



February 17, 2022

Mr. Max A. Caproni
Executive Director, Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, Illinois 60602

Via E-mail

RE: Request for Review, Log #2020-0003252

Dear Mr. Caproni,

Pursuant to the Municipal Code of Chicago Section 2-78-130 and Police Board Rules of Procedure Section VI, please consider this letter a Request for Review of a non-concurrence between the Civilian Office of Police Accountability (COPA) and the Superintendent of the Chicago Police Department (Department) in Log # 2020-0003252.¹

As set forth in detail in COPA's Summary Report of Investigation dated June 29, 2021 (SRI), there is a compelling legal and evidentiary basis to support COPA's disciplinary recommendations based on findings that: (1) Officer Nicholas Jovanovich committed misconduct by using excessive force against ██████████, stopping her from recording a public encounter, completing a Tactical Response Report (TRR) with intentionally misleading information, and seizing and then failing to inventory ██████████'s cellphone; and (2) Officer Andres Valle committed misconduct by failing to report Officer Jovanovich's excessive force.²

The Superintendent bears the affirmative burden of proof in overcoming COPA's recommendations. COPA respectfully requests that the Board reject the Superintendent's non-concurrence in this matter for the reasons set forth below.

I. BACKGROUND

A. Relevant Factual Background³

On July 17, 2020, ██████████ attended a protest in Grant Park. ██████████ recorded several Department members taking protesters into custody on her cell phone. As ██████████ walked towards those protesters to obtain more information, police officers Jovanovich and Valle blocked her path. Officer Jovanovich struck ██████████'s cell phone from her hand with sufficient force to knock the phone into ██████████'s mouth, knocking out a front tooth. Officer Jovanovich then seized ██████████'s phone but failed to inventory it. He also completed a TRR asserting that ██████████ attacked him with a weapon and that he believed she intended to batter officers or attempt to defeat arrest. Officer Valle was Officer Jovanovich's partner on the date of

¹ As required by the Police Board Rules of Procedure, enclosed are copies of COPA's final summary report, the Department's non-concurrence letter, and the certificate of meeting and service.

² The Superintendent also disagreed with certain of COPA's findings and recommendations regarding Sergeant Kevin Gleeson, Star #2098, and Lieutenant Godfrey Cronin, Star #625. COPA and the Superintendent reached an agreement to resolve the Superintendent's non-concurrence with respect to those findings and recommendations.

³ A more detailed factual summary can be found in COPA's SRI.

the incident and stood shoulder to shoulder with Officer Jovanovich when he struck [REDACTED]. Officer Valle did not report Officer Jovanovich's use of excessive force.

B. Disputed Findings and Recommendations

The Superintendent does not concur with COPA's penalty recommendation of separation for Officer Jovanovich. The Superintendent agrees that Officer Jovanovich's use of force violated Departmental rules but argues that the stressful environment should be factored into COPA's disciplinary recommendation. The Superintendent further disagrees with COPA's findings that: (1) Officer Jovanovich stopped [REDACTED] from recording without justification; (2) Officer Jovanovich used false or misleading information in completing a TRR; and (3) Officer Jovanovich seized [REDACTED]'s phone and did not inventory it.

With respect to Officer Valle, the Superintendent agrees Officer Valle had a duty to report Officer Jovanovich's use of excessive force. But he disagrees with the recommended penalty on the basis that Officer Valle did not, or could not, know that [REDACTED] was injured.

C. Applicable Department Policy

Directive G03-02 provided in relevant part that "the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer. That directive expressly prohibits use of force in response to a lawful exercise of an individual's rights under the First Amendment to observe and film police activity. The directive also prohibits use of force as punishment or retaliation.

General Order G03-02 requires that any member that observes misconduct or becomes aware of information alleging misconduct, including an identified excessive use of force will immediately notify their supervisor.

Rule 14 prohibits officers from making false reports, written or oral.

General Order G07-01 requires that "[a]ll property which is seized, recovered, found, or otherwise taken into custody by Department members will be inventoried as soon as it is practical to do so."

II. ANALYSIS

A. The circumstances Officer Jovanovich faced do not justify his use of excessive force.

COPA acknowledges that hundreds of Department members faced stressful circumstances during the summer of 2020. But COPA respectfully disagrees that those circumstances blunt the discredit Officer Jovanovich has brought upon the Department through his use of excessive force against [REDACTED]. Department members are charged with performing their duties in a professional manner at all times. As stated in the Department's standards of conduct, "[l]aw enforcement . . . requires an officer to have the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with the human beings in the many complicated and potentially explosive situations which he encounters." A member's excessive, unwarranted, or unjustified actions reflect poorly on the entire Department and risk the loss of the public's trust.

As set forth more fully in the SRI, Officer Jovanovich's failed to acknowledge his misconduct in the face of corroborating evidence. He also sought to falsely justify his actions through official Department documents. COPA maintains that these actions demonstrate that Officer Jovanovich is unfit to serve as a member of the Department.

B. The preponderance of the evidence demonstrates that Officer Jovanovich seized [REDACTED]'s phone and then failed to inventory it.

The Superintendent argues Officer Jovanovich did not seize [REDACTED]'s phone because she ran from the area before he could return it to her. As set forth in the SRI, COPA maintains that the evidence demonstrates that Officer Jovanovich had an opportunity to return the phone to [REDACTED] but failed to do so.

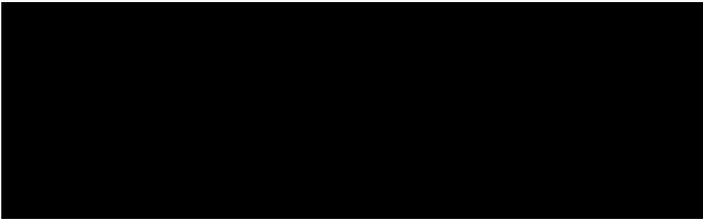
C. It is irrelevant whether Officer Valle knew whether [REDACTED] was injured or not.

Department rules require members to report an officer's use of excessive force whether or not a person is injured as a result of the excessive force. Rather than admit he had an obligation to report Officer Jovanovich's misconduct, Officer Valle maintained that he was not aware that Officer Jovanovich struck [REDACTED]. As noted in COPA's SRI, that account is not plausible given Officer Valle's proximity to the incident. Officer Valle's lack of candor and refusal to accept responsibility demonstrate that a suspension greater than 30 days is warranted.

III. CONCLUSION

For these reasons, COPA maintains that the Superintendent has failed to meet his affirmative burden of showing COPA's recommendations in this case were unreasonable. Accordingly, COPA respectfully requests that the Chicago Police Board reject the Superintendent's non-concurrence in this matter and accept COPA's recommendations to separate Officer Jovanovich and suspend Officer Valle for 60 days.

Respectfully,



Andrea Kersten
Interim Chief Administrator
Civilian Office of Police Accountability

Copy of Superintendent's Letter



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

David O. Brown
Superintendent of Police

September 24, 2021

Andrea Kersten
Acting Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, IL 60622

RE: Superintendent's Partial Concurrence with COPA's proposed findings and penalties
Complaint Register Number: #2020-0003252
PO Nicholas Jovanovich # 6789, PO Andres Valle # 19935, Sgt. Kevin Gleeson #2098,
Lt. Godfrey Cronin # 625

Dear Acting Chief Administrator:

After a careful review of the recommendation made by COPA in this matter, as detailed below the Chicago Police Department (CPD or Department) concurs with certain findings and recommended penalties but does not concur with others.

Facts

On July 17, 2020, a rally occurred in Grant Park calling for "the abolishment of police and the redistribution of funds to the people" according to the organizers of the event. This rally followed several weeks of protests and sometimes violent civil unrest. This particular protest was unprecedented for the current generation of Police Department members. After the rally on this date, approximately 1,000 protestors marched toward the Christopher Columbus statue and vandalized the statue and attempted to knock over the statue. When CPD members responded to the scene, a very large group of protestors staged an organized attack on the responding officers. These individuals hurled rocks and frozen bottles of water at the officers and even going to far as to light fireworks and fire them at the officers. Officers experienced fireworks blowing up in their faces and hitting their bodies. The crowd organized themselves into groups and used black umbrellas to hide their identities as they marched towards the officers assigned to protect the statute. They approached the officers from all angles. These same groups of people utilized PVC pipes that had one end sharpened into points as they marched directly towards these officers. This incident resulted in 12 offenders being arrested as well as 18 officers being injured.

At one point during this ongoing incident at and near the Columbus statue, Officer Jovanovich observed several other officers making an arrest and removing an offender from the scene. As this arrestee began to resist the arresting officers, Officer Jovanovich moved toward this arrest situation to assist the other officers.

As he approached Officer Jovanovich observed an unknown person approach the arresting officers from behind with an unknown object in the right hand and as the individual approached them she extended that object toward the arresting officers. Officer Jovanovich did not know if the subject was going to batter the officers from behind or attempt to defeat the arrest so Officer Jovanovich approached the subject and with an open left hand struck the subject's right hand to knock the object from the subject's hand. This strike caused the object to strike the person in the mouth. The individual immediately turned and ran away from Officer Jovanovich. It was not until that next day that Officer Jovanovich knew this individual to be injured and knew her name. He became aware of her identity and injury because of the Facebook videos which at that point had gone viral.

Further, the Department is unable to review Ms. Boyd's full statement because her interview was conducted via Zoom without recording. All the Department was presented with was a summary of her interview presumably created¹ by the same investigator that drafted the summary report. This unfortunately places the Department in a position where it cannot truly evaluate her statements as it only has a summary with no record of the questions asked or her actual answers given.

Officer Valle was present when this incident occurred. Sgt. Gleeson approved the Tactical Response Report submitted by Jovanovich. Lt. Cronin was the Second Level Reviewer and approved the Tactical Response Report submitted by Jovanovich.

It is important to note before the analysis that given the unprecedented events of July 17, 2020 Officers and supervisors faced extraordinary conditions which had not been contemplated in CPD policy. As has been widely publicized the Independent Monitor Team, The Office of the Inspector General and The Department itself all issued after action reports outlining deficiencies faced by the department during the civil unrest that occurred in the summer of 2020. Included in these reports are the conflicts which existed in the Department's policies. For example, the mass arrest order and TRR order conflicted as to how force was to be recorded in a mass arrest situation. The Mass arrest order stated it was to be recorded on the mass arrest card while the TRR order required the officer to record uses of force in the TRR form. There was no order which spoke to how to record uses of force in a situation where officers faced a large group of individuals and used force to ensure their own safety, such as the situation at the Columbus statue. In response to the policy void Lt. Godfrey advised hi unit that they were to do a "blanket TRR" identifying the force they used and the actions they faced during their tour of duty on July 17, 2020. He instructed them to complete these TRRs when they returned to work on July 18, 2020. Given what the officers had faced on July 17th and the fact that their tours had been significantly extended that evening he sent them home and told them to report the next day. As will be discussed below, COPA uses this blanket TRR as the basis for Rule 14 violations for Officer Jovanovich, Sgt. Gleeson and Lt. Cronin.

Superintendent's Penalty Analysis

As a preliminary matter The COPA investigator does not identify which allegations pertain to which Rule violations. The investigator also states in the summary that the interview of the complainant was not audio or digitally recorded but does not give a reason for this. The statement was conducted via Zoom so the entire interview could have been easily recorded. But instead, the investigator opted to give a summary of the complainant's version of events, which prevents any reviewer of the file from observing the complainant's

¹ The signed statement does not state who drafted it but it is written in the third person. Att. 97.

demeanor as well as hearing what the complainant said verbatim. The COPA also opted to obtain an affidavit override when the obtaining of an affidavit from the complainant should have been a simple task. There is no indication in the case file that COPA made any attempts to obtain a sworn affidavit. The collective bargaining agreement states that "IPRA and IAD will make a good faith effort to obtain an appropriate affidavit from the complainant within a reasonable time." In this case, the investigator appears to have immediately determined that no effort would be made and an override would be sought. Further, the collective bargaining agreement states that an override would only be sought if the appropriate affidavit cannot be obtained. But the COPA cannot say one could not be obtained as they made no effort to obtain one.

Officer Jovanovich

For Officer Jovanovich, the following allegations were determined to be sustained during this investigation:

1. Used unnecessary and excessive force when he struck the complainant without justification;
2. Stopped the complainant from recording a public encounter on her phone without justification;
3. Made one or more false, misleading, inaccurate, incomplete statements when completing his Tactical Response Report;
4. Seized the complainant's phone without justification;
5. Failed to inventory the complainant's phone without justification.

Regarding allegation #1, the Department concurs with COPA's finding that this use of force violated the Use of Force order. The Department does not concur with the recommended penalty and believes that it is disproportionate because the investigator states that "the videos show P.O. Jovanovich appeared extremely agitated and volatile. He stated words to the effect of "we got fucking ambushed" at least eleven times in less than two minutes. The summary report further states that "PO Jovanovich, who was visibly upset and reactive following the events at the statute, failed to appropriately assess the threat posed by Ms. Boyd." Given the unprecedented events that Officer Jovanovich had just lived through, the extremely high stress and traumatic incident it is not surprising that he believed his fellow officers to be in danger. In his statement to COPA, he stated:

[A]s we were there by the statue, objects started to get thrown at us. It took a few seconds to kind of sink in as to what was going on, that we were being attacked and ambushed by this crowd of - I think they estimated at a couple thousand people. We were under barrage of attack for quite a while. We had rocks, bricks, frozen cans of soda, frozen water bottles thrown at us. We had explosive devices thrown at us that were exploding by our head, by our feet, all around us. There were PVC pipes that were sharpened at one end as spears and that were being thrust and used as weapons against us."

Later in his statement, he stated he seen the complainant about 30 feet away from him and yelling profanities.

But at that time, I was also in fear of another attack coming so we had people that were lining up on the west side of Columbus Drive behind us. These are protestors, rioters. We had people that were lining up on the west side of Columbus Drive behind us and this was supposed to be what I

like to think of a zone of safety for us.”

Officer Jovanovich continued to explain to COPA during his statement that

But at this entire time, we were still being surrounded, once again, by another group of people so my head was on a swivel the entire time because I was expecting another attack. I was in a hyper-vigilant state where I couldn't relax because of the fear of another attack happening. ... So as these officers are walking towards me, they don't see her from behind, so I believe another attack is going to happen when I see her approaching because she's relentless. She won't stop even though other officers, supervisors gave her verbal commands to back up, to back up, stay away. She continues to approach the officers with an object in her right hand.

And in his statement, the COPA investigator acknowledges this by stating “I recognize that what you mentioned this being, you know, the most traumatic, you know, biggest dramatic think of your career and I just want to let you know that I recognize that...”. The penalty for the use of force should take into consideration what Officer Jovanovich experienced that day and how that impacted his mindset and frankly what a reasonable officer placed in those circumstances would have thought.

It should be noted that the accused returned to duty the following date (18 July) and then was day off for two days. He did not immediately return to duty on 21 July as he was carried Code 48 (Traumatic Incident Stress Management Program) for at least the next seven days. This is the same code used for officers involved in weapons discharge incidents or other highly traumatic incidents. This member was then on the medical roll and did not return to duty until 18 November 2020.

Notwithstanding all of the above-mentioned circumstances the Department does recognize that it is important that officers respond as trained as required under the orders. Officer Jovanovich's actions were in violation of the Department's use of force orders and a significant suspension is appropriate. The Department believes that a suspension of 365 days is the appropriate penalty.

The Department does not concur with the remaining allegations brought against Officer Jovanovich.

Regarding Allegation #2, there is no evidence to support this allegation. The burden is on COPA to prove that the officer intended on stopping the complainant's exercise of her first amendment rights. The investigation did not prove that the accused member knew that the complainant was recording nor did the investigation prove that the accused member even knew it was a phone. Simply because the object turned out to be a phone and that the complainant stopped recording does not prove the officer's conduct was for this purpose.

Regarding Allegation #3, Officer Jovanovich did not use false or misleading information on his Tactical Response Report. The Department directive on Mass Arrest Procedures provides that all reportable use of force concerning resistors will be recorded on a Mass Arrest Card (S06-06) while, as addressed above, the TRR policy requires the completion of a TRR for any use of force which occur during a Mass Arrest incident involving an assailant. The investigator's summary specifically states that the complainant was a passive resistor. If Jovanovich had believed this, then a TRR would never have been completed. But his classification of the complainant as an assailant is reasonable as is his use of force because his intention was to knock the unknown object out of the complainant's hand. The fact that the complainant was

inadvertently struck does not change his perception. Further, the video evidence shows that the complainant ran from the scene immediately after the incident, preventing the accused or any other Department member from taking any further appropriate action. The complainant did not go to the nearest police supervisor, of which there were numerous, or to a police facility or hospital but instead went to the Chicago Freedom School. The investigator stresses that Jovanovich stated that he classified the complainant as an assailant. The summary finding completely ignores that the TRR that was completed was a blanket TRR for the entire events of July 17th. The TRR was not only for the interaction between Officer Jovanovich and Ms. Boyd. At best the TRR is convoluted because it addressed multiple incidents, it is not a false statement as characterized by COPA.

Regarding allegation #4 and #5 concerning the alleged seizure and failure to inventory the phone, this should also be not sustained as the accused never seized the phone. The complainant did not make any attempt to recover the phone or request that it be immediately returned to her. The accused did pick up the phone but the complainant had already ran away from the scene. And due to the extremely violent and dangerous protest that was occurring, there was no possible way for the accused to leave the scene and inventory the telephone. As previously stated, the complainant had fled the scene and the accused could not properly identify her. And as the investigator's report states, all recovered property was left on the scene per the on scene command staff. The facts do not support a sustained finding on allegation #4 or #5.

Officer Valle

For Officer Valle the following allegation was determined to be sustained during this investigation:

1. Failed to report that Officer Jovanovich used excessive and unnecessary force when he struck the complainant.

The Department agrees with COPA's finding but does not concur with the recommended penalty given the circumstances. Although COPA finds that the audio and video footage of this incident, and the injuries sustained by the complainant, all show that Officer Valle had a duty to report, the audio and video evidence do not show a strike to her face. The audio shows a swing in her direction that knocked the unknown object out of the complainant's hand. The audio does not support this at all either as the speaker on the complainant's Facebook video is not identifiable. Further, it is undisputed that the complainant immediately ran from the scene after dropping her cell phone so there is no way that anybody could determine that she was injured. The video does not show the injury nor is there any blood on the ground to indicate an injury. However, Officer Valle was present and observed Officer Jovanovich's actions and as such should receive a penalty of a 30 day suspension.

