

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 4, 2018.
Time of Incident:	8:00 pm.
Location of Incident:	2645 S. Drake Avenue, Chicago IL 60623.
Date of COPA Notification:	May 9, 2018.
Time of COPA Notification:	12:32 pm.

On May 4th, 2018, Officers Acosta, Moranz, Carrera, Garcia, and Bourdosis from 10th District¹, received radio communication that a large group of gang members were fighting in the street near the area of 2455 S. Drake and that shots had been fired. The officers arrived and observed several males matching the description of the call standing on the sidewalk, drinking beer. Recognizing the individuals from previous encounters as Latin Kings, the officers conducted a street stop that resulted in the arrests of four of the individuals for drinking on the public way.² [REDACTED] was questioned by the officers as well, but he was then released from the scene without being further detained or arrested.

[REDACTED] later alleged, that when one of the officers, later identified as Officer Acosta,³ first approached him to question him, he grabbed [REDACTED] from off of his bicycle, causing him to stumble and fall. [REDACTED] alleged to have sustained minor injuries to his face, elbow, and knee because of the encounter. No allegations were made against the other officers present, and no other civilian individuals came forward to file complaints against any of the officers.

II. INVOLVED PARTIES

Involved Officer #1 (Accused):	Jaime Acosta , Star #16462, Employee # [REDACTED], Appointed December 14, 2015; Police Officer, Unit 010, DOB: [REDACTED], 1990; White Hispanic, Male.
Involved Officer #2 (Accused):	Kenneth Moranz , Star #5687, Employee # [REDACTED], Appointed November 30, 2012; Police Officer, Unit 010, DOB: [REDACTED], 1984; White, Male.

¹ Officers Carrera and Garcia were not interviewed by COPA. Officers Drezdel and Garrity were called in as transport officers only and were also not interviewed by COPA.

² The Arrest Reports identified these individuals as [REDACTED], [REDACTED], [REDACTED], and [REDACTED] (Attachments #12 & 26). They were not reached by COPA after attempts were made to obtain witness statements (Attachments #8 & 27).

³ [REDACTED] described this officer as being Hispanic, 5’6” or shorter, and in his 20s with a slim build and short black hair.

Involved Officer #3 (Accused):

Adam Bourdosis, Star #12015, Employee # [REDACTED], Appointed April 6, 2015; Police Officer, Unit 010, DOB: [REDACTED], 1990; White, Male.

Subject #1 (Juvenile Reporting Party Victim):

[REDACTED] DOB: [REDACTED], 2003; White Hispanic, Male.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Acosta	1. It was alleged that on May 4, 2018, Officer Acosta grabbed [REDACTED] causing injury to his right knee, left elbow and cheek, in violation of Rule 9. 2. It was alleged that on May 4, 2018, Officer Acosta failed to complete an Investigatory Stop Report for [REDACTED]	Unfounded. Sustained/3 Days Suspension.
Officer Moranz	1. It was alleged that on May 4, 2018, Officer Moranz failed to complete an Investigatory Stop Report for [REDACTED]	Sustained/3 Days Suspension.
Officer Bourdosis	1. It was alleged that on May 4, 2018, Officer Bourdosis failed to complete an Investigatory Stop Report for [REDACTED]	Sustained/3 Days Suspension.

IV. APPLICABLE RULES AND LAWS

RULES

1.Rule 6: Disobedience of an order or directive, whether written or oral.

