

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	August 4, 2019
Time of Incident:	1:10 pm
Location of Incident:	5700 S. Racine Ave.
Date of COPA Notification:	August 4, 2019
Time of COPA Notification:	2:07 pm

██████████ related that during a traffic stop, Officer Moore was disrespectful with his overall behavior toward him, directed racial slurs and engaged in a verbal altercation with him without justification. ██████████ was not given any citations and was not arrested.

COPA’s investigation revealed that Officer Moore engaged in an unjustified altercation with ██████████ was rude and unprofessional with his overall behavior, specifically by calling ██████████ a “racist ass,” and “a clown,” during this incident, and threatened ██████████ with physical harm.

**II. INVOLVED PARTIES**

Involved Officer #1:	Matthew Moore, Star #10785, Employee ID# ██████████, Date of Appointment; July 15, 2013, PO, 007, DOB: ██████████, 1988, Male, White
Involved Individual #1:	██████████ DOB: ██████████, 1982, Male, Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Matthew Moore	<p>It is alleged that on or about August 4, 2019 at approximately 1:10 p.m., at or near 5700 S. Racine, Officer Moore committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>Engaged in an unjustified verbal altercation with ██████████ during a traffic stop.</li> <li>Directed racial slurs at ██████████ when he stated words to the effect of, "I'm tired of black asses using the race card."</li> </ol>	<p>Sustained</p> <p>Unfounded</p>

3. Verbally abused [REDACTED] when he stated words to the effect of, "No faggot is going to kick my ass."	Unfounded
4. Was rude and unprofessional with his overall behavior during his interaction with [REDACTED] in that he called him a "racist ass," and "a clown," without justification.	Sustained
5. Threatened [REDACTED] when he stated words to the effect of, "If I take my badge and gun off, you are not going to like what happens."	Sustained

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 2 – Any action or conduct which impedes the Departments’ efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G 01-01 Vision, Mission Statement, and Core Values – effective May 21, 2019.
2. G 02-04 – Prohibition Regarding Racial Profiling and other Bias Based Policing – effective December 1, 2017.

**V. INVESTIGATION**

**a. Interviews**

In a **statement to COPA**<sup>1</sup> on August 7, 2019, [REDACTED] stated that he was pulled over by two officers who accused him of running two stop signs. While talking to the Hispanic officer,<sup>2</sup> the white officer, now identified as Officer Matthew Moore, intervened in the conversation. The Hispanic officer walked away to run [REDACTED] name and plates and Officer Moore remained by the passenger vehicle window being rude and disrespectful toward him. [REDACTED] closed the window to avoid interacting with Officer Moore who engaged bystanders in the interaction. [REDACTED] related that another officer from the community stopped and asked if everything was okay. While talking to that unknown officer about Officer Moore’s comments and behavior, [REDACTED] heard Officer Moore call him, “a racist ass fag.” [REDACTED] said that he exited his car, walked over toward Officer Moore’s squad car as Officer Moore walked toward him. [REDACTED] told Officer Moore that he could

<sup>1</sup> Att. 4.

<sup>2</sup> The Hispanic officer was identified as Officer Moctezuma.

“take off his badge and gun and fight him like a man.” Officer Moore accused ██████ of threatening him and told him that if he took off his badge and gun he would not like. At that point the Hispanic officer intervened. ██████ said the Hispanic officer returned his driver’s license and proof of insurance and walked him to his car to stop the interaction between he and Officer Moore.

Officer Moore continued directing racial and homosexual comments toward him letting everyone at the scene know that he was a “homosexual,” thereby placing his safety at risk. ██████ accused Officer Moore of stating, “No faggot ass is going to beat my ass,” after he told him to take off his badge and gun. ██████ provided the names and telephone numbers of several witnesses. No citations were issued, and ██████ went to the police station to file a complaint identifying the accused.

In a **statement to COPA**<sup>3</sup> on August 7, 2019, **Fernando Moctezuma** stated he was working with Officer Moore when they observed ██████ commit a traffic violation by not making full stops at two stop signs. They curbed the vehicle, approached ██████ and requested his driver’s license and insurance. ██████ appeared annoyed but complied with the request and informed the officers that he had a camera in his car. Officer Moore made statements to ██████ regarding the stop signs and an altercation ensued between Moore and ██████. Officer Moctezuma tried to keep ██████ calm and proceeded to run his name and plates. While in the squad car, Officer Moctezuma overheard Officer Moore arguing with ██████. ██████ heard ██████ call Officer Moore a racist and heard Officer Moore call ██████ a “racist ass” and a “clown.” Officer Moctezuma said that ██████ had exited his vehicle, approached the front of their squad car to where Officer Moore was located and the two continued their argument. Threats were made by ██████ to Officer Moore who responded to ██████ with words to the effect of if he [Officer Moore] took off his badge and gun, he [██████] would not like what would happen. Officer Moctezuma physically placed himself between ██████ and Officer Moore, escorted ██████ to his vehicle, gave him back his credentials and told him to have a good Sunday. Officer Moctezuma related that Officer Moore’s behavior was not professional, but that ██████ had made threats to Officer Moore and had exited the vehicle without authorization.

In a **statement to COPA**<sup>4</sup> on August 7, 2019, **Matthew Moore** stated that when the traffic stop was conducted, ██████ was argumentative about the traffic stop using a loud tone of voice instead of providing his insurance and license to Officer Moctezuma. Officer Moore said that he engaged in the conversation with ██████ to explain to ██████ that he failed to properly stop at the stop signs and to inform him that he had a body worn camera on his chest after ██████ mentioned the camera in his car. ██████ told Officer Moore that he did not like his tone of voice and attitude and closed the passenger side window. Officer Moore walked to the squad car, and while standing outside the passenger window, heard ██████ talking to someone about the traffic stop and refer to him (Moore) as a “white motherfucker.”<sup>5</sup> Officer Moore said that his senses were heightened by the statement and ██████ demeanor. Officer Moore admitted that he then called ██████ a “racist ass” and “a clown.” During that instance, Officer Moore became frustrated with ██████ because of the way he was acting and allowed ██████ behavior and words “to get under his skin for a

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<sup>3</sup> Att. 31 (audio) and 34 (Transcribed).

<sup>4</sup> Att. 29.

<sup>5</sup> Att. 33, page 18, lines 7 – 11.

little bit.”<sup>6</sup> Officer Moore explained that as a defense mechanism, he reacted with making inappropriate statements directed toward ██████. Officer Moore also described ██████ behavior as belligerent and that ██████ threatened to “whip his ass.” Officer Moore provided little justification for his behavior and admitted that he did not act in a manner not in accordance with Department policies. Finally, Officer Moore denied directing racial slurs or comments at ██████ but admitted that he was unprofessional at times during his interaction with ██████ and that he did not deescalate the situation.

### b. Digital Evidence

The **Body worn camera (BWC)**<sup>7</sup> footage of Officer Moore captured the traffic stop with ██████ and his interaction with him. Upon approaching the vehicle, Officer Moctezuma approached ██████ on the driver’s side, informed him that he failed to stop at a stop sign, and requested his driver’s license and insurance. Officer Moore approached the passenger side of the vehicle and was immediately captured making comments to ██████ that were unsolicited. ██████ attempted to provide his point of view and Officer Moore cut him off, raised his voice and engaged in an argument with ██████ about not making a complete stop at the stop sign on May. ██████ closed the passenger window and Officer Moore walked away toward the squad car making a statement to some bystanders stating, “Who’s that your dad?”<sup>8</sup> While Officer Moore was standing outside the squad car, he can be heard yelling at ██████ calling him a “racist ass,” and a “clown.”<sup>9</sup> ██████ walked over to the squad car and engaged in a verbal altercation with Officer Moore and stated to Officer Moore that he “should take off his badge and gun, and fight him like a man,” to which Officer Moore asked him if he was threatening him. Officer Moore then responded words to the effect of, “I can guarantee you that if my badge and gun come off, you are not going to like what happens.”<sup>10</sup> Officer Moctezuma intervened and separated ██████ and Officer Moore as Moore continued calling ██████ a “clown,” and a “racist.” Officer Moore then made a statement to a group of teenagers standing nearby with words to the effect of, “What’s up with your dad?”<sup>11</sup> referring to ██████

The **BWC** footage of Officer Moctezuma capture his initial interaction with ██████ where Moctezuma informed ██████ that he had failed to stop at a stop sign on May and captures Officer Moore engaging in a debate with ██████. Officer Moctezuma obtained ██████ license and insurance, entered the squad car to run ██████ name and license plate and while in the car, Officer Moore can be heard engaging in an argument with ██████. Officer Moore walked over to the squad car and can be heard yelling at ██████. The BWC captured Officer Moore yelling at ██████ and calling him a “racist ass,” and a “clown.”<sup>12</sup> Officer Moctezuma can be seen providing ██████ his license and insurance and subsequently walking ██████ to his vehicle to avoid any physical contact between ██████ and Officer Moore.

### c. Documentary Evidence

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<sup>6</sup> Att. 33, page 20, lines 4-5.

<sup>7</sup> Att. 13.

<sup>8</sup> Att. 13, at 3:44 mins.

<sup>9</sup> Att. 13, at 4:05 mins.

<sup>10</sup> Att. 13, at 4:50 mins.

<sup>11</sup> Att. 13, at 5:10 mins.

<sup>12</sup> Att. 14, at

The **Initiation Report**<sup>13</sup> of Sergeant Timothy Fenton #1212 of Unit 007 documented that ██████ came into the 007<sup>th</sup> District Station and demanded to file a complaint against Officer M. Moore #10785 for racism and unprofessionalism. ██████ related that he was pulled over for a traffic stop by two officers and identified one of the officers to be Officer Moore. While one officer was in the squad car, Officer Moore engaged in a conversation with him and stated, “I’m tired of black asses using the race card.” ██████ challenged Officer Moore to “drop the badge and gun, act like a man, and let’s go handle this in the park.” Officer Moore asked ██████ if that was a threat and became disrespectful towards ██████. The other officer returned, gave ██████ his driver’s license and insurance and walked away. Officer Moore walked away as ██████ called him “a blue eye devil.” While in the district, ██████ voice was raised, and he was told to calm down on several occasions. Officer Moore entered the station, and ██████ identified the accused by stating, “That’s him, that’s the mother fucker right there.” ██████ coaxed Officer Moore to a verbal altercation, however Officer Moore politely told ██████ that he was not going to argue and called him a “racist.” ██████ asked Sergeant Fenton to include in the complaint that Officer Moore directed a racial slur when he called ██████ a “racist.”

## 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.

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<sup>13</sup> Att. 1.

## VII. ANALYSIS

### Allegations against Officer Moore

Copa finds that **Allegations #1** against Officer Moore, that he engaged in an unjustified verbal altercation with ██████████ during a traffic stop, is **Sustained**. According to Department policy, members are expected to develop and display the skills and abilities to act in a manner that is professional, unbiased, respectful and should protect human rights. Department members should treat all persons with the courtesy a dignity which is inherently due to every person as a human being. Department members should act, speak, and conduct themselves in a professional manner and maintain a courteous attitude in all contact with the public.

Here, Officer Moore engaged in a verbal altercation with ██████████ without justification, interrupting the professional interaction Officer Moctezuma was having with ██████████. Officer Moore's inappropriate comments to ██████████ escalated the situation causing an unjustified disruption and turning an otherwise routine traffic stop into an extremely chaotic event. Officer Moore's unsolicited comments and rude demeanor toward ██████████ peppered said interaction instead of deescalating the tones and attitudes that had develop between himself and ██████████. According to Department policy, members must use deescalating tactics to avoid circumstances that are tense, uncertain, and rapidly evolving, in order to maintain order and safety to all involved. In this instance, Officer Moore failed to use any deescalating tactics and instead had an unnecessary verbal confrontation with ██████████ which almost turned into a physical dispute in public, thereby discrediting the Department and furthermore placing the lives of all involved at risk. Therefore, COPA finds that Officer Moore violated Department policy and directives and this allegation is Sustained.

Copa finds that **Allegations #2** and **#3** against Officer Moore, that he directed racial slurs at ██████████ when he stated words to the effect of, "I'm tired of black asses using the race card," and that he verbally abused ██████████ with words to the effect of, "No faggot is going to kick my ass," are **Unfounded**. The record is void of any evidence, including but not limited to video, witnesses, or any other facts or circumstances, to support these allegations. ██████████ stated that Officer Moore made these statements to him as he asked him to take off his badge and gun off and invited him to a fight; however, the BWC videos captured their conversation and Officer Moore is not heard making these statements as alleged. Furthermore, Officer Moore denied this allegation and his account was supported by Officer Moctezuma and the BWC videos obtained. Therefore, COPA has determined by clear and convincing evidence that these allegations are false and not factual. Thus, allegations #2 and #3 are Unfounded.

COPA finds that **Allegation #4** against Officer Moore, that he was rude and unprofessional with his overall behavior during his interaction with ██████████ in that he called him a "racist ass," and a clown," without justification, is **Sustained**. The Department's vision, mission and core values for its members include serving our communities and protecting the lives, rights, and property of the people of Chicago. Members are to conduct themselves in a manner that is consistent with professional standards, ethically, grounded in integrity, and respectful toward all people. The Department's policy states that there be fair, unbiased, and respectful interactions with the public during calls for service and preliminary investigations. Department members should act, speak, and conduct themselves in a professional manner, recognizing their obligation

to safeguard life and property, and maintain a courteous, professional attitude in all interactions with the public.<sup>14</sup>

In this instance, Officer Moore behaved in an unprofessional manner beginning with his initial contact with [REDACTED] while he stood by the passenger side door of [REDACTED] vehicle interjecting inappropriate and unsolicited comments. Officer Moore's BWC footage captured him making disrespectful comments and peppering the interaction with his petulant behavior leading [REDACTED] to turn his focus away from Officer Moctezuma, who was adjudicating the traffic stop appropriately, to address the comments made by Officer Moore. [REDACTED] became increasingly upset by Officer Moore's attitude, tone of voice and unnecessary conversation. Despite [REDACTED] attempt to end the interaction by telling Officer Moore to "have a good day," and closing his passenger vehicle window, Officer Moore remained engaged with [REDACTED] and responded to [REDACTED] comments while [REDACTED] was speaking to another officer about the traffic stop and Officer Moore's conduct. These actions escalated the situation to a face-to-face confrontation between [REDACTED] and Officer Moore. Officer Moore intemperate behavior and escalatory conduct was clearly captured on the BWC footage, and he offered little defensible explanation to mitigate the offensiveness of his conduct. Therefore, COPA finds that allegation #4 is Sustained.

COPA finds that **Allegation #5** against Officer Moore, that he threatened [REDACTED] when he stated words to the effect of, "If I take my badge and gun off, you're not going to like what happens," is **Sustained**. As described more thoroughly above, Department members should act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous and professional attitude in all interactions with the public.

In this instance, Officer Moore violated the Departments' guidance regarding how he should interact with persons during calls of service or preliminary investigations as evidenced by his interaction with [REDACTED]. Officer Moore discredited the Department with his overly aggressive, disrespectful, and unprofessional behavior toward [REDACTED] during this traffic stop and additionally, when he engaged other members of the community without justification. Officer Moore's BWC footage shows him calling [REDACTED] "a racist ass," and "a clown," and then walking toward [REDACTED] instead of withdrawing and deescalating the situation. Officer Moore threatened [REDACTED] when he made these statements in addition to his aggressive demeanor, which was also captured on BWC. Had Officer Moore withdrawn from the interaction with [REDACTED] recognizing that his partner's approach was yielding more cooperation from [REDACTED] this incident could have been avoided. [REDACTED] was responding positively to Officer Moctezuma who remained professional and attempted to stop the verbal altercation between [REDACTED] and Officer Moore by telling [REDACTED] to talk to him instead. Officer Moctezuma further attempted to deescalate the situation by physically placing himself between [REDACTED] and Officer Moore and escorting [REDACTED] to his vehicle. As evidenced in Officer Moore's BWC footage, Officer Moore continued to be disrespectful towards [REDACTED] as he expanded his unsolicited and disrespectful comments about [REDACTED] to bystanders within earshot of the stop. This caused [REDACTED] to react and comment following Officer Moore's statements. Therefore, COPA finds this allegation against Officer Moore is Sustained.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

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<sup>14</sup> Att. 113 – General Order 04-01 – Preliminary Investigations, II, A.

**a. Officer Matthew Moore**

**i. Complimentary and Disciplinary History**

As of April 19, 2022, Officer Moore’s complimentary history consists of the following: (1) 2019 Crime Reduction Award, (4) Department Commendation, (118) Honorable Mention, (1) Honorable Mention Ribbon Award, (1) Police Officer of the Month Award, (1) Problem Solving Award, (1) Top Gun Arrest Award and (1) Unit Meritorious Performance Award. Total of (130) Awards.

No disciplinary history as of April 19, 2022.

**ii. Recommended Penalty, by Allegation**

- 1. Allegation No. 1-** COPA Recommends significant suspension up to 180 days
- 2. Allegation No. 4-** COPA Recommends COPA Recommends significant suspension up to 180 days
- 3. Allegation No. 5 -** COPA Recommends COPA Recommends significant suspension up to 180 days

**IX. CONCLUSION**

Here the evidence of Officer Moore’s misconduct during the traffic stop of [REDACTED] is overwhelming. COPA can think of no legitimate reason as to why Officer Moore was so aggressive and disrespectful toward [REDACTED] Officer Moore’s demeanor and argumentative behavior was clearly captured on BWC footage. During his interview with COPA, Officer Moore minimized his behavior by blaming his inappropriate actions on [REDACTED] attitude and comments toward him and did not offer any defensible explanation to mitigate the offensiveness of his conduct. A totality of the evidence shows that Officer Moore initiated and engaged in the unjustified verbal altercation that led to the complained of unprofessional behavior which violated Department policies. These are actions that discredited the Department. Therefore, COPA finds that Officer Moore’s behavior was inexcusable and ultimately an embarrassment to the Department.

Approved:

  
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 Sharday Jackson  
 Deputy Chief Administrator – Chief Investigator

4/29/22  
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 Date

