

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 3, 2020 / 12:03 pm / 3215 W. Waveland Ave., Chicago, IL 60618.
Date/Time of COPA Notification:	February 4, 2020 / 11:07 am.
Involved Officer #1:	Officer Christopher Hillas / Star#16384 / Employee ID# [REDACTED] / DOA: December 12, 2016 / Unit: 012 / Male White.
Involved Individual #1:	[REDACTED] / Male / White.
Case Type:	05A - Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Christopher Hillas	It is alleged by [REDACTED] that on or about February 3, 2020, at or near 3215 W. Waveland Ave, Chicago, IL, that Officer Hillas committed misconduct through the following acts or omissions, by:	
	1. Failing to identify yourself as a police officer prior to taking police action, in violation of Rule 6.	Sustained / 2-day suspension.
	2. Striking Mr. [REDACTED] without justification, in violation of Rule 6.	Not Sustained.
	3. Using a “choke hold” on Mr. [REDACTED] without justification, in violation of Rule 6.	Not Sustained.
	4. Using excessive force while arresting Mr. [REDACTED] without justification, in violation of Rule 6.	Not Sustained.
	It is further alleged that on or about February 3, 2020, at or near 3215 W. Waveland Ave, Chicago, IL, that Officer Hillas committed misconduct through the following acts or omissions, by	
	5. Failing to complete an Investigatory Stop	Exonerated.

Report detailing the interaction with Mr. [REDACTED]
[REDACTED] in violation of Rule 6.

II. SUMMARY OF EVIDENCE

While driving his vehicle down an alley, off-duty Officer Christopher Hillas¹ observed Mr. [REDACTED] walking down the alley discarding mail on the ground. Concerned [REDACTED] was littering and stealing mail, Officer Hillas, while still in his vehicle, approached [REDACTED] and attempted to stop him. [REDACTED] ignored Officer Hillas and continued to walk down the alley. Officer Hillas continued his attempts to stop [REDACTED] however, [REDACTED] continued to ignore him. After Officer Hillas' numerous attempts, [REDACTED] reached into his coat pocket, grabbed on to a glass Starbucks Frappuccino bottle, turned to Officer Hillas and stated, "You want some of this." Believing [REDACTED] was armed, Officer Hillas exited his vehicle, grabbed both [REDACTED] wrists/arms, and identified himself as a police officer.² After [REDACTED] learned Officer Hillas was a police officer, he ceased his non-compliance, and was detained and arrested.

During his statement to COPA, [REDACTED] alleged that Officer Hillas struck him in the face and applied a "choke hold" while arresting him but had no signs of injury. However, during Officer Hillas' statement to COPA, he denied using any force beyond grabbing [REDACTED] wrists/arms to control his ability to use the perceived firearm.³ Further, Officer Hillas explained that he did not complete an Investigatory Stop Report (ISR) because Sergeant Robert Gomez informed him that one was not needed.⁴

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

¹ Officer Hillas was not dressed in any Department uniform and was not readily identifiable as a Department member.

² This was the first instance during their entire interaction that Officer Hillas identified himself as a Department member. Att. 33 from 05:20 to 06:14.

³ Officer Hillas' Tactical Response Report (TRR) detail that Officer Hillas only used force mitigation tactics of verbal commands and tactical positioning while applying escort holds. Additionally, the TRR details that the type of activity Officer Hillas was engaged in was an Investigatory Stop. Att. 5.

⁴ COPA spoke with Sgt. Gomez who explained that he did not recall instructing Officer Hillas that an ISR was or was not required. Additionally, Sgt. Gomez explained based on his understanding of Department policy no ISR would have been required. See Att. 35.

4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

COPA finds that Allegations # 1 is **sustained**. Department members are required to "identify themselves as police officers prior to taking any police action, unless identification would jeopardize the safety of the member or others..."⁵ Here, it is clear Officer Hillas' attempts to stop ██████ were police actions and that Officer Hillas did not identify himself as a police officer until after he believed ██████ was armed.

COPA finds that Allegations #2, 3 and 4 are **not sustained**. COPA was unable to locate any evidence, beyond ██████ and Officer Hillas' statements, that corroborate or refute the allegations. Therefore, the allegations must be not sustained.

COPA finds that Allegation #5 is **exonerated**. Department members who complete an investigatory stop are required to complete an investigatory stop report that details "[a]ll of the factors that support" the detention of the subject; unless the investigatory stop is based on probable cause and "other document[s] capture the reason for the detention."⁶ Here, Officer Hillas attempted to stop after observing ██████ litter, which established probable cause that an offense had occurred. Since Officer Hillas had probable cause to detain ██████ for littering, and these facts were detailed in Officer Hillas' TRR as well as ██████ Arrest and the Original Case Incident Reports, there was no obligation of Officer Hillas to complete an ISR.

I. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Christopher Hillas

⁵ G03-02-01 II(D).

⁶ S04-13-09 VII(B)(1)(a) and VIII (A)(1).

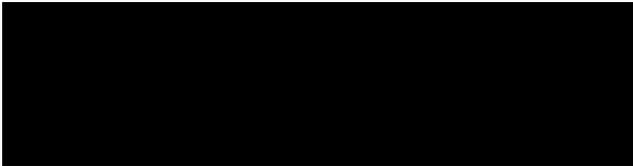
i. Complimentary and Disciplinary History

Officer Hillas has received one 2019 Crime Reduction Award, one Complimentary letter, eight Honorable Mentions, one Life Saving Award, and one Unit Meritorious Performance Award. He has no prior disciplinary history.

ii. Recommended Penalty

While Officer Hillas admitted his failure to self-identify, COPA believes that Officer Hillas' failure to identify himself as a police officer as he sought to stop [REDACTED] directly contributed to the escalation of their interaction, and likely resulted in [REDACTED] threat and ultimate arrest. COPA believes that Officer Hillas' decision to take enforcement action for a non-violent offense, specifically littering and/or theft of mail, created an unjustifiable risk for himself, [REDACTED] and the surrounding public. COPA acknowledges that members are required to act when they observe possible criminal activity, however, it is COPA's firm belief that members taking direct enforcement action for non-violent offenses while off-duty, like in this instance, creates an unjustifiable increase of harm for all parties involved and innocent bystanders. Thus, it is COPA's belief that off-duty members should limit enforcement action to observing and reporting unless they observe violent criminal acts that place others or themselves in imminent risk of danger. It is for these reasons COPA recommends a **2-day Suspension**.

Approved:



3-10-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date