

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 22, 2020 / 8:02 p.m. / 1750 W. Juneway Terrace
Date/Time of COPA Notification:	August 24, 2020 / 10:29 a.m.
Involved Officer #1:	Zachary Daniels, Star #9605, Employee ID # [REDACTED], Date of Appointment: December 15, 2017, Rank: Police Officer, Unit of Assignment: 024, DOB: [REDACTED], 1993, Male, White
Involved Officer #2:	Robert Olszanski, Star #10348, Employee ID # [REDACTED], Date of Appointment: May 16, 2017, Rank: Police Officer, Unit of Assignment: 024, DOB: [REDACTED], 1990, Male, White
Involved Officer #3:	Thomas Pierce, Star #1935, Employee ID # [REDACTED], Date of Appointment: September 13, 1999, Rank: Sergeant of Police, Unit of Assignment: 024, DOB: [REDACTED], 1959, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1987, Male, Black
Case Type:	Civil Rights – Improper Arrest

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Zachary Daniels	It is alleged by [REDACTED] that on or about August 22, 2020, at approximately 8:02 p.m., at or near 1750 W. Juneway Terrace, Officer Daniels, Star # 9605, committed misconduct through the following acts or omissions, by: 1. arresting [REDACTED] without justification.	EXONERATED
Officer Robert Olszanski	It is alleged by [REDACTED] that on or about August 22, 2020, at approximately 8:02 p.m., at or near 1750 W. Juneway Terrace, Officer Olszanski, Star #10348, committed misconduct through the following acts or omissions, by: 1. arresting [REDACTED] without justification.	EXONERATED

Sergeant Thomas Pierce	It is alleged by ██████ that on or about August 22, 2020, at approximately 8:02 p.m., at or near 1750 W. Juneway Terrace, Sergeant Pierce, Star #1935, committed misconduct through the following acts or omissions, by: 1. arresting ██████ without justification.	UNFOUNDED
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II. SUMMARY OF EVIDENCE¹

On August 22, 2020, at approximately 7:52 p.m., Officers Zachary Daniels and Robert Olszanski responded to the park located at 1750 W. Juneway Terrace (Park 518) following reports of a large party with loud music and a bonfire.² Upon arriving at the location, the officers observed an unauthorized fire in the park, for which ██████ (“█████”) claimed responsibility. The officers arrested ██████ after he refused to provide his identification and interfered with the officers’ orders to extinguish the fire.

In an **interview with COPA**³ on November 3, 2020, ██████ stated he was attending a birthday party at the park when officers arrived at the scene. ██████, who has history of problems with officers from the 24th District, decided to “egg [them] on a little bit”⁴ by falsely claiming he started the fire. He asserted the fire did not violate the Chicago Park District Code, as it had a grill and a lid. An officer asked for ██████’s identification in order to write a ticket, but ██████ refused, believing the officer did not have cause to demand his identification. The officers then arrested ██████ and placed him into the back of a police vehicle. ██████ told COPA he did not own the firepit, did not start the fire, and did not restart the fire after it was partially doused.

The **Body Worn Camera (BWC) videos**⁵ of Officers Daniels and Olszanski capture the officers entering the park, where they encounter ██████ and other members of the party near a circular firepit. The firepit is ablaze and located within ten feet of nearby trees. The officers point to a sign prohibiting bonfires in the park and direct the group to extinguish the fire. ██████, who is confrontational towards the officers, claims ownership of the firepit but refuses to extinguish the fire. ██████ insists no crime has occurred and the officers cannot demand his identification unless they place him in custody. The officers tell ██████ they need his identification to write him a citation, but he refuses to comply with their request.

As ██████ argues with the officers, he instructs other members of the group to reignite the fire after it is partially doused. Another partygoer pours what appears to be lighter fluid on the fire and the flames increase. The officers handcuff ██████ and place him in custody, but he refuses to

¹ COPA conducted a full and complete investigation of this matter, including the interview of the complainant, and the collection and review of digital and documentary 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.

² Attachment #5, Event Query

³ Attachment #8, ██████ Statement

⁴ Attachment #8, ██████ Statement at 5:15 minutes.

⁵ Attachments #2 and 3, BWC videos of Officers Daniels and Olszanski

enter the police vehicle and requests to speak to the officers' supervisor. Eventually, █████ enters the vehicle and the officers transport him to the 24th District, where Sgt. Pierce speaks to █████ in a holding cell. Sgt. Pierce and the officers repeatedly explain to █████ why he is under arrest. █████ responds by denying he set the bonfire and claiming the fire was already extinguished when the officers arrived at the scene.

The **Original Case Incident Report**⁶ completed by Officer Daniels documents the incident in which officers observed a large gathering of people in the park. The report notes that members of the party were drinking hard liquor and the smell of burnt cannabis was in the air. The officers observed an open flame in a metal bonfire ring, with Firestarter logs on top of the fire. The officers informed the group of people at a nearby picnic table that bonfires are prohibited, and the fire must be extinguished. █████, however, instructed the other members of his group to ignore the officers' directions and allow the fire to continue burning. He repeatedly refused to comply with the officers' request for his identification, causing the officers to place him in handcuffs. When the officers led █████ to their vehicle, he "dead weighted" his body and resisted entering the vehicle. █████'s actions instigated a large crowd to form around the officers, causing the officers to fear for their safety and impeding their ability to perform their duties. Approximately 16 minutes after █████ was handcuffed, he entered the police vehicle and officers transported him to the 024th District without incident.

The **Arrest Report**⁷ submitted by Officer Daniels documents █████'s arrest for MCC violation 10-36-185 CH.VII B.6 (unauthorized fire in a park). The report notes █████ instigated public disorder by instructing bystanders to interfere and prevent the arresting officers from fulfilling their legal duties. A custodial search of █████'s backpack produced 26 plastic baggies containing a green leafy substance, suspect cannabis. He was charged with one felony count of manufacturing/dealing cannabis and two misdemeanor counts of obstructing an officer.

The **OEMC Event Query Report**⁸ indicates a 911 caller reported a large crowd in the park with loud music, a fire ring, and someone riding a motorcycle. The caller further stated that people have held nightly parties in the park for the past week.

The **Chicago Park District Code – Chapter VII.B.6**⁹ states no person shall light or make use of any fire in the Park District except that fires for cooking purposes may be made in portable metal containers or grills, in designated areas only, under such regulation as may be prescribed by the General Superintendent. Any fire for cooking purposes shall be continuously under the care and direction of a competent person over eighteen years of age from the time it is kindled until it is extinguished. No fire shall be built within ten feet of any tree or building, or beneath the branches of any trees or in any underbrush. Any person who violates this code shall be subject to a civil fine of up to \$500.

⁶ Attachment #4

⁷ Attachment #1

⁸ Attachment #5

⁹ Attachment #11, pg. 8.

III. ANALYSIS AND CONCLUSION

█████ alleged that Officers Daniels and Olszanski arrested him without proper justification. After examining the available evidence, including Department reports, BWC videos, and the audio recording of █████'s interview, COPA has determined by clear and convincing evidence that the ordinance violation occurred, and the ensuing arrest was lawful and proper.

█████ alleged Officers Daniels and Olszanski arrested him for a noncriminal offense. The underlying offense of starting a fire in a park is a violation of the Chicago Park District Code that carries a civil fine. Park patrons must observe and adhere to the rules and regulations of the Park District. The Chicago Municipal Code authorizes members of the Chicago Police Department to enforce the Park District Code, including its prohibition on bonfires.¹⁰ When a situation prevents an officer from issuing an Administrative Notice of Ordinance Violation (ANOV) citation¹¹ because the violator cannot or will not produce a valid identification card, or the violator's identify cannot be verified via CLEAR, the officer may place the violator under arrest and process him or her in accordance with the procedures outlined in the Department directive entitled "Processing Persons Under Department Control."¹²

In this case, Officers Daniels and Olszanski were dispatched to the park in response to a report of a large party with loud music and a bonfire. The officers arrived at the park and conducted an investigatory stop in order to determine whether the partygoers were violating any laws or ordinances. █████ immediately acknowledged he was the owner of the firepit, but he refused to identify himself, insisting no crime had occurred. He then ignored the officer's verbal commands and escalated the situation by instructing another partygoer to restart the fire, which the partygoer did. █████'s repeated refusal to provide his identification and extinguish the fire obstructed the officers' ability to issue an ANOV. As a result, COPA finds that Officers Daniels and Olszanski were authorized to arrest █████ in accordance with Department policy.

After careful consideration of all the facts, COPA finds there is clear and convincing evidence that █████ was violating Park District rules and regulations when he ignited the firepit, then caused another partygoer to reignite it. Accordingly, COPA finds that █████'s arrest was justified, and the allegation against Officers Daniels and Olszanski is **EXONERATED**.¹³

Approved:

█████

8/17/2021

Matthew Haynam
Deputy Chief Administrator

Date

¹⁰ MCC 10-36-185, Enforcement of Chicago Park District Ordinances

¹¹ Special Order S04-22-01, Exemptions and Restrictions for Issuing ANOV Citations

¹² Special Order S06-01, Processing Persons Under Department Control

¹³ Sgt. Pierce, who █████ named in his complaint, was not present for █████'s arrest. Sgt. Pierce's only interaction with █████ was in the holding cell at the 24th District, where the sergeant reiterated to █████ why he was under arrest. Therefore, COPA finds the allegation that Sgt. Pierce arrested █████ without justification is **UNFOUNDED**.

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Emmily Stokes
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam