

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date/Time/Location of Incident:	January 29, 2020 / 12:00 p.m./ 6854 South Ashland Avenue Chicago, Illinois 60636
Date/Time of COPA Notification:	February 10, 2020 / 2:19 p.m.
Involved Officer #1:	Officer Joseph Boston, Star #13476, Employee ID# [REDACTED], Date of Appointment: April 13,1998, Rank: Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1973, Gender: Male, Race: Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1983, Gender: Male, Race: Black
Case Type:	Verbal Abuse

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer Joseph Boston	<p>It is alleged by the complainant, [REDACTED] that on or about January 29, 2020, at approximately 12:00 pm, at or near 6854 South Ashland Avenue, Chicago, IL, the accused committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Engaged in an unjustified verbal altercation with [REDACTED]</li> <li>2. Stated to [REDACTED] words to the effect of, "I will break your jaw... and I will break your mom's jaw;"</li> <li>3. Failed to follow Special Order 03-14 by not having his body worn camera activated and recording during his entire encounter with [REDACTED]</li> </ol>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

<sup>1</sup> COPA investigated this complaint. As part of COPA's ongoing efforts to increase case closure capacity, certain cases, such as this one, are summarized more succinctly in a Modified Summary Report of Investigation.

## II. SUMMARY OF EVIDENCE<sup>2</sup>

The Complainant, ██████████ (██████████) maintains that Chicago Police Officer Joseph Boston (“Officer Boston”) engaged in an unjustified verbal altercation. ██████████ alleges that Officer Boston stated words to the effect of, “I will break your jaw... and I will break your mom’s jaw. During his interview with investigators, ██████████ described Officer Boston as a black man, light skin complexion, stocky, at or around 5’8, hazel or brown eyes, and a short haircut, and it is ██████████ belief that he was stopped and/or harassed by Officer Boston.<sup>3</sup>

On January 29, 2020, at or around 12:00 pm, ██████████ and his friend, Mr. ██████████ (“Mr. ██████████”<sup>4</sup> were walking to the store at or near 6854 South Ashland Avenue. ██████████ observed Officer Boston as he pulled up alongside of them and accused ██████████ of saying something about him to someone else.<sup>5</sup> Officer Boston stated to ██████████ “I will show you how I get done.”<sup>6</sup> Officer Boston also stated that he would break ██████████ jaw, and his mother’s jaw if ██████████ said anything else.<sup>7</sup> ██████████ replied, “well...whatever man,” and he kept walking as Officer Boston continued to speak with him. ██████████ told COPA investigators that he does not recall any other statements made by Officer Boston after he walked away. These statements made by Officer Boston led ██████████ to reasonably believe that Officer Boston threatened physical harm to ██████████ person.<sup>8</sup> ██████████ also informed COPA investigators that this encounter prompted him to call the police station and the station referred him to COPA.

Furthermore, in his interview with COPA, Officer Boston stated that he neither recalls this incident nor having any contact with ██████████ He also told COPA investigators that he does not recall making any statements that threatened physical harm to ██████████<sup>9</sup> Officer Boston explained that he would not recall this incident because he typically patrols the mall at or near 69<sup>th</sup> and Ashland where he is assigned.<sup>10</sup> Officer Boston further notes that he does not recall having any interaction with ██████████<sup>11</sup>

Finally, despite having no body worn camera (“BWC”) footage, the **Evidence Report**<sup>12</sup> indicates that Officer Boston is equipped with BWC. Additionally, the **A & A Sheet Report**<sup>13</sup> indicates that Officer Boston was on patrol as foot officer on January 29, 2020 and was assigned a squad vehicle under 9592. The **GPS Report**<sup>14</sup> also indicates that Officer Boston’s squad vehicle was briefly stationary for several minutes at or around 6926 South Ashland Avenue on January 29, 2020, at or around 11:50 am (i.e. 1150 hours).

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<sup>2</sup> This section contains a summary of the material evidence gather during the investigation.

<sup>3</sup> Attachment 3 at Mark 18:29-19:23.

<sup>4</sup> COPA was unable to obtain an interview from Mr. ██████████

<sup>5</sup> Id at Mark 3:40-56.

<sup>6</sup> Id at Mark 3:58.

<sup>7</sup> Id at Mark 4:00-4:10.

<sup>8</sup> Id at Mark 4:56.

<sup>9</sup> Attachment 8 at Mark 7:05.

<sup>10</sup> Id at Mark 11:29-12:00.

<sup>11</sup> Id at Mark 12:12.

<sup>12</sup> Attachment 9.

<sup>13</sup> Attachment 10.

<sup>14</sup> Attachment 11.

### III. ANALYSIS AND CONCLUSION

#### *Officer Joseph Boston*

**a. Officer Boston engaged in an unjustified verbal altercation with [REDACTED]**

COPA recommends a finding of **NOT SUSTAINED** for Allegation 1 against Officer Boston, in that he engaged in an unjustified verbal altercation with [REDACTED]. In the absence of any BWC footage or any other evidence, it is unclear whether Officer Boston engaged in an unjustified verbal altercation with [REDACTED]. Here, the evidence clearly establishes that Officer Boston was in the immediate vicinity of 6854 South Ashland Avenue on the day in question, but there is insufficient evidence for COPA to prove or disprove that an unjustified verbal altercation ensued. COPA was unable to interview the only named potential witness, Mr. [REDACTED]. For these reasons, we find that Allegation 1 against Officer Boston is **NOT SUSTAINED**.

**b. Officer Boston stated to [REDACTED] words to the effect of, “I will break your jaw... and I will break your mom’s jaw.”**

COPA recommends a finding of **NOT SUSTAINED** for Allegation 2 against Officer Boston, in that he stated to [REDACTED] words to the effect of, “I will break your jaw... and I will break your mom’s jaw.” Here, in his interview with COPA, Officer Boston maintains that he neither recalls having any interaction with [REDACTED] nor making any statements that threatened physical harm.<sup>15</sup> This completely differs from the account given by [REDACTED] who alleges that Officer Boston made such statements. Due to conflicting accounts, the record establishes that there is insufficient evidence to prove or disprove that these statements were made by Officer Boston. COPA was unable to interview the only named potential witness, Mr. [REDACTED]. For these reasons, we find that Allegation 2 against Officer Boston is **NOT SUSTAINED**.

**c. Officer Boston failed to operate his body worn camera in accordance with CPD Special Order S03-14.**

COPA recommends a finding of **NOT SUSTAINED** for Allegation 3 against Officer Boston, in that he failed to operate his body worn camera in accordance with CPD Special S03-14. The Special Order S03-14 provided, in part, that a body worn camera will be activated and recorded for all law enforcement activities including, “any other instance when enforcing the law.”<sup>16</sup> Here, in the absence of any BWC footage or other video evidence, it is unclear as to whether this was a consensual encounter and/or law enforcement activity that required the activation of Officer Boston’s BWC. For these reasons, we find that Allegation 3 against Officer Boston is **NOT SUSTAINED**.

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<sup>15</sup> Attachment 3 at Mark 7:05; 12:12.

<sup>16</sup> See Special Order S03-14 *Body Worn Cameras* (effective April 30, 2018), Sec. III. A. 2. (r).

Approved:



Sharday Jackson

*Deputy Chief Administrator – Chief Investigator*

3/31/22

Date