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

SPECIAL ORDERS

1.S04-13-09- Investigatory Stop System: *“Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.”*

V. INVESTIGATION⁴

a. Interviews

Complainant ██████████

In his interview with COPA on May 7, 2018, ██████████ stated that at the time of the incident, he had been outside drinking beer with some of his friends outside.⁶ He began to mount his bicycle to leave when he was stopped by four police officers in plain clothes. One of the officers later identified as Officer Acosta, grabbed ██████████ by his arms and told him to stand against the gate running along the sidewalk. While doing so, ██████████ right foot got stuck in the seat of his bike, and he tripped and fell sideways onto the ground. ██████████ got up, without assistance from the officer, and stood against the gate with his hands up against the fence. The officer then conducted a pat down. ██████████ was not handcuffed at any time. The officers did not engage much with ██████████ past this point or ask him if he had been drinking; rather, they spoke to the other individuals and questioned them about the alcohol found. The officers eventually called for a transport vehicle to arrest these individuals, while ██████████ and one of his friends were let go. ██████████ stated that as a result of falling from his bicycle, he sustained scrapes to his right elbow and right knee as well as a bruise on his left cheek.⁷ He did not seek medical treatment for these injuries.

Accused Officer Acosta⁸

In his interview with COPA on January 10, 2019, Officer Acosta was able to view the Body Worn Camera (BWC) footage and recalled being present for this incident. He was also familiar with the individuals present and knew them, including ██████████ to be members of the Latin Kings gang; however, Officer Acosta denied having any independent recollection of seeing or interacting with ██████████ during this particular incident.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Attachment #5.

⁶ ██████████ would not provide the identities of his friends when asked.

⁷ ██████████ did not elaborate on how he received the injury to his cheek.

⁸ Attachment #15.

Officer Acosta confirmed that he and his partners, Officers Bourdosis and Moranz, were the first to arrive on scene in response to a ‘Shots Fired’ call in the area.⁹ When seeing the Hispanic male individuals on the street, the officers recognized them as gang members and conducted a street stop. The individuals that were drinking were arrested, and the other individuals were released. Officer Acosta stated he never directly interacted with [REDACTED] during this incident and did not recall releasing him on the scene. Officer Acosta only recalled arresting three individuals for drinking and had no knowledge of what happened to [REDACTED]. Officer Acosta also had no memory of a bicycle being present or of [REDACTED] being injured.

Accused Officers Moranz and Bourdosis¹⁰

The statements of Officers Moranz and Bourdosis given to COPA on January 17, 2019, were nearly identical. After viewing the Body Worn Camera footage, Officer Bourdosis confirmed that he was familiar with the male individuals shown on the video and that he had arrested them several times in the past for weapons offenses and other violent crimes. He knew all of the individuals to be affiliated with the Latin Kings gang, including [REDACTED] but did not recall whether he had ever arrested [REDACTED] specifically.

Officers Bourdosis and Moranz did not recall how they first encountered the male subjects on the date of the incident. Neither officer recalled interacting directly with [REDACTED] or witness any other officers interacting with [REDACTED] directly. Officers Bourdosis and Moranz did not recall [REDACTED] riding a bicycle, and they did not recall anything out of the ordinary occurring, such as a physical altercation involving [REDACTED]. Officers Moranz and Bourdosis confirmed that an incident of this type, in which an individual is questioned and released without an arrest, would warrant writing an Investigatory Stop Report. The Officers’ did not recall an ISR being created, or a receipt being issued to [REDACTED].

b. Digital Evidence

The **Body Worn Camera (BWC) Footage¹¹** shows the responding officers approaching seven male individuals, including [REDACTED] who are standing on the sidewalk.¹² One of the individuals is holding what appears to be a beer bottle.¹³ The officers tell them to stand up against the fence running along the sidewalk. Officer Acosta says, “You want to cuff him? Yeah, we’re taking them all.”¹⁴ Officer Acosta uses his radio to call into Dispatch to request a wagon for the transport of four individuals. The officers ask questions to the males and ask if they had been drinking alcohol. Officer Acosta dumps a beer bottle full of liquid on the ground and retrieves several other bottles from the ground.¹⁵ At one point, Officer Acosta says to one of the subjects,

⁹ Officer Acosta noted that there were no arrests made for weapons or shots fired. The Body Worn Camera footage was consistent with these three officers arriving first on scene.

¹⁰ Attachments #18-21.

¹¹ Attachments #28-35.

¹² For the duration of the footage, [REDACTED] was not seen near a bicycle, but a bicycle lying on the ground near the subjects could be seen.

¹³ Attachment #28, 00:06.

¹⁴ Attachment #28, 00:49.

¹⁵ Attachment # 28, 02:00, and 02:50.

“You’re a King from Drake two-seven, right?”¹⁶ [REDACTED] is not put in handcuffs and is standing up by the fence. A scrape was visible on [REDACTED] right elbow.¹⁷ The officers release [REDACTED] and one other male from custody and place the other individuals under arrest. There is nothing on Officer Acosta’s BWC that shows [REDACTED] on a bicycle or that Officer Acosta caused [REDACTED] to fall.

The **Office of Emergency Management & Communications (OEMC) Radio Transmissions**¹⁸ recorded Dispatch making a citywide call for a ‘Person with a Gun’ at 2455 S. Drake, reporting that male Hispanics were shooting at each other. Beat #1044 responded to Dispatch over the radio, saying that they had been present in that immediate area and had not heard any shots fired. There was also a call recorded over the radio in which Beat #1024 requested a Sergeant relating to respond to a situation involving the Kings gang.¹⁹

c. Physical Evidence

Photographs²⁰ of [REDACTED] were taken at his interview with COPA, which was approximately three days after the incident. The photographs showed scrapes on [REDACTED] right elbow and right knee, both of which were approximately the size of a quarter. They also showed very minor bruising on [REDACTED] upper left cheek.

A **Canvass**²¹ of the block was conducted by COPA Investigators on May 18, 2018. The addresses of the individuals were also visited. COPA was unable to make contact with the arrestees or any additional witnesses.

d. Documentary Evidence

The **OEMC Event Queries**²² documented the Street Stop made by Beats #1064A and #1072 on May 4, 2018, at approximately 8:08 pm at 2637 S. Drake. Prior to that, there were several 911 calls made between 7:39 pm and 7:44 pm reporting that a group of approximately 20-30 Hispanic males were fighting in the middle of the street and were believed to be gang members. Some of the calls also reported shots being fired.

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;

¹⁶ Attachment #28, 02:18.

¹⁷ Attachment #32, 2:09 and again at 2:42.

¹⁸ Attachment # 22, 53:11.

¹⁹ Attachment # 35, 1:00.

²⁰ Attachment #11.

²¹ Attachment #7.

²² Attachments # 9 & 24.

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

Officer Acosta

Allegation #1

COPA finds that the allegation that Officer Acosta grabbed ██████ causing injury to his right knee, left elbow and cheek, in violation of Rule 9, is **Not Sustained**. Although ██████ claimed to have sustained injuries as result of being grabbed, Officer Acosta did not recall verbally or physically engaging with ██████ at any time during the incident or that ██████ was on a bicycle. Officers Bourdosis and Moranz could also not recall seeing any officer engage with ██████. The video footage did not capture the initial interaction between ██████ and the three officers who first arrived. Finally, the civilian witnesses who were arrested that day could not be reached for statements, and there were no additional witnesses identified.

Allegation #2

COPA finds that the allegation that Officer Acosta failed to complete an Investigatory Stop Report (ISR) for ██████ in violation of Rule 6 and S04-13-09, is **Sustained**. ██████ stated that he was not issued any type of receipt from the responding officers, and the video footage showed no evidence of any paperwork being created by the officers. There was no record of an ISR found in the Department's system. The accused officers confirmed in their interviews that an Investigatory Stop Report and receipt would be required in this type of situation, but they did not recall creating such documentation. Although Officers Acosta, Bourdosis, and Moranz could not recall ██████ being present or having any interaction with him, they were the first responders to the scene and also the arresting officers, therefore the duty to create an ISR fell on them.

Officers Bourdosis and Moranz**Allegation #1**

COPA finds that the allegation that Officers Bourdosis and Moranz failed to complete an Investigatory Stop Report for ██████████ in violation of Rule 6 and S04-13-09 is **Sustained**. See justification for Officer Acosta, Allegation #2.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer Acosta****i. Complimentary and Disciplinary History**

1. Officer Acosta has received; a 2019 Crime Reduction Award, a Attendance Recognition Award, five Complimentary Letters, eight Department Commendations, a Emblem of Recognition- Physical Fitness, one hundred and four Honorable Mentions, a Honorable Mention Ribbon Award, two Joint Operations Awards, a Military Service Award, three Police Officer of the Month Awards, a Problem-Solving Award, a Recognition/ Outside Governmental Agency Award, two Special Commendations, two Top Gun Arrest Awards, a Traffic Stop of the Month Award, and a Unit Meritorious Performance Award.

2. Officer Acosta disciplinary history; two SPAR's in a Violation in Court Appearance both in November 2020 and one SPAR in Preventable Accident in September 2020.

ii. Recommended Penalty, by Allegation**1. Allegation No. 2**

- a. COPA recommends Violation Noted.
- b. **Mitigating factors:** Officer Acosta Complimentary History demonstrates that normally he is attentive to duties and responsibilities as a sworn member of CPD.
- c. **Aggravating factors:** failing to complete an Investigatory Stop Report in violation of S04-13-09.

b. Officer Moranz**i. Complimentary and Disciplinary History**

1. Officer Moranz has received; a 2019 Crime Reduction Award, two Attendance Recognition Awards, eight Department Commendations, seven Emblem of Recognition- Physical Fitness, one hundred and three Honorable Mentions, two Joint Operations Awards, Three Police Officer of the Month Award, a Problem-Solving Award, two Special Commendations, a Top Gun Arrest Award, and a Unit Meritorious Performance Award.

2. Officer Moranz has no disciplinary history.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

- a. COPA recommends Violation Noted.
- b. **Mitigating factors:** Officer Moranz Complimentary History demonstrates that normally he is attentive to duties and responsibilities as a sworn member of CPD.
- c. **Aggravating factors:** failing to complete an Investigatory Stop Report in violation of S04-13-09.

c. Officer Bourdosis

i. Complimentary and Disciplinary History

1. Officer Bourdosis has received; a 2019 Crime Reduction Award, nine Department Commendations, one hundred and nine Honorable Mentions, two Joint Operations Awards, two Police Officer of the Month Awards, a Problem-Solving Award, a recognition/ Outside Governmental Agency Award, two Special Commendations, two Top Gun Arrest Awards, a Traffic Stop of the Month Award, and a Unit Meritorious Performance Award.

2. Officer Bourdosis disciplinary history; two SPAR's in a Court Appearance Violation in October 2020 and February 2021.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

- a. COPA recommends Violation Noted.
- b. **Mitigating factors:** Officer Bourdosis Complimentary History demonstrates that normally he is attentive to duties and responsibilities as a sworn member of CPD.

- c. **Aggravating factors:** failing to complete an Investigatory Stop Report in violation of S04-13-09.

IX. CONCLUSION

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

Officer	Allegation	Finding
Officer Acosta	1. It was alleged that on May 4, 2018, Officer Acosta grabbed [REDACTED] causing injury to his right knee, left elbow and cheek, in violation of Rule 9. 2. It was alleged that on May 4, 2018, Officer Acosta failed to complete an Investigatory Stop Report for [REDACTED]	Not Sustained. Sustained/ Violation Noted
Officer Moranz	1. It was alleged that on May 4, 2018, Officer Moranz failed to complete an Investigatory Stop Report for [REDACTED]	Sustained/ Violation Noted
Officer Bourdosis	1. It was alleged that on May 4, 2018, Officer Bourdosis failed to complete an Investigatory Stop Report for [REDACTED]	Sustained/ Violation Noted

Approved:



 Angela Hearts-Glass
 Deputy Chief Investigator

10-26-2021

 Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Madilyn Kohs
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass