

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 24, 2020 / 8:00 P.M. / [REDACTED]
Date/Time of COPA Notification:	February 25, 2020 / 2:54 P.M.
Involved Officer #1:	Officer Ryan Halvorsen #11064 / Employee ID # [REDACTED] / DOA: 31 Aug 2015 / Unit: 011/716 / DOB: [REDACTED] 1991 / Male / White
Involved Officer #2:	Officer Andrew Kociolek #11116 / Employee ID # [REDACTED] / DOA: 15 Jul 2013 / Unit: 012 / DOB: [REDACTED] 1985 / Male / White
Involved Individual #1:	[REDACTED] / 28 Aug 1978 / Male / Black
Case Type:	Unnecessary Physical Contact / Verbal Abuse

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Ryan Halvorsen	It is alleged by [REDACTED] that on or about February 24, 2020, at approximately 8:25 P.M., at or near [REDACTED] Chicago, IL 60607, that you, Officer Ryan Halvorsen committed misconduct through the following acts or omissions, by:	
	1. Making unnecessary physical contact with [REDACTED] by throwing your shoulder into him and stepping on his foot.	Not Sustained
	2. Verbally abusing [REDACTED] when you called him a “ni**er”.	Not Sustained
	3. Racially profiling [REDACTED]	Not Sustained
Officer Andrew Kociolek	It is alleged by [REDACTED] that on or about February 24, 2020, at approximately 8:25 P.M., at or near [REDACTED] Chicago, IL 60607, that you, Officer Andrew Kociolek committed misconduct through the following acts or omissions, by:	

1. Making unnecessary physical contact with [REDACTED] by throwing your shoulder into him and stepping on his foot.	Unfounded
2. Verbally abusing [REDACTED] when you called him a “ni**er”.	Unfounded
3. Racially profiling [REDACTED]	Unfounded

II. SUMMARY OF EVIDENCE

On February 24, 2020, Mr. [REDACTED] was going to the [REDACTED] located at [REDACTED] [REDACTED] after seeing his wife in the hospital. [REDACTED] alleged that while entering the store, Officer Ryan Halvorsen threw his shoulder into [REDACTED] and stepped on his foot. [REDACTED] believed that he was racially profiled by Officer Halvorsen and further alleged that Officer Halvorsen called him a “ni**er” during their interaction. [REDACTED] frequents the store often and was aware that although there are two doors, only one was operating at that time.

Officer Gabriel Cruz was interviewed by COPA.¹ Officer Cruz recalled there being an interaction between Officer Halvorsen and [REDACTED] regarding [REDACTED] shoes. Officer Cruz did not recall seeing any physical contact between Officer Halvorsen and [REDACTED]. Officer Cruz denied that Officer Halvorsen called [REDACTED] a “ni**er” and denied that any racial slur was used by any party. Officer Cruz did not believe that the interaction was law enforcement related and did not activate his BWC or call dispatch via radio. COPA did not interview Officer Angel Nunez, as Officer Angel Nunez was not available for an interview.²

Officer Andrew Kociolek received allegations after being preliminary identified using his Department profile picture, CPD unit of assignment, GPS coordinates, and the complainant’s physical description, and the [REDACTED] security footage. However, Officer Kociolek in-person interview confirmed that he was not involved in this incident.

In additional investigative steps, COPA discovered that the complainant may possess cellphone photos of the officer he interacted with. COPA reached out to the complainant who then provided the photos of Officer Halvorsen and a CPD plate number. Officer Halvorsen and Officer Cruz identified the third officer in the [REDACTED] security footage as Officer Angel Nunez.

Officer Halvorsen was interviewed by COPA.³ Officer Halvorsen recalled the interaction with [REDACTED]. Officer Halvorsen said that he and his partners were likely visiting the store for coffee and snacks prior to rollcall. Officer Halvorsen remembered [REDACTED] complaining about his shoes.

¹ Att. 14

² CPD Superintendent Brown has filed separation charges with the CPD Police Board for an unrelated case, and as a result, Officer Nunez is currently in a nonpaid status.

³ Att. 15

Officer Halvorsen denied that he intentionally made any physical contact with [REDACTED] or his shoes. Officer Halvorsen denied ever using the term “ni**er” or racially profiling [REDACTED]

COPA was able to secure and review [REDACTED] security camera footage that recorded Officer Halvorsen and [REDACTED] interaction.⁴ The video shows Officer Halvorsen exiting [REDACTED] and [REDACTED] simultaneously entering through the same door. Officer Halvorsen and [REDACTED] briefly converse, and [REDACTED] exits the store. Both Officer Cruz identified himself as the officer in the white sweatshirt and both officers identify Officer Nunez as wearing the grey sweatshirt. No BWC or ICC was found for this incident.

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.⁵ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. 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.”⁶

IV. ANALYSIS AND CONCLUSION

COPA finds the allegation that Officer Halvorsen made unnecessary physical contact with [REDACTED] by throwing his shoulder into him and stepping on his foot is not sustained.

⁴ Att. 7

⁵ 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).

⁶ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

COPA secured and reviewed [REDACTED] security recordings that capture the interaction between Officer Halvorsen and [REDACTED]. The video shows Officer Halvorsen exiting the [REDACTED] store while [REDACTED] enters through the same door’s threshold. The security video quality and the angle of the camera do not clearly show whether physical contact occurred and whether it appeared to be intentional on Officer Halvorsen’s part. COPA finds the allegation that Officer Halvorsen made unnecessary physical contact with [REDACTED] by throwing his shoulder into him and stepping on his foot is **not sustained**.

COPA finds the allegation that Officer Halvorsen verbally abused [REDACTED] when he called him a “ni**er” and that he racially profiled [REDACTED] is not sustained. COPA was unable to find any audio of the interaction between Officer Halvorsen and [REDACTED]. Both Officer Halvorsen and his partner Officer Cruz deny that Officer Halvorsen called [REDACTED] a “ni**er” at any point during their interaction. Officer Halvorsen denied racially profiling [REDACTED]. There was no BWC available for review for the interaction between Officer Halvorsen and [REDACTED]. COPA was able to determine that an interaction between Officer Halvorsen and [REDACTED] did occur, but it is unknown what exactly was said between them as there is not independent objectifiable audio evidence. COPA finds the allegation that Officer Halvorsen verbally abused [REDACTED] when he called him a “ni**er” and that he racially profiled [REDACTED] are both **not sustained**.

COPA finds all three allegations against Officer Kociolek to be unfounded. Officer Kociolek was improperly identified as the accused officer and served allegations. Upon further review of [REDACTED] security footage and speaking to Officer Kociolek in-person and his partner for that day, COPA determined that Officer Kociolek was not involved in the interaction with [REDACTED]. COPA finds all three allegations against Officer Kociolek to be **unfounded**.

Approved:

[REDACTED]

1/20/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date