

SUMMARY REPORT OF INVESTIGATION

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| Date/Time/Location of Incident: | March 17, 2019 / 2:24 am / 6727 N Olmsted Avenue, Chicago, IL 60631 |
| Date/Time of COPA Notification: | August 28, 2019 / 4:03 pm |
| Involved Officer #1: | Officer Mike Gremo / Star# 10450 / Employee ID# [REDACTED] / DOA: July 7, 1997 / Unit: 016 / DOB: [REDACTED] 1970 / Male / White. |
| Involved Individual #1: | Officer [REDACTED] / Star#[REDACTED] / Employee ID#[REDACTED] / DOA: September 1, 2010 / Unit: 006 / DOB: [REDACTED], 1983 / Male / Black. |
| Case Type: | 03Q – Improper Detention |

I. ALLEGATIONS

| Officer | Allegation | Finding |
|--------------------|---|----------------|
| Officer Mike Gremo | 1. Detaining Officer [REDACTED] without justification, in violation of Rule 6. | Exonerated. |
| | 2. Pointing your Taser at Officer [REDACTED] without justification, in violation of Rule 6. | Not Sustained. |
| | 3. Failing to issue Officer [REDACTED] an Investigatory Stop Receipt, in violation of Rule 6. | Not Sustained. |

II. SUMMARY OF EVIDENCE¹

Officer Mike Gremo was dispatched to reports of several males engaged in a physical altercation in front of 6727 N Olmsted Ave.² Upon arrival, Officer Gremo observed several males, to include Officer [REDACTED]³ in the middle of the roadway actively yelling at and pushing each other and uniformed officers.⁴ As Officer Gremo approached the males, Officer [REDACTED] was being restrained by a bystander and directed away from the other males.⁵ Officer Gremo, unholsters his taser and orders the bystander to step away and takes control of Officer [REDACTED] while Officer [REDACTED] exclaims that he wants to go home and to be taken to the district station.

¹COPA 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 opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation.

² Att. 15.

³ Officer [REDACTED] was off-duty and not readily identifiable as a Department member.

⁴ Att. 17 at 01:13.

⁵ *Id.* at 01:14

Once the bystander moves away from Officers Gremo and [REDACTED] Officer Gremo holsters his taser.⁶ An unrestrained Officer [REDACTED] is placed in the rear of Officer Gremo's vehicle and is informed he is being detained.⁷ Officer [REDACTED] attempts to exit the vehicle and is instructed to sit down while multiple bystanders approach Officers Gremo and [REDACTED] in an apparent attempt to interfere; as the bystanders approach Officer Gremo unholsters but does appear to point his taser at anyone.⁸ Eventually, Officer [REDACTED] demands that he be handcuffed, and Officer Gremo complies with his demand.⁹ Once handcuffed Officer [REDACTED] sits in the rear seat of the Department vehicle, but ignores numerous request to fully enter the passenger compartment; however, Officer [REDACTED] is eventually secured in the vehicle.¹⁰ Once Officer [REDACTED] is secured, the bystanders calm, officers investigate the circumstance of the altercation, determine that Officer [REDACTED] is not an offender. After it is determined Officer [REDACTED] is not an offender, Officer Gremo releases him. At the direction of a supervisor on scene,¹¹ Officer [REDACTED] is transported to his residence by Officer Gremo. Once at the residence, Officer [REDACTED] exits the vehicle without incident; but does leave his wallet in the vehicle.¹²

During his statement to COPA, Officer [REDACTED] made the allegations detailed above. During our investigation COPA determined that the detention allegations was **exonerated**, and that the other allegations were **not sustained**.

III. 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*

⁶ *Id.* from 01:14 to 01:25.

⁷ *Id.* from 01:25 to 01:47.

⁸ *Id.* from 01:47 to 02:10.

⁹ *Id.* at 02:38.

¹⁰ *Id.* from 02:39 to 03:52.

¹¹ Officer Gremo recalled there being at least two sergeants on scenes but not who ordered him to transport Officer [REDACTED] home.

¹² It was not until returning to the station that Officer Gremo discovered Officer [REDACTED] wallet in the rear compartment behind the passenger seat. The wallet was inventoried as found property in accordance with Department policy.

Assigned Investigative Staff

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| Squad#: | 2 |
| Investigator: | ██████████ |
| Supervising Investigator: | ██████████ |
| Deputy Chief Administrator: | James Murphy-Aguilu |