

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 5, 2019
Time of Incident:	3:05 pm
Location of Incident:	3340 W. Fillmore Street
Date of COPA Notification:	July 5, 2019
Time of COPA Notification:	6:34 pm

On July 5, 2019, [REDACTED] ([REDACTED]) was standing across the street from the Chicago Police Department (CPD) building at 3340 W. Fillmore Street, recording the outside of the building with his cell phone. While [REDACTED] was recording, Officer Sergio Glowacki (Officer Glowacki) walked across the street and approached [REDACTED]. Officer Glowacki pushed [REDACTED]'s phone down and asked him why he was recording. [REDACTED] did not answer Officer Glowacki, and Officer Glowacki eventually walked away.

**II. INVOLVED PARTIES**

Involved Officer #1:	Sergio Glowacki, Star #15452, Emp. # [REDACTED], Date of Appointment: March 9, 2009, Police Officer, Unit 277, DOB: [REDACTED], 1974, Male, Hispanic
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1976, Male, Hispanic

**III. ALLEGATIONS**

Officer	Allegation	Finding/ Recommendation
Officer Sergio Glowacki	1. It is alleged by [REDACTED] that on or about July 5, 2019, at approximately 3:05 p.m., at or near 3340 W. Fillmore Street, Officer Sergio Glowacki, star 15452, committed misconduct through the following act or omission, by: initiating a physical altercation without justification.	Sustained/10-Day Suspension
	2. It is alleged by [REDACTED] that on or about July 5, 2019, at approximately 3:05 p.m., at or near 3340 W. Fillmore Street, Officer Sergio Glowacki, star 15452, committed misconduct through the following act or omission, by: attempting to prevent him from recording without justification.	Sustained/10-Day Suspension

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 1- Violation of any law or ordinance
  2. Rule 6- Disobedience of an order or directive, whether written or oral
  3. Rule 9- Engaging in any unjustified verbal or physical altercation with any person, while on or off duty
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##### Special Orders

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1. S03-14- Body Worn Cameras (effective April 30, 2018)
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##### Illinois Laws

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1. 720 ILCS 5/14-2(e)- Illinois Eavesdropping Act
2. 50 ILCS 706/10-20(11)- Law Enforcement Officer-Worn Body Worn Camera Act

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

COPA interviewed ██████████ on August 12, 2019.<sup>2</sup> ██████████ stated that on July 5, 2019, he and two friends<sup>3</sup> were standing across the street from 3340 W. Fillmore Street. ██████████ was recording the outside of the building because it was depicted in the television show “Chicago PD.” An officer walked across the street and asked ██████████ why he was recording. Before ██████████ could answer, the officer grabbed ██████████’s hand and the selfie-stick that his phone was attached to and pushed them to the side. The officer again asked ██████████ why he was recording. ██████████ informed the officer he could not put his hands on him. The officer told ██████████ he was asking him a question, and ██████████ replied he did not have to answer. The officer shook his head and walked away. The interaction between the officer and ██████████ lasted approximately two minutes. ██████████ was not injured during the incident.

COPA interviewed **Officer Sergio Glowacki** on December 2, 2020.<sup>4</sup> Officer Glowacki stated that he started work at approximately 5:00 pm on the date of the incident.<sup>5</sup> As he prepared to begin his work day, he drove into the police parking lot across the street from 3340 W. Fillmore Street. Officer Glowacki noticed a male walking quickly out of the parking lot. Officer Glowacki parked and exited his vehicle, then observed the same male standing on the sidewalk, staring at

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Att. 29.

<sup>3</sup> ██████████ identified his friends only as “████████” from Peoria and “████████.” Att. 29 at 5:01 minutes; *see also* CMS Note 37628.

<sup>4</sup> Atts. 32 & 34.

<sup>5</sup> Officer Glowacki erroneously recalled the incident occurred in August 2019, not on July 5, 2019.

him. Officer Glowacki ignored the male and continued walking toward his work. As he crossed the street, Officer Glowacki noticed a second male, now identified as [REDACTED], standing on the corner of Homan Avenue and Fillmore Street. [REDACTED] appeared to be recording Officer Glowacki with a selfie-stick, and he was staring at the officer with “a shit-eating grin on him just like—I don’t know if he was trying to antagonize [me] or something to that effect.”<sup>6</sup> Officer Glowacki stated he initially thought the two males might be trying to vandalize vehicles in the parking lot, so he decided to confront the male who was recording him.

Officer Glowacki approached [REDACTED] and asked him what he was doing there. [REDACTED] responded he was on the public way and he could do whatever he wanted. Officer Glowacki again asked [REDACTED] what he was doing, and [REDACTED] provided the same response. According to Officer Glowacki, [REDACTED] was holding a selfie-stick with a cell phone attached to it, and [REDACTED] was waving the selfie-stick around while Officer Glowacki was talking to him. The selfie-stick hit Officer Glowacki a couple of times, and the officer perceived [REDACTED] was trying to antagonize him with it. Officer Glowacki pushed the selfie-stick away, and [REDACTED] told the officer he had just committed a battery. Officer Glowacki denied he touched [REDACTED] and stated he only made contact with the selfie-stick to move it away from his face. Officer Glowacki told [REDACTED] he did not have permission to record him, then walked away. Officer Glowacki was not on duty when this encounter occurred, but he acknowledged he was in full uniform and [REDACTED] probably assumed he was on duty. Officer Glowacki did not recall telling [REDACTED] to stop recording in general.

#### **b. Digital Evidence<sup>7</sup>**

COPA obtained and reviewed a copy of the **YouTube video**<sup>8</sup> that [REDACTED] recorded on the date of the incident. The video depicts [REDACTED] and two other people (one male and one female) recording the police building located on Fillmore Street from across the street. A sergeant dressed in civilian clothes walks over to the group and has a conversation with them. The sergeant identifies himself and the woman asks the sergeant for his badge number, which he provides. The sergeant tells the group there are undercover police officers coming in and out of the building and recording those officers could jeopardize the officers’ safety. The sergeant asks the group to leave, but they refuse and ask the sergeant what statute prevents them from recording. The sergeant turns and walks away. Several minutes later, he walks back to the group and asks them again, as a courtesy, to not record the undercover officers because it could jeopardize their safety. The sergeant tells the group they can record the building.

At 52:42 minutes into the video, Officer Glowacki asks [REDACTED] if he can help him from across the street; [REDACTED] does not respond. Officer Glowacki then walks across the street and asks [REDACTED] if there is a reason why he is filming him. [REDACTED] says no, and Officer Glowacki extends his left arm and pushes [REDACTED]’s selfie-stick and cell phone downward. The push occurs approximately two seconds after Officer Glowacki approaches [REDACTED]. The video does not capture [REDACTED] or his selfie-stick make contact with the officer.

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<sup>6</sup> Att. 24, pg. 11, lines 4-6.

<sup>7</sup> COPA requested the footage from the exterior security cameras at 3340 W. Fillmore Street, but the retention period elapsed and the video was not retained. Att. 3, CMS Notes 37282, 37336, 37553.

<sup>8</sup> Att. 20.

██████ asks Officer Glowacki why he is grabbing his stuff, and Officer Glowacki again asks ██████ why he is filming him. ██████ tells Officer Glowacki he just committed a battery, which Officer Glowacki denies. Officer Glowacki asks ██████ what consent he has for filming him. ██████ replies he is on a public sidewalk filming the building. Officer Glowacki asks ██████ again why he is filming him, and ██████ tells Officer Glowacki that he does not have to answer him. Officer Glowacki turns and walks away.

## 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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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.

## VII. ANALYSIS

COPA makes a finding of **Sustained** for **Allegations 1 & 2** in that Officer Glowacki initiated a physical altercation with ██████ and attempted to prevent ██████ from recording. Rule 9 of the Chicago Police Department Rules and Regulations prohibits Department members from engaging in any unjustified verbal or physical altercation with any person while on or off duty. In this case, ██████ was standing on a public sidewalk recording the outside of the CPD building located at 3340 W. Fillmore Street when Officer Glowacki walked across the street and confronted him. The video evidence clearly shows that not only did Officer Glowacki engage ██████ verbally; he also pushed ██████’s camera/selfie-stick down in an attempt to prevent

██████████ from recording him. Officer Glowacki explained he confronted ██████████ because he thought ██████████ might be there to vandalize Department vehicles. Officer Glowacki admitted to pushing the selfie-stick ██████████ was holding, but stated he did so because the selfie-stick hit him several times.

██████████'s video, which captures the entire encounter between Officer Glowacki and ██████████, does not show the selfie-stick making contact with the officer. Additionally, the video does not depict ██████████ engaging in vandalism or any other crime; at the time Officer Glowacki confronted ██████████, he and his friends had been standing on the sidewalk legally recording for more than 50 minutes. Given the video evidence and Officer Glowacki's own admissions, COPA finds the officer's account of the incident is not credible. Officer Glowacki initiated a physical altercation with ██████████ without justification, and **Allegation 1 is sustained.**

The second allegation against Officer Glowacki alleges he attempted to prevent ██████████ from recording without justification. Illinois law on this issue is clear: "No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place, or when the officer has no reasonable expectation of privacy... However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order."<sup>9</sup> Special Order S03-14 expressly references this law, and further provides that any officer who violates it may be subject to administrative discipline and/or criminal penalties.<sup>10</sup>

In this situation, ██████████ was standing on a public sidewalk, recording the outside of a publicly identifiable CPD building.<sup>11</sup> The video captures Officer Glowacki walking on the sidewalk towards the entrance to the building. Under these circumstances, COPA finds Officer Glowacki was in a public location and did not have a reasonable expectation of privacy. Additionally, Officer Glowacki's actions did not fall into any of the exceptions listed in the statute above. There is no evidence—apart from Officer Glowacki's self-serving statements—that ██████████ or his friends violated any laws or obstructed any law-enforcement activities. For these reasons, COPA finds that Officer Glowacki attempted to prevent ██████████ from recording without justification, in violation of both Illinois law and Special Order 03-14. Therefore, **Allegation 2 is sustained.**

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

COPA has reviewed the complimentary and lack of disciplinary history of Officer Glowacki and, therefore, COPA recommends a ten-day suspension.

## IX. CONCLUSION

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

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<sup>9</sup> 50 ILCS 706/10-20(11); *see also* 720 ILCS 5/14-2(e).

<sup>10</sup> Special Order S03-14(IV)(C).

<sup>11</sup> A sign outside the building identifies the facility as the "Chicago Police Department Recovered Property Section."



Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	6
<b>Investigator:</b>	Chenese Brown
<b>Supervising Investigator:</b>	Steffany Hreno
<b>Deputy Chief Administrator:</b>	Matthew Haynam