

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 2, 2020 / 9:00 pm / 10724 S Avenue N, Chicago, IL 60617.
Date/Time of COPA Notification:	June 2, 2020 / 10:01 pm.
Involved Officer #1:	Officer John Fergus Jr. / Star#6969 / Employee ID# [REDACTED] / DOA: March 5, 2013 / Unit: 025/716 / Male / White.
Involved Officer #2:	Unidentified / Male / White.
Involved Individual #1:	[REDACTED] / Female / Black.
Case Type:	03Q – Improper Detention.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer John Fergus Jr.	1. Detaining Ms. [REDACTED] without justification. 2. Searching Ms. [REDACTED] vehicle, without justification. 3. Failing to document your interaction with Ms. [REDACTED] in an Investigatory Stop Report. 4. Failing to provide Ms. [REDACTED] with an Investigatory Stop Receipt. 5. Failing to active your Body Worn Camera.	Unfounded. Unfounded. Unfounded. Unfounded. Unfounded.
Unidentified Member	1. Detaining Ms. [REDACTED] without justification. 2. Searching Ms. [REDACTED] vehicle, without justification. 3. Failing to document your interactions with Ms. [REDACTED] in an Investigatory Stop Report. 4. Failing to provide Ms. [REDACTED] with an Investigatory Stop Receipt. 5. Failing to activate your Body Worn Camera.	Not Sustained. Not Sustained. Not Sustained. Not Sustained. Not Sustained.

II. SUMMARY OF EVIDENCE

Ms. [REDACTED] was sitting in her parked vehicle when an unmarked white van full of unidentified uniformed Department members approached her. Upon the van’s arrival an unidentified uniformed white male officer exited the van and approached [REDACTED] vehicle. The male officer instructed [REDACTED] to exit the vehicle and detained her in handcuffs. The male officer explained to [REDACTED] that she was being detained because of her proximity to a report of gunfire.

The male officer proceeded to search [REDACTED] vehicle. During the interaction [REDACTED] requested the male officer's star number and was informed it was "6969." Once the male officer completed his search [REDACTED] was released with no further action.¹

During our investigation, COPA received a still image of a Department vehicle license plate that was reportedly attached to a vehicle present during the incident.² A search of Assets, Information and Systems records revealed that license plate was attached to an Area 2 Gang Enforcement vehicle.³ Assignment and Attendance sheets for Area 2 Gang Enforcement were obtained and reviewed.⁴ COPA's review revealed that the vehicle was not listed. Assignment and Attendance sheets for the 004th District were obtained and reviewed.⁵ COPA's review revealed that the vehicle was not listed. Additionally, COPA searched for a Department member with star number "6969." COPA's searched revealed that star number "6969" was assigned to Officer John Fergus Jr. who was assigned to Area 5 Gang Enforcement. Assignment and Attendance sheet for Area 5 Gang Enforcement were obtained and reviewed.⁶ COPA's review revealed that Officer Fergus was working at the time of the incident, but that he was not assigned to the identified vehicle nor was the vehicle assigned to any other member of the unit. COPA also searched and reviewed Officer Fergus' Unit History,⁷ Tactical Response Reports,⁸ Investigatory Stop Reports,⁹ Arrest Reports,¹⁰ and Traffic Crash Reports¹¹ for the relevant time.¹² COPA's review did not reveal any information that Officer Fergus was assigned to, working in, or responding to calls for service in the 004th District or Area 2 at the time of the incident. Additionally, COPA obtained and reviewed Global Positioning System data, which revealed that no Department vehicles stopped at the location of the incident in the time frame provided. Further, COPA obtained and reviewed Body Worn Camera footage, which revealed that there was no recording of the incident nor any readily apparent nearby incident.¹³ Altogether, COPA's efforts to identify the members who interacted with [REDACTED] have been unsuccessful.

During a statement to COPA, Officer Fergus explained that while he was working at the time of the incident, he was working in 016th or 017th Districts and responding to calls for service as one of several members assigned to a rental van. Additionally, Officer Fergus explained that he has never worked in the 004th District or Area 2. Finally, Officer Fergus explained that he did not

¹ COPA located an Event Query detailing a report of shots fired and the Departments response. This event was closed as 19/B which means it was miscellaneous incident where no person was found. Att. 2.

² Att. 3.

³ The vehicle was identified as PD2683. Att. 16.

⁴ Att. 6.

⁵ Atts. 7, 11 and 12.

⁶ Att. 14.

⁷ Att. 18.

⁸ Att. 22.

⁹ Att. 23

¹⁰ Att. 24.

¹¹ Att. 27.

¹² COPA notes these searches were completed to confirm if Officer Fergus was present in the 004th District or Area 2 on the date of this incident.

¹³ Atts 34 and 35.

recall completing any paperwork on the date of the incident, but that his supervisor, Sgt. Vincent Viverito was present with him during the entire working shift.¹⁴

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 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 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. *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.

IV. ANALYSIS AND CONCLUSION

COPA finds all the Allegations against Officer Fergus are **unfounded**. Despite ██████ obtaining the star number "6969" from a white male officer on scene, COPA was unable to locate any evidence to connect Officer Fergus to the incident. In fact, COPA located evidence that showed Officer Fergus was in another part of the city during this incident. The discovery that Officer Fergus was not present in the 004th District or Area 2 during the incident, combined with the unique nature of his star number "6969"¹⁵ leads COPA to find that there is clear and convincing

¹⁴ During a statement Sgt. Viverito confirmed that he was with Officer Fergus on the date and time of the incident and that neither of them responded to calls for service in the 004th District or Area 2. Additionally, Sgt. Viverito provided COPA with a copy of the Area 5 Daily Master Deployment Summary detailing his entire team, to include Officer Fergus, was assigned to a gang conflict zone confined by N Pulaski Rd., W Montrose Ave., N Kedzie Ave., and W Argyle St. *See* Atts. 32 and 33.

¹⁵ COPA believes that the unidentified member who provided to ██████ with the star number was making an inappropriate sexual innuendo by providing the specific star number of "6969."

evidence to support a finding that Officer Fergus was not the Department member who interacted with [REDACTED] during this incident.

COPA finds that the Allegations against the unidentified member are **not sustained**. COPA was unable to identify the member who detained [REDACTED] as such COPA is unable to determine what, if any, justification the member may have had in detaining [REDACTED] and searching her vehicle. Thus, no finding could be determined. However, in the event additional information is discovered that reveals the identity of the member, COPA may reopen this matter for further investigation.

Approved:

[REDACTED]

4-29-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date