Sergeant Gleeson

COPA sustained the following allegations against Sgt. Gleeson during this investigation:

1. Made one or more false, misleading, inaccurate, incomplete statements when approving the Tactical Response Report submitted by Officer Jovanovich;
2. Failed to comply with the General Order entitled "Incidents Requiring Completion of a Tactical Response Report."

COPA alleges Sgt. Gleeson was guilty of poor supervision, deficient investigation and overall negligence in the manner he approved the TRR submitted by Officer Jovanovich.

The first issue with this conclusion is that COPA is attempted to evaluate these actions as if there was not a violent protest occurring at the time of the incident. Sgt. Gleeson did not have the opportunity to respond to the incident nor did he observe the incident when it occurred. While some information could have been documented better, the report itself is not inconsistent as it is a blanket report of the actions Officer Jovanovich faced on July 17th and the actions he took. To the extent that it could or should have been documented better is a training issue and while disciplinary action could be appropriate, separation is not the appropriate penalty. There is no conspiracy to cover up the incident. The accused knew there was a video being circulated on social media. The members were simply following the directives and documenting the incident as best as possible given the issues discussed above with the various policies.

For COPA to allege that the approval of the TRR is a Rule 14 violation is an extension of the Rule that is not correct. Sgt. Gleeson only had the version of events as given to him by PO Jovanovich. Although the cell phone video may have been viewed, this video does not clearly show the events as they occurred. The investigator attempts to compare this situation to the Police Board case involving Sgt. Stephen Franko. However, Sgt. Franko has a full camera view of the incident while Sgt. Gleeson did not have that. Further, Sgt. Franko was reviewing reports related to a single incident not a TRR that documented an entire day's events during unprecedented unrest and violent actions taken against officers. The investigator is applying video that was recovered later from during this investigation from a social media post but was not viewed by Sgt. Gleeson.

Given the events that surround this incident the Department recommends a penalty of a 5 day suspension for a technical violation of the TRR order which required Officer Jovanovich to document the force he used against Ms. Boyd.

Lieutenant Cronin

COPA sustained the following allegations against Lt. Cronin:

1. Made one or more false, misleading, inaccurate, incomplete statements when approving the Tactical Response Report submitted by Officer Jovanovich;
2. Made one or more false, misleading, inaccurate, incomplete statements when completing the Reporting Lieutenant narrative of the Tactical Response Report submitted by Officer Jovanovich;
3. Failed to comply with the General Order entitled "Incidents Requiring Completion of a Tactical Response Report."
4. Failed to comply with the directive entitled "Mass Arrest Procedure."

Like the Sgt. Gleeson review above, Lt. Cronin did not have the opportunity to respond to the incident nor did he observe the incident when it occurred. While some information could have been documented better, the report itself is not inconsistent. To the extent that it could or should have been documented better is a training issue and while disciplinary action could be appropriate, separation is not the appropriate penalty. There is no conspiracy to cover up the incident. The accused knew there was a video being circulated on social media. The members were simply following the directives and documenting the incident as best as possible.

For COPA to allege that the approval of the TRR is a Rule 14 violation is an extension of the Rule that is not correct. Although the cell phone video may have been viewed, this video does not clearly show the events as they occurred. COPA states that had Lt. Cronin conducted the required review, he would have realized the need to separate this incident into a separate TRR. First, this analysis strongly indicates that this is a training issue. Although discipline can be imposed, separation would not be appropriate as these members have never been in this type of situation before. Further, Lt. Cronin stated that he would not rely on social media videos because he cannot authenticate them. The COPA investigator responded that the Department does not prohibit the viewing of social media videos and relies on such videos in proving criminal cases and that the authentication was done by Officer Jovanovich admitting it captured his interaction with the complainant. While the investigator is correct that there is no prohibition to view social media videos, there is also no requirement to do so. And the investigator does not give a basis to the statement that the CPD uses social media to “prove” criminal cases. Further, there was no authentication of the video simply because Officer Jovanovich said it was his interaction with the complainant. Again, this analysis is done in a vacuum without consideration to the events of July 17th and unprecedented circumstances Lt. Cronin faced.

Regarding the allegation that Lt. Cronin failed to comply with the directive regarding the completion of TRR’s and the Mass Arrest Procedures, these allegation are technically sustained. But given the circumstances of what had occurred during this protest, this is more a training issue as there was not attempt to coverup the incident. Lt. Cronin is experienced enough to know that there would be a COPA investigation of the incident.

Given the events that surround this incident the Department recommends a penalty of a 10 day suspension for a technical violation of the TRR order which required Officer Jovanovich to document the force he used against Ms. Boyd. Further, this technical violation of the Mass Arrest order is understandable given the events of the day.

CPD looks forward to discussing this matter with you pursuant to MCC-2-78-130(a)(iii).

Sincerely,



David O. Brown
Superintendent of Police
Chicago Police Department

Copy of SRI

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 17, 2020
Time of Incident:	7:24 P.M.
Location of Incident:	500 South Columbus Drive Chicago, Illinois 60605
Date of COPA Notification:	July 18, 2020
Time of COPA Notification:	12:17 P.M.

On July 17, 2020, Miracle Boyd attended a protest near the Christopher Columbus Statue in Grant Park. As Ms. Boyd recorded the incident on her cell phone, she observed several Chicago police officers taking another protester into custody. Ms. Boyd walked towards them, attempting to capture the protester's name, and identifying information on her recording. Simultaneously, Police Officer (PO) Nicholas Jovanovich and his partner approached Ms. Boyd and blocked her path. PO Jovanovich extended his left arm and forcefully struck Ms. Boyd's cell phone from her hand, causing the phone to hit her face and knock out one of her front teeth. Subsequent investigation by the Civilian Office of Police Accountability (COPA) also revealed misconduct by PO Andres Valle, Sergeant (Sgt.) Kevin Gleeson, and Lieutenant (Lt.) Godfrey Cronin.

II. INVOLVED PARTIES

Involved Officer #1:	Nicholas Jovanovich, Star #6789, Employee ID #99213, Appointed: September 25, 2005, Police Officer, Unit: 025/715, DOB: October 30, 1980, male, white
Involved Officer #2:	Andres Valle, Star #19935, Employee ID #119944, Appointed: February 16, 2017, Police Officer, Unit: 006/715, DOB: August 10, 1993, male, Hispanic
Involved Sergeant #1:	Kevin Gleeson, Star #2098, Employee ID #97136, Appointed: October 25, 2004, Sergeant, Unit: 001/715, DOB: May 13, 1979, male, white
Involved Lieutenant #1:	Godfrey Cronin, Star #625, Employee ID #13442, Appointed: September 28, 1992, Lieutenant, Unit: 018, DOB: April 14, 1967, male, white
Involved Individual #1:	Miracle Boyd, DOB: October 5, 2001, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Nicholas Jovanovich	1. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, used unnecessary and excessive force when he struck Miracle Boyd without justification.	Sustained
	2. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, stopped Miracle Boyd from recording a public encounter on her phone without justification.	Sustained
	3. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, failed to comply with General Order (GO) 03-03-02 Incidents Requiring Completion of a Tactical Response Report (TRR).	Exonerated
	4. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, failed to submit a timely Tactical Response Report (TRR) as required by General Order (GO) 03-03-02 Incidents Requiring Completion of a Tactical Response Report (TRR).	Exonerated
	5. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when completing his Tactical Response Report (TRR) check applicable boxes sections when he reported Miracle Boyd “did not follow verbal direction, verbal threats, fled, imminent threat of a battery no weapon, thrown object bottles, cans, explosive devices, imminent threat of a battery with a weapon, and physical attack with a weapon, by reporting Miracle Boyd attacked with a weapon, by reporting the subject committed an assault or battery against the involved member performing a police function, by reporting his response was a defense of self, defense of department member, overcome resistance or aggression, subject armed with a weapon.”	Sustained
		Sustained

	<p>6. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when completing his Tactical Response Report (TRR) narrative when he reported Miracle Boyd was “the highly agitated person swinging and flailing their arms with an unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of the arresting officers. The subject continued to walk toward the officers extending the unknown object with their right hand. The officers were unaware of the subject approaching from behind and r/o believing the subject was going to batter the arresting officers or attempt to defeat the arrest.”</p> <p>7. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, seized Miracle Boyd’s phone without justification.</p> <p>8. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Nicholas Jovanovich, Star #6789, failed to inventory Miracle Boyd’s phone without justification.</p>	<p>Sustained</p> <p>Sustained</p>
<p>Officer Andres Valle</p>	<p>1. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Officer Andres Valle, Star #19935, failed to report that Police Officer Nicholas Jovanovich used excessive and unnecessary force when he struck Miracle Boyd.</p>	<p>Sustained</p>
<p>Sergeant Kevin Gleeson</p>	<p>1. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Sergeant Kevin Gleeson, Star #2908, made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when approving the Tactical Response Report (TRR) check applicable boxes sections submitted by Police Officer Nicholas Jovanovich that reported Miracle Boyd “did not follow verbal direction, verbal threats, fled, imminent threat of a battery no weapon, thrown object bottles, cans, explosive devices, imminent threat of a battery with a weapon, and physical attack with a weapon, by reporting Miracle Boyd attacked with a weapon and indicating that weapon was cans, explosive devices, by reporting the subject committed an assault or battery against the involved member performing a police function, by reporting his response was a defense of</p>	<p>Sustained</p>

	<p>self, defense of department member, overcome resistance or aggression, subject armed with a weapon.”</p> <p>2. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Sergeant Kevin Gleeson, Star #2908, made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when approving the Tactical Response Report (TRR) narrative section submitted by Police Officer Nicholas Jovanovich that reported Miracle Boyd was “the highly agitated person swinging and flailing their arms with an unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of the arresting officers. The subject continued to walk toward the officers extending the unknown object with their right hand. The officers were unaware of the subject approaching from behind and r/o believing the subject was going to batter the arresting officers or attempt to defeat the arrest.”</p> <p>3. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Sergeant Kevin Gleeson, Star #2908, failed to comply with General Order (GO) 03-03-02 Incidents Requiring Completion of a Tactical Response Report (TRR).</p> <p>4. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Sergeant Kevin Gleeson, Star #2908, failed to submit a timely Tactical Response Report (TRR) as required by General Order (GO) 03-03-02 Incidents Requiring Completion of a Tactical Response Report (TRR).</p>	<p>Sustained</p> <p>Sustained</p> <p>Exonerated</p>
<p>Lieutenant Godfrey Cronin</p>	<p>1. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Lieutenant Godfrey Cronin, Star #625, made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when approving the Tactical Response Report (TRR) check applicable boxes section submitted by Police Officer Nicholas Jovanovich that reported Miracle Boyd “did not follow verbal direction, verbal threats, fled, imminent threat of a battery no weapon, thrown object bottles, cans, explosive devices, imminent threat of a battery with a weapon and indicating that weapon was cans, explosive devices, by reporting the subject committed an assault or battery against the involved member performing a police function, by reporting his response was a defense of self, defense of</p>	<p>Sustained</p>

<p>department member, overcome resistance or aggression, subject armed with a weapon.”</p>	
<p>2. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Lieutenant Godfrey Cronin, Star #625, made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when approving the Tactical Response Report (TRR) narrative section submitted by Police Officer Nicholas Jovanovich that reported Miracle Boyd was “the highly agitated person swinging and flailing their arms with an unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of the arresting officers. The subject continued to walk toward the officers extending the unknown object with their right hand. The officers were unaware of the subject approaching from behind and r/o believing the subject was going to batter the arresting officers or attempt to defeat the arrest.”</p>	Sustained
<p>3. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Lieutenant Godfrey Cronin, Star #625, made one or more false, misleading, inaccurate, incomplete, and/or inaccurate statements when completing the Reporting Lieutenant narrative of Officer Nicholas Jovanovich’s Tactical Response Report (TRR) when he reported Miracle Boyd was “approaching the officers at a fast pace from behind while flailing their arms.”</p>	Sustained
<p>4. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Lieutenant Godfrey Cronin, Star #625, failed to comply with General Order (GO) 03-03-02 Incidents Requiring Completion of a Tactical Response Report (TRR).</p>	Sustained
<p>5. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Lieutenant Godfrey Cronin, Star #625, failed to submit a timely Tactical Response Report (TRR) as required by General Order (GO) 03-03-02 Incidents Requiring Completion of a Tactical Response Report (TRR).</p>	Exonerated
<p>6. On July 17, 2020, at approximately 7:20 P.M., at or near 1151 South Columbus Drive Chicago, Illinois 60605, Police Lieutenant Godfrey Cronin, Star #625, failed to comply with Special Order S06-06 Mass Arrest Procedure.</p>	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2- Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 3- Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. Rule 6- Disobedience of an order or directive, whether written or oral.
 4. Rule 8- Disrespect to or maltreatment of any person, while on or off duty.
 5. Rule 9- Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 6. Rule 10- Inattention to duty.
 7. Rule 14- Making a false report, written or oral.
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General Orders

1. General Order 03-02-02, Incidents Requiring Completion of a Tactical Response Report (TRR) (effective February 29, 2020 – April 15, 2021)
 2. General Order G07-01, Processing Property Under Department Control (effective April 14, 2015 – present)
 3. General Order G03-02, Use of Force (effective February 29, 2020 – April 15, 2021)
 4. General Order G03-02-01, Force Options (effective February 29, 2020 – April 15, 2021)
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Special Orders

1. Special Order S06-06 Mass Arrest Procedures (effective September 27, 2018 – present)

V. INVESTIGATION¹

a. Civilian Interview

On August 27, 2020, **Miracle Boyd**² provided a statement to COPA. This statement was conducted virtually, via Zoom, and was not audio or digitally recorded. The following is a summary of the statement made by Ms. Boyd, not a verbatim account of the statement.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Atts. 10, 97.

Ms. Boyd stated on July 17, 2020, she spoke at an event in Grant Park, Decolonize Zhigaagoong. The event aimed to remove the Chicago Police from Chicago Public Schools, as well as to defund the police, amongst other goals. After Ms. Boyd finished her speech, she and the protest crowd began moving towards Ida B. Wells Drive in the direction of the Christopher Columbus Statue. As Ms. Boyd walked with friends, she heard what she thought were fireworks or gunshots. She then observed a friend who appeared to have been in an altercation with the police, and she stopped to help. As Ms. Boyd approached her friend, she took out her cell phone and began filming the incident on Facebook Live. Around this time, Ms. Boyd found herself in an area densely populated with police, and she began arguing with officers on the northeast corner of Columbus Drive and Roosevelt Road. The officers repeatedly told Ms. Boyd to get back, and she moved into an open space while continuing to record the protest.

As Ms. Boyd filmed, she saw officers beating a woman with batons while the woman was trapped underneath a bike. Moments later, Ms. Boyd observed officers arresting a man named “Patrick.”³ Ms. Boyd began moving towards Patrick, shouting out to him to give her his information, including his name and birthdate, in order to locate him in CPD custody and assist him in obtaining legal services. Ms. Boyd said it was very loud in the area, and she struggled to hear Patrick as he was physically dragged away by several officers. Ms. Boyd continued moving closer to Patrick, though she never came within eight to twelve feet of him or the arresting officers. Ms. Boyd stopped following Patrick when he was dragged into an area full of officers.

Within seconds, Ms. Boyd observed a Hispanic male officer⁴ walking towards her with a white male officer,⁵ whom she described as approximately 6 feet tall, with big ears and a large circular green/red tattoo on his arm. The white officer had an aggressive demeanor and was walking towards her with a determined look on his face. As he approached Ms. Boyd, she continued to film with her phone, which she held in front of her face at approximately eye-level. The officer raised his right hand, balled up his fist, and struck Ms. Boyd in the face. Ms. Boyd said she was moving backward, away from the officer, at the time he struck her, but it happened so quickly she could not retreat fast enough to avoid the blow. She was not sure whether the officer struck her face directly, or whether he hit her phone out of her hand and into her face; however, the impact knocked out one of her front teeth, damaged a second tooth, and caused blood to gush from her mouth. Ms. Boyd did not recall the officer giving her any verbal commands or warnings before he struck her.

After the strike, Ms. Boyd saw the officer move towards her phone, a black iPhone 8 that had fallen onto the ground. She heard the officer say words to the effect of, “Give me that shit,”⁶ as he picked up the phone. Ms. Boyd stated that throughout the event, she had recorded by holding her phone at eye level with both hands. At the time Ms. Boyd was struck, however, she was holding her phone with only her left hand. She never recovered her phone and was not sure how her Facebook Live video posted to Facebook, as she lost custody of the phone mid-recording.

³ Now known to be Patrick Romano. *See* Att. 13 – Arrest Report Patrick Romano.

⁴ Now known to be PO Valle.

⁵ Now known to be PO Jovanovich.

⁶ Att. 97, page 2.

Ms. Boyd said the officer struck the left side of her lip, but her entire mouth area was injured. She went to Chicago Freedom School to get assistance in obtaining treatment, then went to Holy Cross Hospital, where doctors wrote her a prescription for pain medication but did not treat her injuries. Ms. Boyd stated she had abrasions to her face and her left tooth was knocked out, which caused another tooth to shift. She later required root canals for both teeth, and she received a veneer to replace the lost tooth. Ms. Boyd continues to experience pain in her right front tooth, which was diagnosed as nerve damage that will require additional treatment.

b. CPD Interviews

On October 16, 2020, **PO Nicholas Jovanovich**,⁷ Star #6789, provided a statement to COPA. PO Jovanovich said he learned in roll call that he was going to work a protest at Buckingham Fountain. Once he arrived at Buckingham Fountain, several high-ranking supervisors told PO Jovanovich and the other officers to stay out of view of the public and give people their space, so the officers stayed to the side and did not have any contact with the group. However, when the protesters started to move southbound from Buckingham Fountain to the Columbus Statue, the officers issued two dispersal orders for the crowd to get out of the street and onto the sidewalk. The group of protesters did not comply.

When PO Jovanovich and the other officers relocated to the Columbus Statue, supervisors instructed them to surround the Statue with their bikes, but they did not have enough manpower to create a total barrier. After approximately thirty seconds, a group of several thousand people began to approach the Statue. They began throwing objects such as rocks, bricks, frozen cans, and frozen water bottles at the officers, as well as explosive devices and PVC pipes that had been sharpened into spears. PO Jovanovich described it as “the most traumatic and chaotic situation I’ve ever been a part of in my entire life and especially my career.”⁸ Eventually, an unknown supervisor instructed the officers to retreat from the Statue and move to a safer location.

After PO Jovanovich relocated from the Statue to Columbus Drive, he heard an unknown sergeant instructing officers to check themselves and their equipment. PO Jovanovich tried to regain his composure, slow his heartrate down, and get his breathing under control. Within “a few seconds or minutes,”⁹ PO Jovanovich heard a woman’s voice, now known to be Ms. Boyd. He saw Ms. Boyd at an angle from approximately thirty feet away. She was yelling profanities and flailing her arms, and she had a black rectangular object, the size of a cell phone, in her right hand. PO Jovanovich observed six to eight officers trying to control the situation, yelling to Ms. Boyd and other protesters to get back. At the same time, PO Jovanovich was in a hypervigilant state and fearful of another attack because more protesters were lining up behind the officers.

PO Jovanovich then observed two officers bringing a white male arrestee wearing a striped shirt out of the crowd. The arrestee was turning and pulling away from the officers and yelling in the direction of Ms. Boyd. Ms. Boyd started screaming and yelling, and she advanced towards the arrestee and the officers while holding an object extended in her right hand. The officers were moving the arrestee toward the staging area on Columbus Drive, where PO Jovanovich was

⁷ Atts. 53, 55, 59, 62.

⁸ Att. 62, page 10, lines 8-10.

⁹ Per PO Cline’s BWC video, approximately seven minutes had elapsed. *See* Att. 88.

standing near the line of police bicycles. PO Jovanovich feared the officers could not see Ms. Boyd approaching them from behind, so he decided to intervene.

PO Jovanovich believed Ms. Boyd was going to strike the arresting officers with the object in her right hand.¹⁰ To stop Ms. Boyd, PO Jovanovich swung his left hand toward her right hand in a “swiping”¹¹ motion, knocking the object from her hand to the ground. He denied making any physical contact with Ms. Boyd’s facial area. He did not give Ms. Boyd any verbal instructions or use any de-escalation tactics.¹² PO Jovanovich believed his force was reasonable, necessary, and proportionate because the protestors had turned into violent assailants and he believed Ms. Boyd posed a threat to the unsuspecting officers. He described Ms. Boyd as an assailant because “she had a weapon in her hand. She was threatening in manner towards—towards other officers in my opinion. She was closing the gap between the officers. She was advancing on them. And I believe that she was going to use force against the officers with that object that was in her hand.”¹³ A COPA investigator asked PO Jovanovich to estimate Ms. Boyd’s height and weight, and he described her as approximately 5’8, and 165-175 pounds.¹⁴ PO Jovanovich described himself as 6’3, 185 pounds. He stated he did not see any injuries on Ms. Boyd and did not sustain any injuries himself.

PO Jovanovich stated that after he struck Ms. Boyd, the object she was holding hit the ground and he realized it was a phone.¹⁵ Ms. Boyd fled, and PO Jovanovich picked up the phone and brought it over to a pile of bikes, buckets, chains, PVC pipes, etc. that protestors had used as weapons.¹⁶ PO Jovanovich then dropped the phone in the pile. He stated it was such a chaotic scene, he did not receive any instructions for how to handle recovered property. He admitted he did not make any attempts to return Ms. Boyd’s property, explaining that he immediately focused on his attention on helping the other officers at the scene. Regarding his failure to inventory the phone, PO Jovanovich said he did not even think about it after he put the phone on the ground with the other items.

PO Jovanovich acknowledged that the Department’s Use of Force policy prohibits force used in response to the exercise of First Amendment rights. He said he was not trying to stop Ms. Boyd from exercising her right to record the incident, but he thought she had a weapon and was

¹⁰ When COPA asked PO Jovanovich if he knew what the object was, PO Jovanovich answered, “I wasn’t really paying attention to what it was because, to me, it was a weapon whether it was a cell phone or whether it was anything else. It was still a weapon in my opinion the way—the way she was acting.” Att. 62, page 23, lines 10-13.

¹¹ PO Jovanovich further described his motions, stating, “With my open left hand, I swing towards her right hand and the object in her right hand in a downward – and I’m left-handed. So it was a swipe from my left to my right shoulder in a downward motion, knocking the object out of her hand.” Att. 62, page 14, lines 9-14.

¹² Att. 62, page 24, line 3; page 25, line 14. PO Jovanovich said he “didn’t have time to use any kind of de-escalation tactics or anything like that.” Att. 62, page 26, lines 7-8.

¹³ Att. 62, page 30, lines 7-12.

¹⁴ See Att. 62, page 30, line 15. Ms. Boyd described herself as 5’2 tall and approximately 140 lbs., which is consistent with the information contained in a 2019 Investigatory Stop Report regarding Ms. Boyd. Att. 101. The height and weight difference between Ms. Boyd and PO Jovanovich, therefore, is approximately 13 inches and approximately 45 pounds.

¹⁵ Ms. Boyd’s cell phone video captures PO Jovanovich strike her and simultaneously state, “Get that fucking phone out of here.” Att. 85, timestamp 4:34.

¹⁶ Per PO Cline’s BWC video, the pile of objects was not created until approximately 21 minutes after PO Jovanovich interacted with Ms. Boyd. Att. 88, timestamp 33:07. PO Jovanovich put several bikes and a PVC pipe into the pile.

going to use it against officers. He continued, “I wasn’t even paying attention that she was recording at that time. When she was flailing the object around in her hand, I wasn’t even looking at it as a recording device. I was looking at it as a weapon the entire time.”¹⁷

Once the crowd dispersed, PO Jovanovich relocated to the police station at McCormick Place, where Lt. Cronin related that all days off were canceled. Lt. Cronin also instructed PO Jovanovich and the other officers to complete their Tactical Response Reports (TRRs) when they reported to work the next day. The following morning, PO John Chibicki showed PO Jovanovich a video clip circulating on social media that captured PO Jovanovich hitting an object out of Ms. Boyd’s hand. PO Jovanovich told Lt. Cronin he was the officer shown in the media clip striking Ms. Boyd, and Lt. Cronin instructed him to complete a “blanket TRR”¹⁸ for the entire incident. He explained that during the riots in May and June 2020, the City completed all TRRs for the officers.¹⁹

A COPA investigator read PO Jovanovich the TRR instructions, which state if an incident involves multiple subjects, a separate TRR must be created for each subject.²⁰ PO Jovanovich responded he completed the blanket TRR at the instruction of Lt. Cronin. He further explained that the section of the TRR that identifies the “subject’s actions” was not specific to Ms. Boyd, and the only box that referred to Ms. Boyd’s actions was “imminent threat of battery with weapon.” PO Jovanovich indicated he was referring to the actions of other subjects when he checked the following boxes: did not follow verbal direction; verbal threats; fled; imminent threat of battery, no weapon; thrown object, bottles cans, explosive devices; physical attack with weapon; and other is cans and explosive devices. Similarly, PO Jovanovich completed the “member’s response” section of the TRR by including his responses to all the subjects’ actions. The only boxes he checked that were specific to Ms. Boyd were “member presence” and “open-handed strike.” PO Jovanovich stated the only person he struck was Ms. Boyd.

PO Jovanovich stated he separated the narrative section of the TRR into two paragraphs, one referring to the events at the Statue and the second paragraph referring to the incident with Ms. Boyd, denoted by “a short time later.” He could not, however, recall why he separated out the incident with Ms. Boyd.²¹ A COPA investigator also asked PO Jovanovich about the specific language he used in the narrative section, including that he “observed an unknown subject who was moving towards the back of arresting officers who could not see the highly agitated person swinging and flailing their arms.” PO Jovanovich admitted he did not ask the arresting officers, either at the time or later, whether they could see Ms. Boyd.

¹⁷ Att. 62, page 33, lines 19-23.

¹⁸ Att. 62, page 48, lines 5-10. PO Jovanovich explained, “A blanket TRR is the entire situation, the entire incident from start to finish. Like, this was a blanket TRR from the second we were attacked and the objects were thrown at us to the very end when we were told, you know, there’s no more force, everything is done, we’re ready to go home. So it just covers the entire incident.” Att. 62, page 45, line 20 - page 46, line 2.

¹⁹ Att. 62, page 46, lines 13-14. PO Jovanovich elaborated, “I think the city opens up a TRR for everyone in the city. So you’re not doing individual Tactical Response Reports. It’s, like, done for the entire city basically.” Att. 62, page 18, line 23 – page 19, line 2.

²⁰ Att. 115.

²¹ This separate paragraph indicates that PO Jovanovich viewed the incidents separately. It remains unclear why Lt. Cronin instructed him to complete one TRR when the material content was separated into two paragraphs, indicating two different interactions.

A COPA investigator read another excerpt from the narrative section of the TRR, which describes Ms. Boyd as a “highly agitated person swinging and flailing their arms with unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of arresting officers. Subject continued to walk towards officers extending the unknown object with their right hand. Officers are unaware of the subject approaching from behind. Believing this subject was going to batter the arresting officer, attempt to defeat the arrest, reporting officer immediately approached the subject with open left hand and struck the right hand, knocking the object from the subject’s hand. Unknown subject then fled the scene.” When the investigator asked PO Jovanovich why he did not indicate *anywhere in the TRR* that the unknown object was a phone, he responded, “I do not have an answer for that...I should have and I didn’t.”²² However, he maintained that a cell phone is a weapon, as it is a blunt instrument that can cause serious injury when used to strike someone. PO Jovanovich further explained it was his perception that Ms. Boyd was advancing quickly behind the officers, which is why he wrote that she was attempting to batter officers and defeat the arrest. He stated she did not actually batter the officers or defeat the arrest because he stopped that from happening. PO Jovanovich confirmed Ms. Boyd did not break the law in any way, stating, “No, I stopped her from breaking the law.”²³ He further admitted Ms. Boyd did not commit an assault or battery against any officer.

During PO Jovanovich’s statement, a COPA investigator played two third-party videos²⁴ and asked him to describe what the videos show Ms. Boyd physically doing with her body. PO Jovanovich confirmed the videos show Ms. Boyd backing up as he approaches her; however, he pointed out that the videos were recorded from across the street and captured a different perspective²⁵ than he had at the time. He claimed that from his perspective, Ms. Boyd was still approaching the arresting officers until he stepped in her way and stopped her.

On October 16, 2020, **PO Andres Valle**,²⁶ Star #19935, provided a statement to COPA. PO Valle reiterated that same facts about the Columbus Statue protest as the above statement from PO Jovanovich. Regarding the interaction with Ms. Boyd, PO Valle recalled Ms. Boyd was holding an object in her hand, which he later learned was a cellphone, as she advanced towards a group of officers who were attempting to effect an arrest. Ms. Boyd’s arm was extended straight outward from her mid-torso area, and she was holding the object in front of her body. PO Valle stated he had just suffered an ambush attack and the only thing in his mind was to help the officers Ms. Boyd was approaching. He stepped in front of Ms. Boyd but did not use any physical force because PO Jovanovich, who was standing to his immediate right, swatted the object out of Ms. Boyd’s hand.

Regarding the allegation that he failed to report the incident, PO Valle stated he did not need to report PO Jovanovich’s actions because PO Jovanovich did not make contact with Ms. Boyd, only her phone. Additionally, he did not see any injuries to Ms. Boyd. PO Valle

²² Att. 62, page 42, lines 3-4.

²³ Att. 62, page 71, line 16.

²⁴ Atts. 38, 83.

²⁵ COPA obtained both east facing and west facing videos of the incident and Ms. Boyd is backing up from both perspectives.

²⁶ Atts. 57, 60.

acknowledged he did not see Ms. Boyd commit a crime, but he insisted the way she was approaching the officers created a possibility for a crime to be committed.

On October 16, 2020, **Sgt. Kevin Gleeson**,²⁷ Star #2098, provided a statement to COPA. Sgt. Gleeson reported that during roll call, he and six officers were assigned to work a protest in Rogers Park as bicycle officers. He stated they were not given any instructions during roll call regarding how paperwork was to be completed for the protests. PO Jovanovich was not one of the officers assigned to work the Rogers Park protest, as he was assigned to the Columbus Statue protest under the supervision of Sergeant Shannon Martin. Sgt. Gleeson stated while at the Rogers Park protest, he was instructed to report downtown to the Columbus Statue protest. After Sgt. Gleeson relocated there, he observed many of the same scene details as described by POs Jovanovich and Valle. Additionally, Sgt. Gleeson was maced in the eyes at the Statue. He denied seeing the incident between Ms. Boyd and PO Jovanovich.

Sgt. Gleeson said he first heard about the incident between PO Jovanovich and Ms. Boyd on July 18, 2020, when he reported to work the day after the protest. The previous evening, Lt. Cronin had instructed his officers to go home after their tour of duty and complete their TRRs the next day, as it was very late, some officers were in the hospital, and many officers were shaken up over the incident. He and Lt. Cronin had asked the officers to inform them the next day if they needed to do a TRR. The following morning, PO Jovanovich approached Sgt. Gleeson and informed him that a video was circulating on social media that showed him (or someone who looked like him) hitting an object out of a subject's hand. PO Jovanovich added there was "an allegation of...some girl saying her tooth was knocked out. Or teeth."²⁸ Sgt. Gleeson said PO Jovanovich then provided a brief description of his interaction with Ms. Boyd, but he did not mention that Ms. Boyd sustained any injuries. Sgt. Gleeson advised PO Jovanovich to complete one TRR for the entire incident, and PO Jovanovich complied.

During Sgt. Gleeson's statement, a COPA investigator asked him to identify which of the "subject's actions," as indicated on PO Jovanovich's TRR, were specifically attributable to Ms. Boyd. Sgt. Gleeson responded, "I couldn't tell you what Miracle Boyd's direct actions were. This was a TRR that I advised him to complete of the overall incident because [of] the magnitude of the incident. We didn't know how many offenders there were, how many times each offender threw a single object or threw multiple objects. So anyway you would have done it, it would have been incorrect to document this chaotic incident."²⁹ Sgt. Gleeson was also unable to identify which of PO Jovanovich's actions, as indicated in the "member response" section of the TRR, were specific to Ms. Boyd. He admitted he did not ask PO Jovanovich to separate out his use of force against Ms. Boyd from the overall incident, stating, "I just didn't feel like it was feasible. There was no real direction I could find on how to do the paperwork on this incident. It was very chaotic, crazy. I advised them the best of my ability on how to document the incident. If I did it wrong, I'm sorry. But I tried my best."³⁰

²⁷ Atts. 58, 61.

²⁸ Att. 61, page 24, lines 9-11.

²⁹ Att. 61, page 32, lines 6-14.

³⁰ Att. 61, page 35, line 20- page 36, line 1.

Sgt. Gleeson acknowledged that multiple subjects require multiple TRRs. A COPA investigator then asked Sgt. Gleeson if PO Jovanovich used open-handed strikes on multiple individuals, or just Ms. Boyd. Sgt. Gleeson responded he thought PO Jovanovich used open-handed strikes on multiple individuals, but he then stated he was not sure, and may have just been thinking of the following sentence in the TRR: “RO also used both arms and legs in a swinging motion to force his way through violent crowd of rioters.”³¹ A COPA investigator asked Sgt. Gleeson if he understood how the TRR was an inaccurate and unclear representation of PO Jovanovich’s interactions with Ms. Boyd, he responded, “I understand what you’re saying.”³²

Regarding PO Jovanovich’s description of Ms. Boyd’s phone as an “unknown object,” Sgt. Gleeson stated that, “from the news reports, it said a cell phone, so I don’t know if intermingling information that was received later into what I’m telling you now. But at the time of the report, Jovanovich told me it was an object, unknown object.”³³ Sgt. Gleeson did not know why, if PO Jovanovich knew the unknown object was a phone, he did not accurately identify it in his TRR.

Sgt. Gleeson stated he reviews TRRs for legibility and completeness, and in this situation, he did not ask PO Jovanovich any follow-up questions regarding the incident. Sgt. Gleeson talked to other officers who were at the Statue and tried to corroborate all of their accounts by making sure they all told him the same story. He asked around and no other officers reported they witnessed the incident between Ms. Boyd and PO Jovanovich. Sgt. Gleeson acknowledged he did not try to contact Ms. Boyd, and he did not know if there were other civilian witnesses. He said he watched a brief video from a news clip, which captured the incident between PO Jovanovich and Ms. Boyd.³⁴ Sgt. Gleeson said PO Jovanovich did not complete any other paperwork regarding the incident with Ms. Boyd.

Sgt. Gleeson was unaware that PO Jovanovich failed to inventory Ms. Boyd’s phone, but he explained their unit does not have the capability to inventory any items. He did not know whether specific officers were assigned to inventory property recovered during the incident, and if so, which officers. PO Jovanovich did not inform Sgt. Gleeson that he needed to inventory Ms. Boyd’s property.

On February 8, 2021, **Lt. Godfrey Cronin**,³⁵ Star #625, provided a statement to COPA. Lt. Cronin reported he was on duty the day of the protests but was at the Academy for training all month. He stated that, although he was in training, he maintained his duties as a commanding officer. He learned about the planned protest at Grant Park from a Departmental email, but he did not attend roll call that day and stated there were no specific instructions for the protest. Lt. Cronin was not aware of the protest being declared a Mass Arrest incident. At approximately 4:30 P.M., Lt. Cronin was called to the office of Area 3 Deputy Chief Daniel O’Shea. Lt. Cronin watched the protest unfold via police cameras and radio transmissions while he was at the 1st District with Deputy Chief O’Shea.

³¹ Att. 61, page 37, lines 22-24.

³² Att. 61, page 38, line 24.

³³ Att. 61, page 44, lines 20-24.

³⁴ Based on Sgt. Gleeson’s description, the video he watched prior to approving PO Jovanovich’s TRR was the Facebook Live video Ms. Boyd recorded on her cell phone.

³⁵ Atts. 109-110, 112.

At approximately 8:00 P.M., Lt. Cronin, Deputy Chief O’Shea, and Deputy Chief Pigott arrived at the scene, after much of the incident was over. Lt. Cronin identified the officers in need of medical attention, then orchestrated the removal of a large pile of confiscated and/or abandoned bicycles. Lt. Cronin stated he was only involved with the removal of bicycles and did not know of any other inventoried items. He said the appropriate procedure for any found property would have been to inventory it at the 1st District, including a description of the property. No officers told Lt. Cronin they needed to inventory any property, and he was on scene until around 11:30 P.M.

Lt. Cronin stated he learned of Ms. Boyd in the days that followed the protest, but initially, he did not know who she was or that she was involved in the incident. Lt. Cronin first heard about the incident between PO Jovanovich and Ms. Boyd at approximately 12:00 P.M. on July 18, 2020, the day after the protest. At that time, Sgt. Gleeson informed Lt. Cronin that PO Jovanovich thought it was possible he was one of the officers “trending on social media.”³⁶ Sgt. Gleeson reported that PO Jovanovich had some type of physical contact with one of the protesters, but he did not tell Lt. Cronin “anything about an injury or even who the person was.”³⁷

Lt. Cronin estimated that he completed 18-21 TRRs related to the protest, and it took nearly a week to complete all the paperwork because of outdated Department computers, which frequently cause programs to freeze and excessive buffering times when playing BWC videos. Lt. Cronin acknowledged that he directed his officers to come in the following day, after their tour of duty, to complete their TRRs. He said he decided to delay the TRRs because the officers “needed to gather themselves and get to their families and get out of the hospital and get some rest, before I adhere to the general order.”³⁸ Lt. Cronin also pointed out that command staff members including his Captain, the First Deputy, and the Superintendent, as well as the Law Department, were all involved in making decisions as to how the protest should be documented and whether the incident should be recorded under one mass TRR. Lt. Cronin did not know who made the final decision but Commander Jake Alderden, 1st District, sent a written request for an extension on all the paperwork related to the protest.

During his statement, Lt. Cronin also addressed the content of PO Jovanovich’s TRR. He confirmed that PO Jovanovich’s TRR refers to the actions of multiple subjects involved in the protest, not just Ms. Boyd. Additionally, the report addresses PO Jovanovich’s uses of force against all of the subjects, not just Ms. Boyd. However, Lt. Cronin pointed out that the second paragraph of PO Jovanovich’s narrative is specific to one subject, now known to be Ms. Boyd. A COPA investigator asked why PO Jovanovich did not create a separate TRR for Ms. Boyd if he was able to separate his interaction with Ms. Boyd into a different paragraph. Lt. Cronin responded the TRR is “for the incident itself, not for a specific individual.”³⁹ He defended the decision to address the actions of multiple subjects in one TRR, stating that since the officers were attacked by multiple offenders, it was “impossible”⁴⁰ to individualize the TRRs. A COPA investigator

³⁶ Att. 112, page 25, lines 17-18.

³⁷ Att. 112, page 26, lines 20-21.

³⁸ Att. 112, page 31, lines 1-3.

³⁹ Att. 112, page 41, lines 16-17.

⁴⁰ Att. 112, page 39, line 16.

directed Lt. Cronin's attention to the TRR instructions on CLEARNET,⁴¹ which require the creation of a separate TRR for each subject involved in a use of force incident,⁴² but the Lieutenant appeared unfamiliar with this provision in the TRR instructions.

Lt. Cronin further explained this was a unique situation and Department policy does not address how TRRs should be completed under these circumstances.⁴³ He approved PO Jovanovich's TRR based on the totality of the circumstances, stating,

"When it was brought to my attention that he may be on social media, which I'm sure I've been and so have a bunch of people, he – I – he decided to document that and I agreed with it. Open-hand strike, that he lists in these boxes could have to do with that particular incident with the unknown subject [Ms. Boyd] and other unknown subjects during the course of the -- the attack on him and his fellow officers. So for me or for anyone to say what exact box should be checked when you're being attacked and you're a victim -- if -- if this was something that was during the course of a regular day and he was -- he or another officer were involved in an incident with one person, then we wouldn't be talking about explosions in a TRR. So, unfortunately, that's what I have -- had in front of me and I didn't take his TRR any differently than I did the other 21 or 18 or 21 TRRs that I did, because it was a totality of the circumstances. I think it's good that he decided to bring it to our attention that there was some social media and that he put this small paragraph in a lengthy statement in his TRR that he was involved. I think it's a credit to him."⁴⁴

A COPA Investigator questioned how PO Jovanovich reporting the open-handed strike he used could be "a credit to him," and Lt. Cronin responded, "There are actions that happened between...the officers and the offenders in that crowd that are filmed, that the officer didn't document because he didn't even know it happened because it happened so fast."⁴⁵

Lt. Cronin stated that, prior to approving the TRR, he asked PO Jovanovich what happened and reviewed the BWC videos of POs Cline and Lavrenzana. PO Jovanovich related he observed officers making an arrest, and an unknown offender (Ms. Boyd) approaching the officers and the arrestee with an unknown object in her hand. PO Jovanovich swatted the object out of her hand so she could not use it to attack the officers or defeat the arrest. A COPA investigator then played both BWC videos for Lt. Cronin and asked him to describe Ms. Boyd's actions. He responded, "Looks like she's going to interfere with an arrest. Why would she be going towards the back of officers and someone being placed under arrest? That doesn't make sense. A normal person

⁴¹ CLEARNET is the software program that officers use to complete their TRRs electronically.

⁴² The TRR instructions state, "**Note about Multiple Subjects:** You will notice that the TRR application only allows for the entry of one (1) subject. If an incident involves force used on multiple subjects, you must create a separate TRR for each individual subject... **TRR Math:** 3 subjects physically confront 2 officers, and an altercation ensues. Each officer must complete a TRR for each subject. This example would result in the creation of 6 separate TRR reports." Att. 115, page 2 (emphasis in original).

⁴³ Lt. Cronin also pointed to the unique circumstances of this incident as the reason why he did not assign a separate RD number for Ms. Boyd, as required by Special Order S06-06, Mass Arrest Procedures. Pursuant to that Order, "Incidents that require follow-up investigation (e.g., aggravated battery to a police officer, any felony offense) or any offense involving a citizen complainant will be recorded under an additional RD number obtained for that specific offense in accordance with the Incident Reporting Guide." Att. 116, page 4.

⁴⁴ Att. 112, page 49, line 22 - page 50, line 20.

⁴⁵ Att. 112, page 52, lines 17-22.

wouldn't do that."⁴⁶ However, Lt. Cronin did not tell COPA he observed Ms. Boyd flailing her arms in either video. When a COPA investigator asked Lt. Cronin why he reported he observed "an unknown individual approaching the officers at a fast pace from behind while flailing arms" on PO Jovanovich's TRR if he could not or did not see her arms flailing, he replied, "I mean, it could be there if you review it again. There's someone walking in a very fast pace and it's an unknown individual and their arms are moving just like their legs. So it's how you interpret it and it's how I interpret it."⁴⁷ Lt Cronin added that he stands by the statement in his TRR.

Lt. Cronin stated he classified Ms. Boyd as an assailant under the Department's Use of Force Policy, as she was about to strike an officer. He also pointed out that Ms. Boyd had an unknown object in her hand, but he did not know what the object was and never asked PO Jovanovich to identify it. A COPA investigator asked Lt. Cronin if Ms. Boyd broke the law and he said, "Yes. And at a minimum, it's obstruction."⁴⁸ Based on the totality of the circumstances, Lt. Cronin concluded PO Jovanovich's use of force against Ms. Boyd was objectively reasonable, necessary, and proportional. However, given the social media attention, Lt. Cronin verbally reported the use of force to his chain of command, and they asked him to document it in a report to the Bureau of Internal Affairs.

Lt. Cronin denied that he watched any third-party video or saw any news specific to this incident before he approved PO Jovanovich's TRR. He stated that, even though he knew there was a video of PO Jovanovich's interaction with Ms. Boyd circulating on social media, he made no attempt to locate or view the video. Lt. Cronin insisted he never watches third-party video, as he has no way of determining if such videos are real or fake. He continued, "My job is to handle and look at the evidence that I have in front of me that I know is authenticated. I do not know of any social media account that is authentic, period. So I -- from the aspect of what I was doing, I wouldn't even look at that because I can't authenticate any social media posts whether it be video, audio, verbal."⁴⁹

c. Digital Evidence^{50, 51}

The **Body-Worn Camera (BWC) of PO Cedric Taylor**,⁵² Star #18426 captures PO Jovanovich striking Ms. Boyd at timestamp 7:38. The video shows the strike from a westbound-facing direction.

⁴⁶ Att. 112, page 59, lines 13-16.

⁴⁷ Att. 112, page 63, lines 16-21.

⁴⁸ Att. 112, page 74, lines 18-19.

⁴⁹ Att. 112, page 79, line 17- page 80, line 1.

⁵⁰ COPA obtained and reviewed the videos from multiple POD located in the area, but they did not capture the incident. Atts. 45-51. Additionally, COPA contacted news media CBS, NBC, ABC, WGN, FOX, Telemundo, and Univision to attempt to locate any news footage of the incident between PO Jovanovich and Ms. Boyd, with negative results.

⁵¹ Atts. 54 and 56 are the audio-recorded statement of independent journalist Jesus Salazar. Salazar alleged Ms. Boyd's teeth were knocked out prior to the incident between PO Jovanovich and Ms. Boyd. Mr. Salazar also claimed Ms. Boyd never went to the hospital and that no reports of her going to the hospital exist; however, COPA received evidence to disprove the claims made by Mr. Salazar.

⁵² Att. 87.

The **forensically enhanced version of PO Taylor's BWC**⁵³ begins with Ms. Boyd standing in the far-right, northbound lane of Columbus Drive at Roosevelt Road at timestamp 0:44. Ms. Boyd is wearing black shorts and a white t-shirt. Her right arm is raised and extended away from her body, and she is holding a cell phone in her right hand in a manner consistent with recording. Approximately eight feet away from Ms. Boyd, in the center northbound lane of Columbus Drive, two officers appear to be struggling with an arrestee, now known to be Patrick Romano, who is wearing a light-colored striped shirt and denim shorts. As the officers move northwest across Columbus Drive, away from Ms. Boyd, POs Jovanovich and Valle move towards Ms. Boyd. PO Valle briefly interacts with the two arresting officers, then walks southeast across the center lane, towards Ms. Boyd. PO Valle is to PO Jovanovich's immediate left. Throughout the duration of the video, Ms. Boyd never goes farther west than the far-right lane of Columbus Drive.

PO Jovanovich runs eastbound across the center lane, towards Ms. Boyd, with his left arm raised as if preparing to strike her. As PO Jovanovich approaches Ms. Boyd, she begins moving backward by taking long, backward, eastbound strides. PO Jovanovich sprints toward Ms. Boyd with such speed that, at timestamp 1:22, both of PO Jovanovich's feet are entirely off the ground. At timestamp 1:23, PO Jovanovich strikes Ms. Boyd with his left arm fully extended. The impact causes Ms. Boyd to spin to her left, and a black object, now known to be Ms. Boyd's iPhone, is captured flying to Ms. Boyd's left. By the time of the strike, the arresting officers and Mr. Romano have moved approximately 15-20 feet away from Ms. Boyd and PO Jovanovich.

After the strike, PO Jovanovich pulls his left arm in, towards his body. However, as Ms. Boyd spins to the left and continues to move away from PO Jovanovich, PO Jovanovich extends his left arm again and pushes Ms. Boyd further eastbound. She nearly falls onto the sidewalk but is able to stay upright. At timestamp 2:28, PO Jovanovich bends down and uses his left hand to pick up Ms. Boyd's cell phone from the street. As he stands back up, he looks directly at Ms. Boyd, who is standing on the sidewalk, holding her mouth with her right hand. PO Jovanovich then turns to the left as a new arrestee moves into the frame of the camera. Ms. Boyd walks southbound on the east sidewalk of Columbus Drive, holding her face, as PO Jovanovich walks northbound in the far-right lane of Columbus Drive, with Ms. Boyd's phone in his left hand.

The **BWC of PO Cecilia Cline**,⁵⁴ Star #8820, begins in the vicinity of the Columbus Statue. The video captures the following activity at the timestamps listed below:

- 5:39 – Fireworks begin exploding at the Statue, near officers.
- 5:43 – PO Jovanovich says, “we need a fucking 10-1.” PO Cline adds, “Let’s get the fuck out of here. What are we doing?”
- 6:14 – Fireworks continue exploding as PO Jovanovich holds both hands against his head, covering his ears.
- 6:18 – An unknown officer says, “Grab your bikes, let’s go.” POs Jovanovich and Cline then grab their bikes and begin to move away from the Statue, onto Columbus Drive.

⁵³ Att. 86 - Forensically slowed version of Att. 87.

⁵⁴ Att. 88. Per PO Jovanovich's TRR, this is the first BWC video Lt. Cronin reviewed to observe the interaction between Ms. Boyd and PO Jovanovich.

- 8:34 – As the officers regroup on Columbus Drive, PO Jovanovich tells PO Cline, “I got hit in the fuckin back.” An unknown sergeant subsequently asks who needs medical attention, and PO Cline runs to get PO Jovanovich an ice pack.
- 10:07– PO Jovanovich says, “We got ambushed, we got fucking ambushed.” Over the next two minutes, he yells that they were ambushed at least 10 additional times.
- 12:36– POs Jovanovich and Valle begin walking towards the east sidewalk of Columbus Drive, where two officers are searching a handcuffed Mr. Romano. The video shows Ms. Boyd, who is wearing black shorts and a white shirt, appear to walk towards Mr. Romano as POs Valle and Jovanovich approach her. An unknown officer then walks into view and obstructs the camera.
- 12:48– The arresting officers walk Mr. Romano westbound across Columbus Drive, past PO Cline, as a woman screams. PO Valle and Jovanovich reappear, and PO Jovanovich has a phone in his left hand. He then walks off camera.
- 33:05– PO Cline suggests putting the non-police bikes into a pile, and PO Jovanovich starts throwing bikes into a pile in the middle of Columbus Drive.⁵⁵ PO Cline joins in, adding a PVC pipe to the pile.
- 51:08– As PO Jovanovich discusses the incident with PO Cline, the video captures a black iPhone sticking out of PO Jovanovich’s breast pocket.

The **BWC of PO Luis Lavrenzana**,⁵⁶ Star #19637, captures the protest at Columbus Statue. At timestamp 12:37, the video shows POs Jovanovich and Valle walking eastbound across Columbus Drive, towards the officers arresting Mr. Romano. Ms. Boyd, who is standing on the east sidewalk, begins walking northwest and approaches Mr. Romano and the arresting officers from the rear. Simultaneously, POs Jovanovich and Valle move to intercept Ms. Boyd. Mr. Romano and the arresting officers then walk in front of PO Lavrenzana, obstructing his BWC, and the video does not capture the interaction between PO Jovanovich and Ms. Boyd.

A COPA investigator reviewed the **BWC videos of other CPD members**⁵⁷ assigned to the Columbus Statue. None of the videos capture PO Jovanovich striking Ms. Boyd; however, several capture Ms. Boyd’s interactions with other officers prior to the strike.

The **Facebook Live video recorded by Ms. Boyd**⁵⁸ captures Ms. Boyd interacting with several CPD members. The video begins as Ms. Boyd is standing on the northwest corner of Columbus Drive and Roosevelt Road. Ms. Boyd then crosses the street to the northeast corner of the intersection, where she yells obscenities at and verbally engages with multiple CPD members.

⁵⁵ In PO Jovanovich’s statement, he stated that after he struck Ms. Boyd, he picked up Ms. Boyd’s phone and walked it to the pile of recovered property; however, the video shows POs Jovanovich and Cline did not create the pile until 21 minutes after PO Jovanovich interacted with Ms. Boyd.

⁵⁶ Att. 89. Per PO Jovanovich’s TRR, this is the second BWC video Lt. Cronin reviewed to observe the interaction between Ms. Boyd and PO Jovanovich.

⁵⁷ See Att. 91 – PO Asa Myers at timestamp 4:00 (shows Ms. Boyd yelling profanities at officers while recording the incident on her cell phone); Att. 92 – PO Daniel Cravens at timestamp 7:39 (shows officers placing Mr. Romano in restraints); Att. 93 – PO Todd Witulski at timestamp 5:54 (shows Ms. Boyd recording in the face of Sgt. Benny Pambuku); Att. 94 – PO David Alcazar at timestamp 14:16 (shows Ms. Boyd recording officers as they order her to back up); Att. 96 – Sgt. Benny Pambuku at timestamp 11:09 (shows Ms. Boyd closely recording several POs).

⁵⁸ Att. 85.

Officers instruct Ms. Boyd to get back more than a dozen times, but she does not comply with their commands. At timestamp 3:48, the video shows officers pull Mr. Romano and another man out of the crowd of protesters, then place them in handcuffs. At timestamp 4:25, Ms. Boyd approaches Mr. Romano on the sidewalk, and he yells out his name and date of birth to her. Officers escort Mr. Romano northwest across Columbus Drive, and Ms. Boyd follows behind them as she continues to communicate with Mr. Romano. Simultaneously, two male officers, now identified as POs Jovanovich and Valle, approach Ms. Boyd on Columbus Drive. They stop directly in front of her, as if attempting to block her path. As Ms. Boyd turns to face the officers, PO Jovanovich raises and extends his left arm, then swings it in Ms. Boyd's direction. The video captures the sound of a thud as PO Jovanovich's strike makes contact, and Ms. Boyd appears to drop her phone. PO Jovanovich yells, "Get that fucking phone out of here," and the video ends.⁵⁹

A **video posted to Twitter**⁶⁰ by an unknown witness captures the east-facing view of PO Jovanovich as he rushes toward Ms. Boyd with his left arm raised, and Ms. Boyd quickly moves backwards. PO Jovanovich then makes a large left-to-right sweeping motion with his left hand, striking Ms. Boyd on the right side of her face/chin. PO Jovanovich then picks up Ms. Boyd's phone and quickly walks away.

A **video from an anonymous bystander**⁶¹ captures essentially the same content as the Twitter video described above.

d. Physical Evidence

The **medical records from Holy Cross Hospital**⁶² show Ms. Boyd was treated on July 18, 2020, at approximately 1:12 A.M. The records state Ms. Boyd complained of facial pain from a battery. Ms. Boyd told medical personnel that, while she was at a protest downtown, a police officer attempted to stop her from recording the incident on her cell phone. The officer struck Ms. Boyd's phone with his baton, causing the phone to ricochet into her face and chip her tooth. The records note Ms. Boyd had a fractured right incisor and abrasions to the upper and lower lips. Doctors provided Ms. Boyd with a dental referral, gave her a prescription for pain medication, and discharged her from the hospital.

The **dental records from Smile Dental**⁶³ show Dr. Ozzie Smith III treated Ms. Boyd on July 20, 2020. The patient notes indicate Ms. Boyd reported she was hit in the face. Dr. Smith noted that Tooth #8 was fractured, and he added a porcelain crown to stabilize the tooth.

⁵⁹ Att. 85 at timestamp 4:34. Note: In her interview, Ms. Boyd stated she was recording to Facebook Live. When PO Jovanovich picked up her phone after striking her, he ended the recording, which automatically posted the video to Facebook.

⁶⁰ Att. 42, 83. *See* Att. 82 for the forensically slowed down version of Att. 83.

⁶¹ Atts. 38, 43. *See* Att. 84 for the forensically slowed down version of Att. 38.

⁶² Att. 81.

⁶³ Att. 78. For photos, *see* Atts. 65-73, 75, 77, and 79-80.

The **dental records from Dr. Heavenly Kimes⁶⁴** show Ms. Boyd underwent dental procedures on July 22, 2020 and August 19, 2020, including the addition of porcelain crowns to teeth #'s 6, 7, 8, 9, 10, and 11.

e. Documentary Evidence

The **TRR completed by PO Jovanovich⁶⁵** reports that on July 17, 2020, at 7:24 P.M., at or near 1151 South Columbus Drive, PO Jovanovich was involved in a use of force incident with an unknown subject. PO Jovanovich reported he sustained minor swelling and “other” injuries during the incident, and he listed the subject’s injuries as “unknown.” The TRR indicates the subject did not follow verbal direction, made verbal threats, fled, threw objects (bottles, cans, explosive devices), posed an imminent threat of a battery without a weapon, posed an imminent threat of a battery with a weapon (cans, explosive devices), and physically attacked with a weapon. Additionally, the subject committed an assault or battery against PO Jovanovich, using cans and/or explosive devices as weapons. PO Jovanovich responded in defense of himself and other Department members, in order to overcome resistance or aggression, and because the subject was armed with a weapon. He used member presence, verbal directions/control techniques, zone of safety, movement to avoid attack, and an open-handed strike.

In the narrative section of the TRR, PO Jovanovich provided the following description of the incident:

“R/O was assigned to the protest that started at Buckingham Fountain on the listed date. During protest R/O was ordered to guard the Christopher Columbus Statue located inside Grant Park. Upon approach of the group of protesters the large crowd grew into a violent riot of assailants hurling a barrage of rocks, unopened frozen 12 oz. cans containing liquid, and explosive devices. R/O was first struck in the head, then in the chest by a frozen can. R/O was then struck by two explosive devices which exploded next to R/O’s head and feet which caused ringing in my ears and at the same time the rioters hurled an unopened can which stuck and injured R/O’s right shoulder which was documented in an IOD⁶⁶ report. R/O was ordered to retreat from the Statue by command staff after being battered by the assailants and had to force his way through the large and violent crowd of assailants with other officers while objects were still being hurled in our direction. The rioters continued to close in on R/O’s making R/O fear for his and his fellow officers’ safety. The crowd noise was overwhelming along with the clouds of smoke from the explosive devices which made R/O fear of receiving more bodily harm. R/O was screaming verbal commands as loud as possible to the rioters to move back, and cease hurling rocks, unopened frozen 12 oz. cans containing liquid, and explosive devices at R/O and his fellow officers. R/O used his department issued bicycle as a shield and pushed through the violent crowd of assailants in an attempt to create a zone of safety. R/O also utilized both arms and legs in a swinging motion to force his way through the violent crowd of rioters. R/O was able to make it to a location outside of the park where R/O was able to regain his composure, catch his breath and check himself for any injury. R/O was able to check to see if he was still in possession

⁶⁴ Atts. 63-64. This dental work was provided free to Ms. Boyd and publicized by the dentist, Heavenly Kimes. Dr. Kimes is part of the reality tv program, Married to Medicine. Att. 98.

⁶⁵ Att. 17.

⁶⁶ Injury on-duty.

of all of his department equipment and check to see if there was any damage to his department issued bicycle which there was none.

A short time later R/O observed several uniformed police officers making an arrest and walking the arrestee from Grant Park when the arrestee began to stiffen and pull away. R/O started moving quickly to assist when R/O observed an unknown subject who was moving towards the back of the arresting officers who could not see the highly agitated person swinging and flailing their arms with an unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of the arresting officers. The subject continued to walk toward the officers extending the unknown object with their right hand. The officers were unaware of the subject approaching from behind and R/O believing the subject was going to batter the arresting officers or attempt to defeat the arrest R/O immediately approached the subject and with an open left hand struck the subject's right hand knocking the object from the subject's hand. Unknown subject then fled the scene."⁶⁷

In the narrative section completed by reviewing supervisor, Sgt. Gleeson reported he did not have any contact with the unknown subjects, as the scene was hostile and chaotic, and no witnesses or subjects approached him regarding any use of force incident. In the narrative section completed by the reviewing lieutenant, Lt. Cronin noted he reviewed two BWC videos of the incident: PO Cline's video from 2:00 minutes – 13:10 minutes, and Officer Lavrenzana's video from 2:00 minutes – 12:53 minutes. According to the lieutenant, the videos show "arrests being made by officers and an unknown individual approaching the officers at a fast pace from behind while flailing their arms. The BWC shows Officer Jovanovich walking quickly towards officers and the subject...Both videos are obstructed when this Use of Force occurred and did not capture the event."⁶⁸ Lt. Cronin approved PO Jovanovich's TRR at 11:28 P.M. on July 18, 2020.

The **TRRs completed by POs Valle⁶⁹ and Cline⁷⁰** reiterate the same details about the Columbus Statue protest as reported by PO Jovanovich. Both TRRs list similar subject actions and similar member responses as PO Jovanovich's TRR, although only PO Jovanovich reported using open-handed strikes. Like PO Jovanovich, POs Valle and Cline also included multiple subjects in their narratives, and Sgt. Gleeson and Lt. Cronin reviewed and approved all three reports.

The **Original Case Incident Report (OCIR)⁷¹ for RD #JD300988** documents a public peace—mob action incident on July 17, 2020, at 7:50 P.M, at 501 South Columbus Drive. The reporting detective completed the OCIR as part of a mass arrest situation, with the narrative stating the offenders were placed into custody under RD# JD300988 after assembling with two or more people for the purpose of using force or violence to disturb the public peace. The report does not provide any additional details or identify the offender(s).

⁶⁷ Att. 17, pages 2, 4.

⁶⁸ Att. 17, page 3.

⁶⁹ Att. 103.

⁷⁰ Att. 102.

⁷¹ Att. 23.

The **Arrest Report for Patrick Romano**⁷² states on July 17, 2020, at 7:50 P.M., officers arrested Mr. Romano for disorderly conduct during a mass arrest situation. The narrative section reports the arresting officer witnessed Mr. Romano in the vicinity of 1151 S. Columbus Drive with three or more persons gathered for the purpose of using force or violence to disturb the public peace. Mr. Romano was a member of a large group and failed to comply with a dispersal order. Following Mr. Romano's arrest, he was released without charges because the mass arrest card contained an invalid star number for the arresting officer.

An **Investigatory Stop Report (ISR)**⁷³ documents the traffic stop and detention of Ms. Boyd on May 15, 2019. The ISR describes Ms. Boyd as 5 feet 2 inches tall, 134 pounds, with a slender build.

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.

⁷² Att. 13. Mr. Romano is the individual whom officers pulled out of the crowd and placed into custody near Ms. Boyd. He is captured yelling his name and date of birth to Ms. Boyd on her cell phone video.

⁷³ Att. 101.

VII. ANALYSIS

A. Credibility Assessment

While some facts are consistent among the accounts of PO Jovanovich and Ms. Boyd (*i.e.*, both acknowledge PO Jovanovich struck Ms. Boyd), other material facts are entirely divergent. Ms. Boyd stated PO Jovanovich struck her in the face without justification, causing serious facial injury. In contrast, PO Jovanovich described Ms. Boyd as an assailant who was advancing towards officers with an unknown object in her hand. He stated he struck the object from Ms. Boyd's hand in order to stop her from battering the officers.

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. In this case, Ms. Boyd's cell phone video directly refutes PO Jovanovich's account of the incident, drawing the officer's truthfulness into question. Moreover, as detailed below, PO Jovanovich's TRR is riddled with so many inaccuracies, omissions, and exaggerations it can only be characterized as intentionally false. COPA finds that a preponderance of the evidence demonstrates Ms. Boyd's account of the incident is far more credible than PO Jovanovich's.

B. Allegations Against Officer Nicholas Jovanovich

1. PO Jovanovich struck Miracle Boyd without justification.

Per CPD General Order G03-02, "Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape."⁷⁴ Under the Department's use of force policy, a person who is uncooperative by failing to comply with verbal or other direction is classified as a passive resister.⁷⁵ A Department member is permitted to respond to a passive resister with holding and compliance techniques, control instruments, and oleoresin capsicum spray and powder agent.⁷⁶ On the other hand, a person who is using or threatening the use of force against another person which is likely to cause physical injury is classified as an assailant.⁷⁷ When the person is aggressively offensive with or without weapons, but does not pose an imminent threat of death or great bodily harm, a Department member is permitted to respond with any force up to and including direct mechanical techniques, including punching, kicking, and the use of impact weapons and impact munitions.⁷⁸

In this case, COPA finds the preponderance of the evidence establishes Ms. Boyd was a passive resister, not a "low-level assailant," as PO Jovanovich asserted. Ms. Boyd's cell phone video captures multiple Department members issuing Ms. Boyd orders to "get back" prior to her

⁷⁴ General Order G03-02(III)(B), Use of Force.

⁷⁵ General Order G03-02-01(IV)(B)(1), Force Options.

⁷⁶ G03-02-01(IV)(B)(1)(a-d).

⁷⁷ G03-02-01(IV)(C).

⁷⁸ G03-02-01(IV)(C)(1)(a)(1-3).

interaction with PO Jovanovich. Ms. Boyd did not comply and continued to record the incident while standing on the corner of Columbus Drive and Roosevelt Road. Her failure to cooperate made her a passive resister, not an assailant. In fact, PO Jovanovich acknowledged he observed approximately eight Department members interacting with Ms. Boyd, and none of them found it necessary to detain or use force against her.

The video evidence reveals PO Jovanovich's encounter with Ms. Boyd occurred approximately six minutes after he left the Statue and returned to the relative safety of Columbus Drive. PO Jovanovich should have—but did not—use this distance and period of observation to more credibly assess the threat Ms. Boyd posed. Instead, the videos show PO Jovanovich appeared extremely agitated and volatile. He stated words to the effect of, “we got fucking ambushed,” at least eleven times in less than two minutes,⁷⁹ then immediately walked to confront Ms. Boyd.⁸⁰ At that point, Ms. Boyd was standing by herself on the sidewalk, surrounded by dozens of other officers. Her right hand was extended holding her cell phone, which she was using to record the arrest of Mr. Romano. As Mr. Romano called out his name and birth date to Ms. Boyd, she walked closer to him to capture his information on her recording. Simultaneously, POs Jovanovich and Valle rushed towards Ms. Boyd, and without saying a word, PO Jovanovich forcefully struck Ms. Boyd's phone from her hand, causing the phone to hit her face. Ms. Boyd's cell phone video captured PO Jovanovich yell, “Get that fucking phone out of here,” immediately after he hit her.

Despite this evidence, PO Jovanovich told COPA he did not know the “unknown object” in Ms. Boyd's hand was a cell phone, and he believed it could be an impact weapon she intended to use as a weapon against the officers arresting Mr. Romano. COPA finds this explanation lacks credibility, as the officer's own words during the incident establish he knew the “unknown object” was actually a cell phone. Additionally, COPA finds that a reasonable officer with PO Jovanovich's training and experience, both as a police officer and as a civilian who owns a cell phone, would have recognized the manner in which Ms. Boyd was holding her phone was a direct indication she was using it to record the scene. Further, a reasonable officer would have differentiated between a cell phone and a dangerous weapon, as all the officers who interacted with Ms. Boyd prior to PO Jovanovich were apparently able to do. PO Jovanovich should have assessed the relative danger of inanimate objects used as weapons, such as cell phones, versus the danger posed by a PVC pipe sharpened into a spear. The phone, in this case, did not pose an imminent threat to anyone.

Additionally, PO Jovanovich stated that, as he approached Ms. Boyd, she continued moving towards Mr. Romano. However, the BWC videos show that as PO Jovanovich began to approach Ms. Boyd, she began quickly retreating away from Mr. Romano. PO Jovanovich also stated he believed Ms. Boyd would strike the officers making the arrest, so he swung his left hand toward Ms. Boyd's right hand in a “swiping” motion, knocking the object from her hand. However, after reviewing all relevant video footage, COPA found no evidence indicating Ms. Boyd was about to batter any officers. She had interacted with multiple officers before PO Jovanovich and did not strike any of them. Her posture and body language were consistent with a person using a cell phone to record a scene, not preparing to attack. Further, Ms. Boyd had ample opportunity to

⁷⁹ Att. 88, timestamp 10:07-12:13.

⁸⁰ Att. 88, timestamp 12:36.

pick up speed, close distance, and strike the officers and/or Mr. Romano before PO Jovanovich's interaction with Ms. Boyd, and she did not do so.

PO Jovanovich stated the force he used against Ms. Boyd was reasonable, necessary, and proportionate because the protestors at the Statue had turned into violent assailants, and he believed Ms. Boyd was about to attack unsuspecting officers. However, the audio and video from the incident, as described above, refute this statement. Additionally, PO Jovanovich admitted Ms. Boyd did not break the law, which separates her from the violent assailants he referred to in his assessment of reasonability. Ms. Boyd was recording the protest, including the arrest of Mr. Romano, and she moved closer to capture Mr. Romano's information. None of these activities were illegal. As soon as PO Jovanovich began approaching Ms. Boyd, she began quickly moving away from Mr. Romano, indicating her immediate compliance and retreat before PO Jovanovich's use of force.

Further, PO Jovanovich did not attempt to deescalate the situation in any way, nor did he provide any verbal direction to Ms. Boyd as outlined in General Order G03-02.⁸¹ Instead, with no warning whatsoever, PO Jovanovich approached Ms. Boyd with his left arm raised and struck her in the face. He failed to use his training to create a zone of safety, tactically position himself, or employ other control techniques. Additionally, COPA notes that Ms. Boyd is a 5-foot 1 inch tall, 140-pound black female. PO Jovanovich is a 6-foot 3 inches tall, 185-pound white male. The disparity in their sizes added to the excessive nature of the officer's use of force.

For these reasons, COPA finds Ms. Boyd was not one of the violent assailants from the Statue, but a passive resister attempting to record the arrest of Mr. Romano. PO Jovanovich, who was visibly upset and reactive following the events at the Statue, failed to appropriately assess the threat posed by Ms. Boyd. As a result, he used force that is permitted against an assailant, but not a passive resister such as Ms. Boyd. In striking Ms. Boyd, PO Jovanovich used force that was objectively unreasonable, disproportionate, and unnecessary, as well as a clear violation of General Orders G03-02 and G03-02-01. For these reasons, COPA finds the preponderance of the evidence establishes that PO Jovanovich struck Ms. Boyd without justification, in violation of Rules 2, 3, 6, 8, and 9. Therefore, Allegation 1 against PO Jovanovich is **sustained**.

2. PO Jovanovich stopped Ms. Boyd from recording without justification.

Per General Order G03-02, officers are prohibited from using force in response to the lawful exercise of First Amendment rights, including observing and filming policy activity.⁸² A COPA Investigator asked PO Jovanovich if he was aware of this prohibition of force, and he responded "yes." PO Jovanovich claimed he was not trying to stop Ms. Boyd from recording; he believed she had a weapon and was going to use it against officers. He added, "I wasn't even paying attention that she was recording at that time. When she was flailing the object around in her hand, I wasn't even looking at it as a recording device. I was looking at it as a weapon the

⁸¹ See General Order G03-02(III)(B)(4).

⁸² See G03-02(III)(5)(d).

entire time.”⁸³ COPA reviewed the video footage and did not observe Ms. Boyd “flailing the object around.”

As discussed above, Ms. Boyd’s body posture was consistent with a person recording the scene with a cell phone, not preparing to attack. Reasonable police officers should be able to tell the difference between a person recording an interaction with a cell phone and a person using or preparing to use a phone in a manner that could cause bodily harm. In fact, Ms. Boyd interacted with multiple officers before she encountered PO Jovanovich, and none of those officers stopped or attempted to stop her from recording. PO Jovanovich, however, clearly intended to stop Ms. Boyd from recording, as evidenced by the fact that he said, “Get that fucking phone out of here,” immediately after he struck Ms. Boyd. COPA finds the preponderance of the evidence establishes that PO Jovanovich stopped Ms. Boyd from recording a public encounter on her phone without justification, in violation of Rule 2, 3, 6, 8, and 9. Therefore, Allegation 2 against PO Jovanovich is **sustained**.

3. There is clear and convincing evidence PO Jovanovich combined multiple subjects in one TRR at the direction of Sgt. Gleeson and Lt. Cronin.

The third allegation against PO Jovanovich alleges he failed to comply with General Order G03-02-02, Incidents Requiring Completion of a Tactical Response Report (TRR). That order references the TRR instructions available on CLEARNET, which is the software program officers use to electronically complete their TRRs. The instructions make clear that a TRR is used to document the force used by one officer on a single subject. Force used on multiple subjects by one officer requires the completion of multiple TRRs. The TRR instructions provide, “**Note about Multiple Subjects:** You will notice that the TRR application only allows for the entry of one (1) subject. If an incident involves force used on multiple subjects, you must create a separate TRR for each individual subject...**TRR Math:** 3 subjects physically confront 2 officers and an altercation ensues. Each officer must complete a TRR for each subject. This example would result in the creation of 6 separate TRR reports.”⁸⁴

PO Jovanovich stated that, when he arrived at work the day after the protest, PO John Chibicki showed him a video clip posted on social media that captured an officer striking an object out of Ms. Boyd’s hand. PO Jovanovich told Sgt. Gleeson he might be the officer in the video, and Sgt. Gleeson relayed the information to Lt. Cronin. Despite this, Lt. Cronin and Sgt. Gleeson instructed PO Jovanovich to complete one “blanket TRR” for the entire incident. Both supervisors acknowledged they gave PO Jovanovich and the other officers under their command this direction, which is borne out by the fact that all 18 TRRs they approved related to this protest combined multiple subjects.

Although PO Jovanovich’s “blanket TRR” violated General Order G03-02-02, COPA recognizes PO Jovanovich followed Lt. Cronin and Sgt. Gleeson’s instructions in completing the TRR. Had PO Jovanovich refused to follow their directions, he would have violated Rule 6, which prohibits the disobedience of any order or directive, whether written or oral. In this situation, PO Jovanovich had no reason to believe the order to create a “blanket TRR” was unlawful or

⁸³ Att. 62, pg. 33, lines 20-23.

⁸⁴ Att. 115, pg. 2 (emphasis in original).

unauthorized, and the officer was bound by his superiors' instructions. Therefore, COPA finds the statements of Lt. Cronin, Sgt. Gleeson, and PO Jovanovich constitute clear and convincing evidence that PO Jovanovich created a "blanket TRR" at the direction of Lt. Cronin and Sgt. Gleeson. As a result, Allegation 3 against PO Jovanovich is **exonerated**.

4. There is clear and convincing evidence PO Jovanovich failed to timely submit his TRR at the direction of Lt. Cronin.

Per General Order G03-02-02, "Each sworn member or detention aide in the performance of his or her duties who is involved in a reportable use of force incident... will submit the completed TRR to his or her immediate supervisor for review and approval before the end of the involved member's tour of duty."⁸⁵ This incident occurred on July 17, 2020, at approximately 7:20 P.M. PO Jovanovich began his TRR at 2:33 P.M. on July 18, 2020, and he submitted it for approval that evening.

After PO Jovanovich's tour of duty ended on July 17, 2020, he relocated to the police station at McCormick Place, where Lt. Cronin informed him all days off were canceled. Lt. Cronin instructed PO Jovanovich and the other officers present to come in the following day to complete any necessary TRRs. Lt. Cronin admitted he gave this order, Sgt. Gleeson acknowledged he heard it, and PO Jovanovich stated he followed it. As a result, PO Jovanovich did not complete his TRR before the end of his shift on July 17, 2020. Although this is a technical violation of G03-02-02, COPA recognizes PO Jovanovich delayed the completion of his TRR at the direction of a superior officer. In this situation, PO Jovanovich had no reason to believe Lt. Cronin's order was unlawful or unauthorized, and the officer was bound by the lieutenant's instructions.

COPA finds the statements of Lt. Cronin, Sgt. Gleeson, and PO Jovanovich constitute clear and convincing evidence that PO Jovanovich failed to timely submit a TRR at the direction of Lt. Cronin. As a result, Allegation 4 against PO Jovanovich is **exonerated**.

5. PO Jovanovich provided a willfully false and misleading statement in the manner he combined multiple subjects, including Ms. Boyd, in one TRR.

Allegations 5 and 6 against PO Jovanovich allege he violated Rule 14 by making false, incomplete, inaccurate, and/or misleading statements in his TRR. Pursuant to General Order G08-01-01, the Department Member Bill of Rights, a member will not be charged with a Rule 14 violation "unless the Department member willfully made a false statement and the false statement was made about a fact relevant to the investigation."⁸⁶ COPA's analysis addresses each of these factors below.

a. PO Jovanovich's combination of subjects resulted in a TRR that was misleading and inaccurate.

The fifth allegation against PO Jovanovich alleges he provided false, misleading, incomplete, and/or inaccurate statements when completing the "check applicable boxes" sections

⁸⁵ General Order G03-02-02(IV)(B)(3), Incidents Requiring Completion of a Tactical Response Report (TRR).

⁸⁶ General Order G08-01-01(II)(N), Department Member Bill of Rights. *See also* Agreement between the City of Chicago Department of Police and the Fraternal Order of Police (FOP) Chicago Lodge No. 7, Section 6.2(J).

of his TRR. COPA initially brought this allegation because PO Jovanovich checked numerous boxes that did not apply to Ms. Boyd's actions or PO Jovanovich's response to those actions. For example, under "subject's actions, PO Jovanovich checked the boxes: did not follow verbal directions, made verbal threats, fled, threw objects (bottles, cans, explosive devices), posed an imminent threat of a battery without a weapon, posed an imminent threat of a battery with a weapon, and physically attacked with a weapon. Additionally, under "member's response," PO Jovanovich indicated he responded with member presence, verbal directions/control techniques, zone of safety, movement to avoid attack, and an open-handed strike. The available video footage, however, reveals the majority of these checked boxes do not apply to Ms. Boyd's actions or PO Jovanovich's use of force against Ms. Boyd.

During PO Jovanovich's COPA statement, he explained that he combined multiple subjects into a single TRR. As a result, the TRR documents the force he used against all those subjects, not just Ms. Boyd. PO Jovanovich conceded that most of the checked boxes were not applicable to his interaction with Ms. Boyd. Regarding the "subject's actions" portion of his TRR, PO Jovanovich stated the only checked box that referred to Ms. Boyd was "imminent threat of battery with weapon."⁸⁷ Similarly, he indicated that of all the "member's response" boxes he checked, the only ones that apply to his use of force against Ms. Boyd were "member presence" and "open-handed strike."

This combination of subjects into a single TRR resulted in a document that is fundamentally misleading and inaccurate, as it suggests Ms. Boyd committed numerous felonies that she did not. Moreover, the document has little-to-no value if the reader cannot distinguish which subject actions resulted in which uses of force, and against whom. For these reasons, COPA finds the checked boxes sections of PO Jovanovich's TRR is false and misleading.

b. PO Jovanovich drafted his TRR in a manner that was intentionally misleading.

PO Jovanovich explained he combined subjects because Sgt. Gleeson and Lt. Cronin instructed him to complete one "blanket TRR" for the entire protest. Sgt. Gleeson and Lt. Cronin both acknowledged they gave PO Jovanovich and the other officers under their command this direction, and all 18 TRRs they approved related to this protest combined multiple subjects. As a result, COPA finds the two supervisors bear the brunt of the responsibility for the resulting confusion created by the TRRs.

However, PO Jovanovich is responsible for the manner in which he chose to combine Ms. Boyd with the other subjects. PO Jovanovich told COPA he approached Sgt. Gleeson to complete a TRR because he learned a video of his interaction with Ms. Boyd was trending on social media. When Sgt. Gleeson responded that he should include Ms. Boyd in his "blanket TRR," the sergeant did not have a full description of the incident. Only PO Jovanovich knew with certainty that he was the officer in the viral video. Only PO Jovanovich knew he struck Ms. Boyd without provocation. Only PO Jovanovich fully understood that his interaction with Ms. Boyd did not

⁸⁷ PO Jovanovich's TRR contains multiple statements that Ms. Boyd posed an imminent threat with a weapon, in that she was "going to going to batter the arresting officers or attempt to defeat the arrest." These claims are false; they are discussed in detail in the section addressing Allegation 6 against PO Jovanovich, below.

occur during the tumult of the protest; he did not encounter Ms. Boyd until he returned to the relative safety of Columbus Drive, almost six minutes after he left the Statue. That Sgt. Gleeson and Lt. Cronin instructed PO Jovanovich to complete a “blanket TRR” for the entire day shows that PO Jovanovich did not clearly convey that he had a single interaction with a specific individual that was separate from what occurred at Columbus Statue.

Instead, PO Jovanovich used the opportunity to add Ms. Boyd to his “blanket TRR” in a manner that was blatantly misleading. By combining Ms. Boyd’s actions with those of the subjects at the Statue, the TRR falsely suggests Ms. Boyd may have been involved in some or all of their activities, including detonating explosive devices and throwing cans and bottles at police. Similarly, PO Jovanovich’s decision to check the box “verbal directions/control techniques” inaccurately implies he attempted to use verbal commands and other de-escalation tactics on Ms. Boyd, when he actually only used these techniques on other subjects involved in the protest. By combining subjects in this manner, PO Jovanovich created a document that he knew was misleading.

COPA understands that PO Jovanovich interacted with multiple unknown individuals at Columbus Statue, and that creating a separate TRR for each of those individuals and interactions was not feasible. COPA also understands the PO Jovanovich did not know Ms. Boyd’s identity at the time of the use of force. However, PO Jovanovich separated the narrative section into two paragraphs, one referring to the events at the Statue and the second paragraph referring to the incident with Mrs. Boyd, denoted by “a short time later.” This demonstrates he understood the events to have happened separately, and he could have easily separated Ms. Boyd from the unknown assailants at the Statue. Further, while PO Jovanovich may not have observed who threw the explosives at police, he acknowledged he did not see Ms. Boyd until she was on Columbus Drive, apart from any other individuals. This separation between incidents, coupled with the fact that PO Jovanovich knew Ms. Boyd’s video was trending on social media and she had reportedly sustained serious injuries, should have led PO Jovanovich to insist on creating a separate TRR. Alternatively, he could have remedied most of the inaccuracies in his TRR by noting in the narrative which checked boxes applied to Ms. Boyd. PO Jovanovich did neither of these things. His TRR does not even indicate that the checked boxes apply to multiple subjects, much less which actions apply to which subjects.

In this situation, PO Jovanovich’s motivation to mislead the reader was clear. He conflated the actions of Ms. Boyd and the violent assailants at the Statue in an effort to misrepresent and exaggerate Ms. Boyd as a more severe threat than she was, thus supporting his use of force. PO Jovanovich also attempted to minimize his own conduct, falsely implying he used de-escalation techniques and verbal commands on Ms. Boyd and omitting the fact that his strike made contact with Ms. Boyd (as opposed to her phone). Even within the confines of Sgt. Gleeson and Lt. Cronin’s directions that PO Jovanovich complete a “blanket TRR,” PO Jovanovich could have easily drafted the report in a manner that accurately separated Ms. Boyd from the other subjects. Instead, PO Jovanovich used the opportunity to obscure and minimize the excessive force he used against Ms. Boyd. The preponderance of the evidence establishes PO Jovanovich knowingly completed his TRR in a manner that was misleading and false.

c. PO Jovanovich's combination of subjects in one TRR was material to this investigation.

Finally, COPA finds PO Jovanovich's combination of subjects into a single TRR was material to the incident under investigation. This case arose from PO Jovanovich's use of force against Ms. Boyd, and the entire purpose of a TRR is to accurately document the facts that explain an officer's decision to use force against a particular subject. Therefore, COPA finds PO Jovanovich's combination of multiple subjects' actions, and his corresponding uses of force, were material to this investigation.

For these reasons, COPA finds PO Jovanovich provided a willfully false and misleading statement by combining multiple subjects, including Ms. Boyd, in a single TRR. In so doing, he violated Rules 2, 3, 6, and 14. Therefore, Allegation 5 against PO Jovanovich is **sustained**.

6. PO Jovanovich made a willfully false statement when he described Ms. Boyd's actions in the narrative section of his TRR.

The sixth allegation against PO Jovanovich alleges he provided a false, misleading, inaccurate, incomplete, and/or inaccurate statement in the narrative of his TRR. Specifically, PO Jovanovich described Ms. Boyd as, "the highly agitated person swinging and flailing their arms with an unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of the arresting officers. The subject continued to walk toward the officers extending the unknown object with their right hand. The officers were unaware of the subject approaching from behind and r/o believing the subject was going to batter the arresting officers or attempt to defeat the arrest." The preponderance of the evidence establishes this narrative is a gross misstatement of Ms. Boyd's actions and intent, and PO Jovanovich violated Rule 14 in submitting a TRR containing this language.

a. PO Jovanovich's description of Ms. Boyd's actions was false.

COPA finds PO Jovanovich provided false and misleading information in the narrative section of his TRR pertaining to Ms. Boyd's actions. COPA's review of these four sentences identified five significant falsehoods, which are detailed below.

First, PO Jovanovich described Ms. Boyd as "swinging and flailing their arms" as she approached the arresting officers and Mr. Romano. This is demonstrably untrue. The video evidence shows Ms. Boyd approached Mr. Romano with her right arm extended in front of her, holding her phone at approximately eye level. Ms. Boyd's body posture was consistent with a person recording the scene with a cell phone, and rather than swinging or flailing her arm, she appeared to be making an effort to keep her right arm steady, in one position. Similarly, the videos reveal Ms. Boyd kept her left arm at her side as she approached Mr. Romano and the arresting officers.

Second, PO Jovanovich's TRR falsely states Ms. Boyd was about "to batter the arresting officers or attempt to defeat the arrest." PO Jovanovich told COPA his perception was that Ms. Boyd was advancing quickly behind the arresting officers, and she would have struck the officers or tried to free Mr. Romano had he not intervened. PO Jovanovich's conclusions about Ms. Boyd's

intent are entirely unsupported by the video and testimonial evidence. Ms. Boyd told COPA she approached Mr. Romano to obtain his identifying information, so that protest organizers could locate him later in CPD custody. Her account is corroborated by the cell phone video she recorded, which captures Mr. Romano yelling his name and date of birth to Ms. Boyd. Other video evidence shows Ms. Boyd moving towards Mr. Romano with her cell phone in front of her, consistent with someone who is filming, not preparing to attack. Ms. Boyd also had ample opportunity to pick up speed, close distance, and strike the arresting officers and/or Mr. Romano before PO Jovanovich intervened, and she did not do so. Finally, PO Jovanovich admitted he observed Ms. Boyd interacting with multiple officers before he approached her, and she did not strike or harm any of them. To the contrary, when a COPA investigator asked PO Jovanovich if Ms. Boyd committed an assault or battery against any officer, he acknowledged she did not.

Third, PO Jovanovich's TRR fails to identify the "unknown object" in Ms. Boyd's hand as a cell phone, despite video evidence revealing the officer knew the object was a phone. Less than two seconds after PO Jovanovich struck Ms. Boyd, her cell phone video captured him say, "Get that fucking phone out of here." This is clear and convincing evidence PO Jovanovich knew the "unknown object" was a cell phone at the time of the incident, and yet his TRR never indicates the identity of the object. When presented with the video, even PO Jovanovich conceded this omission was an error, stating, "I do not have an answer for that. I should have [identified the object] and I didn't."⁸⁸

Fourth, PO Jovanovich wrote that the officers who arrested Mr. Romano were "unaware of the subject approaching from behind." PO Jovanovich offered this as one of the reasons he intervened to stop Ms. Boyd. However, during his COPA statement, PO Jovanovich conceded he never asked the other officers if they could see Ms. Boyd, and they did not tell him they could not see her. To the contrary, the video footage reveals one of the two arresting officers was directly facing Ms. Boyd as she approached. Therefore, PO Jovanovich's statement that the other officers could not see Ms. Boyd is false.

Fifth, PO Jovanovich's statement that Ms. Boyd "fled the scene" after the officer knocked the object from her hand is also false. COPA's review of the available audio and video footage determined Ms. Boyd did not flee the scene. Immediately after PO Jovanovich struck Ms. Boyd, she stopped in front of the officer while holding her face with her hand. PO Jovanovich looked at Ms. Boyd, picked up her phone from the ground, and walked away. Ms. Boyd, on the other hand,

⁸⁸ In addition to being false, PO Jovanovich's repeated statements that Ms. Boyd was extending an "unknown object" in her right hand violated G03-02-02, which sets forth Department policies for the completion of TRRs. The order provides, in relevant part, "If an object is perceived by the member as a weapon that could cause great bodily harm or death and is not actually a weapon or the object recovered is different than the perceived weapon: (1) indicate the subject's actions and indicate the actual weapon or object on the TRR, and (2) if the item was different than perceived, indicate in the "Weapon/Object Perceived As" field what the weapon or object was perceived to be. EXAMPLE: If a member uses force against an assailant holding an object that the involved member perceives to be a handgun, but upon recovery, the object was determined to be a BB gun, the member will indicate "Other - BB gun" as the "Weapon Description" and "Handgun" in the "Weapon/Object Perceived As" field." G03-02-02(IV)(B)(1)(b). This provision reflects the Department's awareness that an officer may perceive an object to be a weapon, and upon further investigation, discover it to be something else entirely. In these situations, the Department has created a separate section on the TRR to notate the accurate identification of the object. PO Jovanovich not only failed to note what the object was in the narrative, but he also omitted the object from the box that the Department created for these specific situations, as outlined in the order.

remained on the northeast corner of Columbus Drive and Roosevelt Road for at least several minutes.

b. PO Jovanovich willfully provided this false description of Ms. Boyd's actions.

COPA finds PO Jovanovich intentionally provided false and misleading information regarding Ms. Boyd's actions. As described above, the narrative section of PO Jovanovich's TRR is riddled with so many inaccuracies, omissions, and exaggerations it can only be characterized as willfully false. This conclusion is bolstered by PO Jovanovich's admission that he reviewed Ms. Boyd's cell phone video prior to completing his TRR. PO Jovanovich had the opportunity to refresh his recollection with the video and make sure the TRR accurately reflected its contents. Instead, he disregarded the video and drafted a false narrative that exaggerated the threat Ms. Boyd posed and minimized his own use of force. The fact that all of PO Jovanovich's false statements weigh in his favor is not a coincidence; it reflects a calculated and deliberate decision by PO Jovanovich to mislead the Department, COPA, and the public. As a result, COPA finds the preponderance of the evidence establishes PO Jovanovich made willfully false statements in the narrative section of his TRR.

c. PO Jovanovich's description of Ms. Boyd's actions was material to this investigation.

Finally, COPA finds PO Jovanovich's false statements were material to the incident under investigation. This case arose from PO Jovanovich's use of force against Ms. Boyd, and the entire purpose of a TRR is to accurately document the facts that explain an officer's decision to use force. Therefore, COPA finds that PO Jovanovich's description of Ms. Boyd's actions— which purportedly led to his use of force against her— was material to this investigation.

For these reasons, COPA finds PO Jovanovich included willfully false and misleading statements regarding Ms. Boyd's actions in the narrative section of his TRR, in violation of Rules 2, 3, 6, and 14. Therefore, Allegation 6 against PO Jovanovich is **sustained**.

7. PO Jovanovich seized Ms. Boyd's phone without justification.

According to PO Jovanovich, after he struck Ms. Boyd, the object in her hand hit the ground and he realized it was a phone. PO Jovanovich picked up the phone and brought it over to a pile of bikes, buckets, chains, PVC pipes, and other objects that protestors had used as weapons. PO Jovanovich stated he dropped the phone in the pile. A COPA investigator asked for more details, such as if PO Jovanovich received instructions from a supervisor or was following a General Order. He replied that it was such a chaotic scene, there were no instructions for handling the property. Additionally, PO Jovanovich maintained Ms. Boyd fled after he struck her, and he did not see her again. The video evidence refutes all of the statements made by PO Jovanovich regarding the seizure of Ms. Boyd's phone.

Per PO Cline's BWC footage, the pile of property where PO Jovanovich stated he put Ms. Boyd's phone was not created until timestamp 33:07, approximately 21 minutes after PO Jovanovich struck Ms. Boyd. At timestamp 33:07, the video captures PO Cline suggesting they

put the non-police bicycles into a pile, and PO Jovanovich immediately started moving the bikes into a pile on Columbus Drive. At timestamp 33:25, PO Cline added a PVC pipe to the pile. Finally, at timestamp 51:11, as PO Jovanovich discussed the incident with PO Cline, the video shows a black iPhone sticking out of PO Jovanovich's vest pocket. Although it is unknown if the phone in PO Jovanovich's pocket belonged to Ms. Boyd, the video evidence reveals PO Jovanovich did not put the phone in the pile of property immediately after he took possession of it; the pile of property did not exist for at least another 21 minutes.

In summary, the audio and video recordings of this interaction show that PO Jovanovich struck Ms. Boyd, causing her phone to fall to the ground. PO Jovanovich yelled, "Get that fucking phone out of here," as he picked up the phone from the ground. Ms. Boyd stood in front of PO Jovanovich, holding her face with her hand, as PO Jovanovich looked at her, picked up her phone, and immediately walked away. The preponderance of the evidence establishes that PO Jovanovich did not have a valid basis for seizing Ms. Boyd's phone, and he could have—and should have—returned the phone to her. For these reasons, COPA finds PO Jovanovich seized Ms. Boyd's phone without justification, in violation of Rules 2 and 3, and Allegation 7 is **sustained**.

8. PO Jovanovich failed to inventory Ms. Boyd's phone without justification.

PO Jovanovich acknowledged he did not inventory Ms. Boyd's phone, but dropped it in the pile of property on Columbus Drive. In so doing, PO Jovanovich failed to comply with Department instructions regarding the handling of recovered property. Per General Order G07-01, "All property which is seized, recovered, found, or otherwise taken into custody by Department members will be inventoried as soon as it is practical to do so."⁸⁹ COPA understands that the Department was responsible for inventorying and relocating dozens of bicycles that were abandoned or confiscated after this protest, and those bicycles may have required special handling. However, all property, including Ms. Boyd's iPhone, was subject to G07-01 and should have been inventoried appropriately. The preponderance of the evidence establishes that PO Jovanovich failed to inventory Ms. Boyd's phone without justification, in violation of Rule 6. Therefore, Allegation 8 against PO Jovanovich is **sustained**.

C. Allegations Against Officer Andres Valle

1. PO Valle failed to report the excessive force PO Jovanovich used when he struck Miracle Boyd.

Per General Order G03-02, "Any Department member who observes misconduct or becomes aware of information alleging misconduct, including an identified excessive use of force, a reportable use of force incident that was not reported, or a use of force that is otherwise in violation of this directive, will immediately notify his or her Supervisor."⁹⁰

PO Valle asserted he was not required to report PO Jovanovich's actions because PO Jovanovich did not make physical contact with Ms. Boyd. The audio and video footage of this incident, and the injuries sustained by Ms. Boyd, refute this statement entirely. The video evidence reveals POs Valle and Jovanovich were standing shoulder-to-shoulder, only inches apart, at the

⁸⁹ General Order G07-01(II)(A), Processing Property Under Department Control.

⁹⁰ G03-02(V)(B)(2).

time PO Jovanovich struck Ms. Boyd. PO Valle observed PO Jovanovich's actions and was responsible for reporting them to his immediate supervisor. There is no evidence PO Valle fulfilled this obligation. PO Valle's TRR does not include any mention of the interaction between Ms. Boyd and PO Jovanovich, and neither Sgt. Gleeson nor Lt. Cronin reported that any officers came forward as witnesses to the event. Therefore, COPA finds the preponderance of the evidence establishes that PO Valle failed to report the excessive force PO Jovanovich used when he struck Ms. Boyd, in violation of Rules 3 and 6. As a result, Allegation 1 against PO Valle is **sustained**.

D. Allegations Against Sergeant Kevin Gleeson

1. Sgt. Gleeson violated Rules 2, 3, and 10 when he approved PO Jovanovich's TRR, which combined Ms. Boyd with multiple subjects from the Statue.

The first allegation against Sgt. Gleeson alleges he provided a false, misleading, incomplete, and/or inaccurate statement when he approved the "check applicable boxes" sections of PO Jovanovich's TRR, which combined Ms. Boyd with multiple subjects from the Statue. COPA's analysis evaluates this allegation under both Rule 14 (intentionally false statement) and Rules 2, 3, 10 (false statement due to negligence). As an initial matter, COPA finds that Sgt. Gleeson made a false statement of material fact when he approved PO Jovanovich's TRR, which contains numerous checked boxes that do not apply to Ms. Boyd's actions or PO Jovanovich's response to those actions. As discussed above, the result is a document that is profoundly misleading, as it conflates Ms. Boyd's actions with those of the assailants at the Statue.

a. There is insufficient evidence Sgt. Gleeson *willfully* provided false information when he approved the combination of multiple subjects in PO Jovanovich's TRR.

However, COPA finds there is insufficient evidence to prove or disprove that Sgt. Gleeson approved the false statements willfully, or intentionally. As mentioned above, all 18 TRRs that Sgt. Gleeson approved related to the protest combined multiple subjects. This uniformity in the TRRs reflects Sgt. Gleeson's perception that there was not a feasible alternative for completing the TRRs, rather than an intentional effort to deceive. Additionally, when Sgt. Gleeson instructed PO Jovanovich to complete a "blanket TRR," the sergeant did not have a full picture of the incident. For example, there is no evidence PO Jovanovich conveyed to Sgt. Gleeson that his encounter with Ms. Boyd was a single interaction with one individual that was separate in time and place from the riot at the Statue. Without this information, Sgt. Gleeson's decision to approve the checked boxes combining Ms. Boyd with the assailants at the Statue does not display the same bad faith of PO Jovanovich in checking those boxes.

For these reasons, COPA finds there is insufficient evidence to prove or disprove that Sgt. Gleeson willfully provided a false statement when he approved the "check applicable boxes" sections of PO Jovanovich's TRR, which combined Ms. Boyd with multiple subjects from the Statue. Therefore, only two of the three elements of a Rule 14 allegation have been met, and COPA finds Allegation 1 against Sgt. Gleeson is not sustained as a Rule 14 violation.

b. Sgt. Gleeson *negligently* provided false information when he approved the combination of multiple subjects in PO Jovanovich's TRR.

Although COPA has found insufficient evidence to prove this allegation under Rule 14, the preponderance of the evidence establishes that Sgt. Gleeson's decision to approve PO Jovanovich's TRR violated Rules 2, 3, and 10. Rule 2 prohibits "conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit on the Department," while Rule 3 prohibits "any failure to promote the Department's efforts to implement its policy or accomplish its goals." The Comment to Rule 3 makes it clear that this "applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department..." Finally, Rule 10 prohibits inattention to duty, which can also be characterized as negligence. In this situation, Sgt. Gleeson's approval of the misleading TRR violated all three Rules, reflecting his poor supervision, deficient investigation, and overall negligence in the manner he approached his TRR approval responsibilities.

During Sgt. Gleeson's COPA statement, he was unable to identify which subject actions, as indicated on PO Jovanovich's TRR, were specifically attributable to Ms. Boyd. Similarly, when an investigator asked which "member's response" boxes applied to PO Jovanovich's interaction with Ms. Boyd, Sgt. Gleeson responded, "I couldn't tell you what Officer Jovanovich observed and why he checked each box, per se, to say what he saw or who it pertained to. You would have to ask him."⁹¹ Sgt. Gleeson acknowledged he did not ask PO Jovanovich for this information, and the sergeant appeared similarly confused when an investigator asked if PO Jovanovich used open-hand strikes on anyone other than Ms. Boyd. In fact, Sgt. Gleeson acknowledged he did not ask PO Jovanovich *any* follow-up questions, did not attempt to contact Ms. Boyd or interview any civilian witnesses, and erroneously believed no BWC footage captured the interaction between PO Jovanovich and Ms. Boyd. Sgt. Gleeson did watch a brief clip of Ms. Boyd's cell phone video, but he conceded he did not rely on the video in approving PO Jovanovich's TRR, stating, "I have to go by what he says he observed."⁹²

Sgt. Gleeson's statement reflects a profound misunderstanding of his responsibilities as a reviewing supervisor pursuant to G03-02-02. That directive not only requires supervisors to attest to the legibility and completeness of an officer's TRR, but also its accuracy. It instructs supervisors to review the portion of the TRR completed by the involved member, and, "if the TRR is incomplete, insufficient, or contains inconsistencies within the report, return the TRR to the member and discuss reasons with the involved member."⁹³ As discussed above, PO Jovanovich's TRR contained numerous inconsistencies and incomplete information. Instead of returning the TRR to the officer for revisions, Sgt. Gleeson approved the report without asking PO Jovanovich a single follow-up question. By the sergeant's own admission, he accepted PO Jovanovich's description of the incident as fact.

⁹¹ Att. 61, pg. 34, lines 2-5.

⁹² Att. 61, pg. 60, line 19.

⁹³ G03-02-02(V)(C)(6)(c).

Additionally, Sgt. Gleeson admitted he told PO Jovanovich to complete a TRR with multiple subjects, a direct violation of G03-02-02. Sgt. Gleeson explained he did not ask PO Jovanovich to separate the incidents because, “I just didn’t feel like it was feasible. There was no real direction I could find on how to do the paperwork on this incident. It was very chaotic, crazy. I advised them the best of my ability on how to document the incident. If I did it wrong, I’m sorry. But I tried my best.”⁹⁴ COPA acknowledges that PO Jovanovich interacted with multiple unknown individuals at Columbus Statue, and creating a separate TRR for each of those individuals and interactions was not feasible. However, had Sgt. Gleeson conducted the required review of PO Jovanovich’s TRR, he would have realized the need to separate PO Jovanovich’s encounter with Ms. Boyd into a separate report. Instead, he directed the officer to combine Ms. Boyd with the subjects at the Statue, resulting in a TRR that is so misleading that even Sgt. Gleeson acknowledged the problem. When a COPA investigator asked Sgt. Gleeson if he understood how the TRR was an inaccurate and unclear representation of PO Jovanovich’s interaction with Ms. Boyd, he responded, “I understand what you’re saying.”⁹⁵ Sgt. Gleeson’s confusion reading PO Jovanovich’s TRR during his COPA statement and his inability to provide insight or clarity into the interaction between PO Jovanovich and Ms. Boyd reveal that Sgt. Gleeson did not understand or have clarity on the TRR he approved.

The preponderance of the evidence establishes Sgt. Gleeson’s review of PO Jovanovich’s TRR was grossly inadequate and allowed PO Jovanovich to make false, misleading, inaccurate, and incomplete statements in his TRR. For these reasons, COPA finds Sgt. Gleeson violated Rules 2, 3, and 10 when he combined Ms. Boyd with multiple other subjects. As a result, Allegation 1 against Sgt. Gleeson is **sustained**.

2. Sgt. Gleeson made a willfully false statement when he approved the narrative section of PO Jovanovich’s TRR, in violation of Rule 14.

The second allegation against Sgt. Gleeson alleges he provided a false, misleading, incomplete, and/or inaccurate statement when he approved the narrative section of PO Jovanovich’s TRR, which describes Ms. Boyd as “the highly agitated person swinging and flailing their arms with an unknown object in their right hand. Subject was yelling profanities and walking quickly toward the back of the arresting officers. The subject continued to walk toward the officers extending the unknown object with their right hand. The officers were unaware of the subject approaching from behind and r/o believing the subject was going to batter the arresting officers or attempt to defeat the arrest...” As an initial matter, COPA finds that Sgt. Gleeson made a false statement of material fact when he approved this portion of PO Jovanovich’s TRR. In reaching this conclusion, COPA follows the same analysis as Allegation 6 against PO Jovanovich.

a. Sgt. Gleeson willfully approved this false description of Ms. Boyd’s actions.

COPA finds Sgt. Gleeson willfully approved PO Jovanovich’s false and misleading account of Ms. Boyd’s actions. Sgt. Gleeson told COPA he first learned about Ms. Boyd the day after the protest. Sgt. Gleeson stated he asked his officers who needed to complete a TRR, and PO

⁹⁴ Att. 61, pg. 35, line 20 - pg. 36, line 1.

⁹⁵ Att. 61, pg. 38, line 24.

Jovanovich responded that he did, as he was potentially the officer captured in a video circulating on social media. PO Jovanovich told Sgt. Gleeson that the video showed his interaction with “some girl,” now identified as Ms. Boyd, who was “saying her tooth was knocked out. Or teeth.”⁹⁶ Sgt. Gleeson then watched Ms. Boyd’s cell phone video, which he described as showing PO Jovanovich standing next to Ms. Boyd, then “hitting her hand or something like that.”⁹⁷ Although the sergeant could not recall hearing the audio from the video, there is no question he viewed the video prior to approving the TRR, and thus knew PO Jovanovich’s account was false.

Despite this, Sgt. Gleeson maintained that he reviews TRRs for legibility and completeness only, and with respect to the narrative, “I have to go by what [PO Jovanovich] says he observed.”⁹⁸ The Chicago Police Board expressly rejected this defense in 16 PB 2909, which found Sgt. Stephen Franko responsible for approving false statements in reports related to the fatal police shooting of Laquan McDonald. In that case, Sgt. Franko watched at least portions of the dash cam video of the incident, then approved multiple TRRs containing factual statements that were directly refuted by the video. The Police Board ruled Sgt. Franko’s approval constituted a violation of Rules 2, 3, and 14, concluding that the sergeant “knew from his own observations [of the video] what had transpired, and he chose to perpetuate and affirm the false information [the officers] supplied rather than reject these false statements. His decision to approve these reports as accurate thus violates Rule 14.”⁹⁹ In so ruling, the Board explicitly rejected Sgt. Franko’s “attempt to convert his role as a sworn officer and supervisor into a clerical one.”¹⁰⁰ Sgt. Franko was discharged from the Chicago Police Department as a result of his conduct in that case.

The Police Board’s ruling is directly applicable to Sgt. Gleeson’s conduct in approving the false statements in PO Jovanovich’s TRR. As set forth above, Ms. Boyd’s cell phone video refutes multiple statements in PO Jovanovich’s narrative, including that Ms. Boyd was “swinging and flailing [her] arms,” holding an “unknown object” in her hand, advancing on officers who were unaware of her approach, and was “going to batter the arresting officers or attempt to defeat the arrest.” Whether considered independently or in their aggregate, the contradictions between the video and the narrative are clear and unmistakable. As a result, COPA finds Sgt. Gleeson knew PO Jovanovich’s narrative was false at the time he approved the TRR.¹⁰¹ Sgt. Gleeson, however, did not reject the TRR or return it to PO Jovanovich for corrections, nor did he ask PO Jovanovich

⁹⁶ Att. 61, pg. 24, lines 9-11.

⁹⁷ Att. 61, pg. 66, lines 10-11.

⁹⁸ Att. 61, pg. 60, lines 19-20.

⁹⁹ *In the Matters of Charges Filed Against Sergeant Stephen Franko, et. al*, 16 PB 2909-2912, pg. 16.

¹⁰⁰ *Id.* at pg. 14.

¹⁰¹ Even if Sgt. Gleeson did not watch Ms. Boyd’s entire video, his decision to approve PO Jovanovich’s TRR as complete and accurate without reviewing all of the available video evidence would have violated Rules 2 and 3. Rule 2 prohibits “conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit on the Department,” and the Comment to the Rule indicates it covers “any and all conduct which is contrary to the letter and spirit of Departmental policy or goals.” Surely, Sgt. Gleeson’s alleged blind acceptance of demonstrably untrue facts in PO Jovanovich’s TRR brought discredit on the Department. Additionally, Rule 3 prohibits “any failure to promote the Department’s efforts to implement its policy or accomplish its goals,” and the Comment to the Rule makes it clear that this “applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department...” While COPA finds that Sgt. Gleeson knowingly approved PO Jovanovich’s false narrative, even if the sergeant was merely careless in failing to conduct a minimal examination of the evidence at hand before approving the TRR, he violated both of these Rules. *See id.* at pgs. 10-11, fn. 4.

any clarifying questions, including what the “unknown object” in Ms. Boyd’s hand actually was. This reveals a level of intentionality that rises above mere negligence. For these reasons, COPA finds the preponderance of the evidence establishes Sgt. Gleeson made a willfully false, misleading, inaccurate, and/or incomplete statement of material fact when he approved the narrative in PO Jovanovich’s TRR, in violation of Rule 14. As a result, Allegation 2 against Sgt. Gleeson is **sustained**.

3. Sgt. Gleeson failed to comply with General Order G03-03-02, Incidents Requiring Completion of a Tactical Response Report (TRR).

As discussed above, Sgt. Gleeson failed to comply with General Order G03-02-02 by instructing PO Jovanovich to include Ms. Boyd and the subjects at the Statue in one TRR, by not ensuring the accuracy and completeness of the TRR, and by not verifying PO Jovanovich accurately identified the unknown object as a cell phone. Each of these failures constituted an independent violation of G03-02-02. Therefore, COPA finds the preponderance of the evidence establishes that Sgt. Gleeson failed to comply with General G03-03-02, in violation of Rule 2, 3, and 6. As a result, Allegation 3 against Sgt. Gleeson is **sustained**.

4. There is clear and convincing evidence Sgt. Gleeson failed to timely approve PO Jovanovich’s TRR at the direction of Lt. Cronin.

Per General Order G03-02-02, “Each sworn member or detention aide in the performance of his or her duties who is involved in a reportable use of force incident...will submit the completed TRR to his or her immediate supervisor for review and approval before the end of the involved member’s tour of duty.”¹⁰² This incident occurred on July 17, 2020, at approximately 7:20 P.M. PO Jovanovich did not begin his TRR until the following afternoon, and Sgt. Gleeson did not approve it until 11:20 P.M. that evening.

As discussed above, on the night of the protest, Lt. Cronin instructed his officers to report to work the following day to complete any TRRs related to the protest. Sgt. Gleeson told COPA he received this order directly from Lt. Cronin, and the lieutenant acknowledged giving it. In this situation, Sgt. Gleeson had no reason to believe Lt. Cronin’s order was unlawful or unauthorized, and both the sergeant and PO Jovanovich were bound by the lieutenant’s instructions. For these reasons, COPA finds there is clear and convincing evidence that Sgt. Gleeson failed to timely approve PO Jovanovich’s TRR at the direction of Lt. Cronin. As a result, Allegation 4 against Sgt. Gleeson is **exonerated**.

E. Allegations Against Lieutenant Godfrey Cronin

1. Lt. Cronin violated Rules 2, 3, and 10 when he approved PO Jovanovich’s TRR, which combined Ms. Boyd with multiple subjects from the Statue.

The first allegation against Lt. Cronin alleges he provided a false, misleading, incomplete, and/or inaccurate statement when he approved the “check applicable boxes” sections of PO Jovanovich’s TRR, which combined Ms. Boyd with multiple subjects from the Statue. For all the reasons outlined regarding Allegation 1 against Sgt. Gleeson, COPA finds there is insufficient

¹⁰² G03-02-02(IV)(B)(3).

evidence that Lt. Cronin willfully approved a false statement when he instructed PO Jovanovich to combine Ms. Boyd and the other subjects in one “blanket TRR.” Therefore, only two of the three elements of a Rule 14 allegation have been met, and COPA finds Allegation 1 against Sgt. Gleeson is not sustained as a Rule 14 violation.

However, although COPA has found insufficient evidence to prove this allegation under Rule 14, the preponderance of the evidence establishes that Lt. Cronin’s decision to approve PO Jovanovich’s TRR violated Rules 2, 3, and 10. Like Sgt. Gleeson, Lt. Cronin admitted he told PO Jovanovich to include Ms. Boyd and the assailants at the Statue in one “blanket TRR,” a direct violation of G03-02-02. As a result, Lt. Cronin was unable to identify which “subject actions” referred to Ms. Boyd, and which “member’s responses” referred to PO Jovanovich’s use of force against Ms. Boyd. Lt. Cronin also acknowledged he did not ask PO Jovanovich any specific questions regarding the incident, and in his review of the TRR, he relied solely on the BWC videos and the brief description of the incident volunteered by PO Jovanovich. Notably, as discussed below in the analysis of Allegation 2, Lt. Cronin intentionally refused to watch Ms. Boyd’s cell phone video prior to approving the TRR.

Had Lt. Cronin conducted the required review, he would have realized the need to separate PO Jovanovich’s encounter with Ms. Boyd into a separate TRR. Instead, he directed PO Jovanovich to combine Ms. Boyd with the subjects at the Statue, resulting in a TRR that is so misleading that even Lt. Cronin could not identify which portions of the report applied to Ms. Boyd. The preponderance of the evidence establishes Lt. Cronin’s review of PO Jovanovich’s TRR was grossly inadequate and allowed PO Jovanovich to make false, misleading, inaccurate, and incomplete statements in his TRR. For these reasons, COPA finds Lt. Cronin violated Rules 2, 3, and 10 when he approved the “check applicable boxes” sections of PO Jovanovich’s TRR, which combined Ms. Boyd with multiple other subjects. As a result, Allegation 1 against Lt. Cronin is **sustained**.

1. Lt. Cronin made a willfully false statement when he approved the narrative section of PO Jovanovich’s TRR, in violation of Rule 14.

The second allegation against Lt. Cronin is identical to the second allegation against Sgt. Gleeson, arising from the supervisors’ approval of the false narrative in PO Jovanovich’s TRR. COPA’s analysis of Lt. Cronin’s conduct is essentially the same as its analysis of Sgt. Gleeson’s conduct, with one notable exception. Unlike Sgt. Gleeson, Lt. Cronin claimed he did not watch Ms. Boyd’s cell phone video prior to approving PO Jovanovich’s TRR. Lt. Cronin told COPA he knew of the existence of the video but consciously chose to ignore it when reviewing the TRR. Instead, Lt. Cronin relied exclusively on the BWC videos of POs Cline and Lavrenzana, which did not clearly capture the interaction between PO Jovanovich and Ms. Boyd. In justifying his decision to ignore Ms. Boyd’s video, Lt. Cronin explained, “My job is to handle and look at the evidence that I have in front of me that I know is authenticated. I do not know of any social media account that is authentic, period. So I—from the aspect of what I was doing, I wouldn’t even look at that because I can’t authenticate any social media posts whether it be video, audio, verbal.”¹⁰³ COPA finds Lt. Cronin’s position regarding third-party videos both inexplicable and indefensible. As a general matter, the Department’s policies do not prohibit the review of videos posted on social

¹⁰³ Att. 112, pg. 79, line 18 – pg. 80, line 1.

media; to the contrary, the Department routinely relies on such videos in proving criminal cases. Additionally, there was no doubt as to the video's authenticity in this case, as PO Jovanovich admitted it captured his interaction with Ms. Boyd.

Lt. Cronin had an obligation to review Ms. Boyd's video in reviewing PO Jovanovich's TRR, and he intentionally refused to do so. By the lieutenant's own admissions, his failure to review the video was not mere oversight or negligence, but a conscious choice to disregard critical evidence. COPA finds that Lt. Cronin's blind acceptance of demonstrably untrue facts in PO Jovanovich's TRR rose to the level of a willfully false statement, and he violated Rules 2, 3, and 14. Therefore, Allegation #2 against Lt. Cronin is **sustained**.

2. Lt. Cronin willfully provided a false statement when he reported Ms. Boyd was "approaching the officers at a fast pace from behind while flailing their arms."

The third allegation against Lt. Cronin arises from a statement he made in the "Lieutenant or Above/Incident Commander: Comments" section of PO Jovanovich's TRR. Unlike the previous allegations against Lt. Cronin, this allegation is based on the lieutenant's own words, not merely his approval of PO Jovanovich's statements. Lt. Cronin wrote that he watched the BWC videos of POs Cline and Lavrenzana, "which shows arrests being made by officers and an unknown individual approaching the officers at a fast pace from behind while flailing their arms." As discussed above, the videos do not capture Ms. Boyd "flailing their arms," and Lt. Cronin's statement is demonstrably false. Moreover, because Lt. Cronin offered the statement as justification for his approval of PO Jovanovich's use of force, COPA finds it is material to the incident under investigation.

The third and final element of a Rule 14 violation is willfulness. During Lt. Cronin's COPA statement, an investigator played both BWC videos twice, and asked Lt. Cronin to describe what he saw in the videos. Lt. Cronin did not mention seeing Ms. Boyd flailing her arms. Indeed, when the investigator asked Lt. Cronin to identify which portions of the video captured Ms. Boyd flailing her arms, he was unable to do so. Lt. Cronin, however, stood by his statement, explaining, "I mean, it could be there if you review it again. There's someone walking at a very fast pace, and it's an unknown individual, and their arms are moving just like their legs. So it's how you interpret it, and it's how I interpret it."¹⁰⁴ COPA rejects Lt. Cronin's defense; by his argument, anyone whose arms move naturally as they walk could be characterized as "flailing their arms," rendering the phrase meaningless.

COPA extensively reviewed all the videos that captured the incident, including the ones explicitly referenced by Lt. Cronin, and did not observe Ms. Boyd flailing her arms in any way. Despite the clear content of the videos, Lt. Cronin continued to falsely insist they captured Ms. Boyd flailing her arms. COPA finds the preponderance of the evidence establishes this was a willfully false statement of material fact, and Lt. Cronin violated Rules 2, 3, and 14. Therefore, Allegation #3 against Lt. Cronin is **sustained**.

¹⁰⁴ Att. 112, pg. 63, lines 16-21.

3. Lt. Cronin failed to comply with GO03-02-02, Incidents Requiring Completion of a Tactical Response Report (TRR).

As discussed above, Lt. Cronin failed to comply with General Order G03-02-02 by instructing PO Jovanovich to include Ms. Boyd and the subjects at the Statue in one TRR, by not ensuring the accuracy and completeness of the TRR, and by not conducting even a minimal inquiry into PO Jovanovich's use of force against Ms. Boyd. Additionally, Lt. Cronin failed to ensure PO Jovanovich's TRR accurately identified the "unknown object" as a cell phone. On this last point, Lt. Cronin's statements to COPA are revealing. He maintained that, to this day, he does not know the "unknown object" was actually a cell phone. Lt. Cronin claimed he never asked PO Jovanovich what the object was, as, "I don't know how he would find out, so I wouldn't ask him how -- I wouldn't ask him, 'Did you find out?'...So, no, I never asked him if he found out. Based on his written report, he said it was an unknown object, so I went by his written report."¹⁰⁵ Lt. Cronin's explanation is neither credible nor in accordance with the General Order. He was required to investigate this incident and should have, at a minimum, watched the videos circulating on social media. Had he done so, he would have learned the item was not an "unknown object," including to PO Jovanovich.

In this situation, Lt. Cronin violated General Order G03-02-02 in both his instructions to PO Jovanovich regarding the completion of the TRR, and his own review of the final report. Therefore, COPA finds the preponderance of the evidence establishes Lt. Cronin failed to comply with General Order G03-02-02, and Allegation #4 against Lt. Cronin **is sustained** in violation of rules 2, 3, and 6.

4. Lt. Cronin's failure to ensure his officers timely completed their TRRs is exonerated.

As discussed above, General Order G03-02-02 requires officers to complete their TRRs before the end of their tour of duty. Lt. Cronin, however, instructed his officers to go home and return the following day to complete any TRRs related to the protest. Although this is a technical violation of the General Order, Lt. Cronin offered a credible explanation for allowing the delay. Additionally, he indicated that command staff members including his Captain, the First Deputy, and the Superintendent, as well as the Law Department, were involved in the decision. For example, Lt. Cronin stated that his direct supervisor, Commander Alderden, sent a written request for an extension on all the paperwork related to the protest. Given this context, COPA accepts Lt. Cronin's explanation for delaying the TRRs, and agrees that it was likely necessary under the circumstances. As a result, Allegation 5 against Lt. Cronin is **exonerated**.

5. Lt. Cronin failed to comply with Special Order S06-06, Mass Arrest Procedures.

The protest at the Columbus Statue was declared a mass arrest incident, which requires different procedures and documentation than normal incidents. For example, once a mass arrest incident is declared, one RD number is typically used for all related arrests. However, per Special Order S06-06, "Incidents that require follow up investigation (e.g., aggravated battery to a police

¹⁰⁵ Att. 112, pg. 73, lines 5-12.

officer, any felony offense) or any offense involving a citizen complainant will be recorded under an additional RD number obtained for that specific offense.”¹⁰⁶ PO Jovanovich’s TRR indicated aggravated battery to a police officer had occurred, and both Lt. Cronin and PO Jovanovich classified Ms. Boyd as an assailant, albeit falsely. Despite this, Lt. Cronin did not create the required separate RD number. He claimed he did not know this was a mass arrest situation; yet he approved 18 TRRs under the same mass arrest RD number (JD300988). Therefore, COPA finds Lt. Cronin knew or should have known this was a mass arrest incident, and he failed to follow the procedures set forth in Special Order S06-06. As a result, Allegation #6 against Lt. Cronin is **sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Nickolas Jovanovich

i. **Complimentary and Disciplinary History:** 1, 2009 Crime Reduction Award; 1, 2019 Crime Reduction Award; 2, Attendance Recognition Awards; 6, Complimentary Letters; 1, Department Commendation; 1, Department Commendation; 1, Deployment Operations Center Award, 4, Emblems of Recognition – Physical Fitness; 47, Honorable Mentions; 1, NATO Summit Service Award; 1, Presidential Election Deployment Award 2008; 2, Unit Meritorious Performance Award. No applicable disciplinary history.

ii. Recommended Penalty: Separation

Throughout the summer months of 2020 Chicago experienced periods of significant civil unrest, which resulted in thousands of police and civilian encounters. Many of these encounters encompassed emotion and hostility. Numerous such encounters, such as Ms. Boyd’s encounter with PO Jovanovich on July 17, 2020, were captured on videos that were posted to and widely spread via social media platforms.

Following investigation, COPA found it to be quite clear that at the time of her encounter with PO Jovanovich, Ms. Boyd was lawfully videotaping a protester’s arrest. Despite her lawful right to record this encounter, PO Jovanovich approached Ms. Boyd, extended his left arm, and forcefully struck Ms. Boyd’s cell phone from her hand, causing the phone to hit her face and knock out one of her front teeth. PO Jovanovich’s engagement with Ms. Boyd was markedly different than that of other surrounding officers, in that no other officers chose to use physical force against Ms. Boyd. Ms. Boyd did not break the law; she was recording the protest. Ms. Boyd was not an assailant and presented no immediate danger to officers. And when PO Jovanovich approached Ms. Boyd, she clearly backed away, which indicated her immediate compliance and retreat before PO Jovanovich’s use of force. Whether PO Jovanovich acted out of frustration or suffered from clouded judgment brought on by exhaustion and the taxing hostility he faced is unknown, as PO Jovanovich maintained his force was proper towards Ms. Boyd, a position COPA found to be at odds with the reality of the situation.

¹⁰⁶ Special Order S06-06(IV)(B).

Following his encounter with Ms. Boyd, a video recording of the encounter went viral on social media. PO Jovanovich brought the encounter to the attention of his supervisors, and despite video evidence to the contrary and ample opportunity to document the encounter properly and accurately, PO Jovanovich authored a report which grossly mischaracterized the interaction and contained false information. Both the brutality of his physical action and his attempt to falsely justify his actions in an official Department Report make him unfit to be a police officer. COPA recommends SEPARATION from the Department.

b. Officer Andres Valle

- i. Complimentary and Disciplinary History:** 1, 2019 Crime Reduction Award; 1, Attendance Recognition Award; 1, Complimentary Letter; 1, Department Commendation; 1, Emblem of Recognition – Physical Fitness; 12, Honorable Mentions; and 2, Unit Meritorious Performance Awards. No applicable disciplinary history.
- ii. Recommended Penalty: 60 Day Suspension**

Officer Valle undoubtedly witnessed Officer Jovanovich use excessive force against Miracle Boyd. As a sworn officer, he had the responsibility to report this action and failed to do so. Furthermore, throughout his statement, Officer Valle took no responsibility for this failure to report. Instead, he attempted to minimize the conduct he witnessed, despite clear video evidence of its severity. Accordingly, COPA recommends a 60 DAY SUSPENSION.

c. Sergeant Kevin Gleeson

- i. Complimentary and Disciplinary History:** 1, 2009 Crime Reduction Award; 1, 2019 Crime Reduction Award; 5, Attendance Recognition Awards; 3, Complimentary Letters; 2, Department Commendations; 10, Emblems of Recognition – Physical Fitness; 18, Honorable Mentions; 1, NATO Summit Service Award; 1, Presidential Election Deployment Award 2008; 1, Problem Solving Award; and 1, Unit Meritorious Performance Awards. No applicable disciplinary history.
- ii. Recommended Penalty: Separation**

The role of a supervisor in approving official Department records and reports is critical to achieving just outcomes and earning public trust. Furthermore, the role of reviewing sergeant in approving a Tactical Response Report required Sergeant Gleeson to confirm the accuracy and completeness of that document. While Sergeant Gleeson did not commit the act of excessive force himself, his participation in the deliberate attempt to minimize that action and misrepresent the facts that occurred is deeply problematic and warrants serious disciplinary consequences. Accordingly, COPA recommends SEPARATION.

d. Lieutenant Godfrey Cronin

i. Complimentary and Disciplinary History: 1, 2004 Crime Reduction Ribbon; 1, 2009 Crime Reduction Award; 1, 2019 Crime Reduction Award; 3, Attendance Recognition Awards; 8, Complimentary Letters; 1, Democratic National Convention Award; 8, Department Commendations; 4, Emblems of Recognition – Physical Fitness; 96, Honorable Mentions; 2, Joint Operations Awards; 1, NATO Summit Service Award; 1, Police Officer of the Month Award; 1, Presidential Election Deployment Award; 2, Problem Solving Awards; 1, Recognition / Outside Governmental Agency Award; 1, Special Commendation; and 2, Unit Meritorious Performance Awards. No applicable disciplinary history.

ii. Recommended Penalty: Separation

The role of a supervisor in approving official Department records and reports is critical to achieving just outcomes and earning public trust. Furthermore, the role of reviewing lieutenant in approving a Tactical Response Report required Lieutenant Cronin to confirm the accuracy and completeness of that document. While Lieutenant Cronin did not commit the act of excessive force himself, his participation in the deliberate attempt to minimize that action and misrepresent the facts that occurred is deeply problematic and warrants serious disciplinary consequences. Accordingly, COPA recommends SEPARATION.



6/29/2021

Matthew Haynam
Deputy Chief Administrator

Date



6/29/2021

Andrea Kersten
Interim Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Major Case Specialist:	Emily Pierce
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam

Certificate of Meeting and Service

CERTIFICATE OF MEETING AND SERVICE

I, Andrea Kersten, Interim Chief Administrator of the Civilian Office of Police Accountability (COPA), hereby certify the following with respect to Log No. 2020-0002352:

1. On June 29, 2021, COPA provided the Superintendent the final disciplinary file related to COPA's recommendation of discipline in the above log number.
2. COPA received the Superintendent's written response on September 24, 2021.
3. On February 8, 2022, COPA designees met with Department designees to conclude their discussion of the non-concurrence related to the above log number.
4. The Request for Review was referred to the Police Board on February 17, 2022. It was delivered as a PDF attached to an email addressed to Executive Director Max Caproni.
5. Pursuant to § 2-78-130, on February 17, 2022 the Superintendent's designees were provided by email notice that the Chief Administrator referred the above log number to the Police Board for a Request for Review. The Superintendent's designees were also provided by email with a copy of the Certificate and all Request for Review material that was sent to the Police Board.



Andrea Kersten
Interim Chief Administrator
Civilian Office of Police Accountability

February 17, 2022
Date