ██████ reported the incident happened at the end of his shift and failing to activate it was an oversight. Per Special Order S03-14 Body Worn Cameras, PO ██████ should have activated his body worn camera, therefore, COPA find the allegation against PO for failing to activate his body worn camera is **Sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant ██████

i. Complimentary and Disciplinary History

Sgt. ██████ has been a member of the Chicago Police Department since ██████ 1996. In that time, he has received 408 Honorable Mentions, 8 Deployment Operations Center Awards, 2 Special Commendations, 22 Department Commendations, 6 Complimentary Letters, 1 Police Officer of the Month Award, 1 Honorable Mention Ribbon Award, and 1 Life Saving Award. In the last seven years, he has not received any disciplinary history.

ii. Recommended Penalty, by Allegation

COPA recommends a suspension of 1 day and retraining on appropriate language to use when interacting with members of the public. Sgt. ██████ freely admitted that he used language

COPA found to be disrespectful. Furthermore, COPA finds that a reasonable officer with similar training and experience would also know these comments were disrespectful and not in keeping with Department objectives. However, Sgt. ██████ cited a lack of training on the issue as the reason he used such language. His extensive complimentary history and lack of disciplinary history in the last seven years is admirable, but Sgt. ██████ own statement revealed this to not be an isolated incident.

b. Police Officer ██████

i. Complimentary and Disciplinary History

PO ██████ has been a member of the Chicago Police Department since ██████ 1994. In that time, he has received 107 Honorable Mentions, 4 Department Commendations, 4 Complimentary Letters, 2 Problem Solving Awards, 1 Honorable Mention Ribbon Award, and 1 Outside Governmental Agency Award. In the last seven years, he received two SPARs for preventable accidents.

ii. Recommended Penalty, by Allegation

COPA recommends a Reprimand. PO ██████ acknowledged his error in failing to activate his body-worn camera during this incident, which appears to be an oversight.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant ██████ ██████	1. Called ██████ and ██████ "niggers." 2. Directed profanities at ██████ and ██████	Not Sustained Sustained/1 Day and training
Officer ██████	1. Unjustifiably arrested ██████ and ██████ 2. It is alleged that on April 24, 2018, at approximately 2:15 p.m., at or near 6221 South Archer Avenue, the accused Officer ██████ Star # ██████ failed to comply with Special Order S03-14 Body Worn Cameras, by failing to activate his body worn camera.	Exonerated Sustained/ Reprimand

Officer [REDACTED] [REDACTED]	1. Unjustifiably arrested [REDACTED] [REDACTED] and [REDACTED] [REDACTED]	Exonerated
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Approved:

[REDACTED]

December 9, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Major Case Specialist:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Andrea Kersten