

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	April 20, 2020/ 9:20 pm/ 319 N. Sacramento Blvd.
Date/Time of COPA Notification:	April 22, 2020/ 4:24 am
Involved Officer #1:	Jonathan Carroll, Star #13397, Employee # [REDACTED], Date of Appointment: February 16, 2017, Officer, Unit 012, DOB: [REDACTED] 1982, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1980, Male, White
Case Type:	Excessive Force/ Failure to Identify

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Jonathan Carroll	It is alleged by [REDACTED] that on or about April 20, 2020, at approximately 9:20 pm, at or near 319 N. Sacramento Blvd., Officer Jonathan Carroll, star 13397, committed misconduct through the following acts or omissions, by:	
	1. pushing [REDACTED] without justification.	Exonerated
	2. failing to identify yourself upon request.	Unfounded

II. SUMMARY OF EVIDENCE¹

COPA received this case via a web submission from the complainant, [REDACTED]² [REDACTED] alleged that Officer Jonathan Carroll pushed him without justification and refused to identify himself when asked. COPA interviewed both [REDACTED]³ and Officer Carroll⁴ regarding the incident. COPA also obtained and reviewed a YouTube video⁵ filmed by [REDACTED] on the night of the incident, as well as the body worn camera (BWC) footage from Officer Carroll.⁶

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and involved officers, and the collection and review of digital and documentary evidence. The following is a summary of the material evidence gathered and relied upon in the analysis.

² Att. 19.

³ Att. 5.

⁴ Att. 24.

⁵ Att. 25.

⁶ Att. 22.

On the night of the incident, ██████ was driving on Sacramento Blvd. when he saw police lights and decided to stop and investigate. ██████ discovered the police were responding to the scene of a car accident. ██████ exited his vehicle and started recording the scene of the accident with his cell phone. As ██████ recorded, Sergeant Jose Lule noticed him and ordered him to move to the corner, away from the scene.⁷ Officer Carroll and his partner heard Sergeant Lule direct ██████ to move, and both officers began walking to the corner with ██████ to make sure he followed the sergeant's orders. ██████ started to walk backwards but continued to record and talk to the officers. At one point, ██████ stopped walking and stood on the sidewalk while he spoke to Officer Carroll.⁸ Officer Carroll ordered ██████ to keep walking and ██████ initially complied, but then he stopped again. Officer Carroll placed his right hand on ██████ chest and directed him to keep moving.⁹ After Officer Carroll placed his hand on ██████ chest, ██████ became angry and demanded Officer Carroll's name and badge number.¹⁰ Officer Carroll gave his name to ██████ and pointed to his badge number, which was embroidered on his uniform.¹¹

III. LEGAL STANDARD

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.¹² 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. Clear and convincing can be defined as a "degree of proof, which, considering all the

⁷ Att. 21 at 6:27 to 7:07.

⁸ Att. 22 at 2:47 to 3:30.

⁹ Att. 22 at 3:24 to 3:28.

¹⁰ Att. 22 at 3:36 to 4:55.

¹¹ Att. 22 at 4:14 to 4:50 & Att. 25 at 4:55 to 6:10.

¹² 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).

evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”¹³

IV. ANALYSIS AND CONCLUSION

a. Pushing ██████████ without justification

COPA finds this allegation is **Exonerated** against Officer Carroll. Rule 9 of the Chicago Police Department Rules and Regulations prohibits members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. In this case, the BWC footage shows that Sergeant Lule ordered ██████████ to back away from the crime scene, and Officer Carroll assisted in enforcing that order. ██████████ started to comply by walking backwards toward the corner, but he paused multiple times to protest the legitimacy of the order. At one point, ██████████ completely stopped walking, prompting Officer Carroll to place his hand on ██████████ chest and direct him to continue moving away from the crime scene. At the time Officer Carroll touched ██████████ was not complying with a lawful order, and the brief physical contact the officer made with ██████████ was objectively reasonable and justified under the circumstances.¹⁴ As such, COPA finds there is clear and convincing evidence this allegation is exonerated.

b. Failure to identify

COPA finds this allegation is **Unfounded** against Officer Carroll. Rule 37 of the Chicago Police Department Rules and Regulations prohibits the failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by another Department member or a private citizen. Here, ██████████ asked Officer Carroll to identify himself while they were on scene, and Officer Carroll complied. Officer Carroll gave ██████████ his name and pointed to his badge number, which was embroidered on his uniform. Officer Carroll also told ██████████ he was a police officer. ██████████ recorded his interaction with Officer Carroll, and he even posted the video on YouTube using Officer Carroll’s name. Additionally, COPA notes that Officer Carroll was standing directly in front of ██████████ and his badge number was clearly visible and not blocked by any obstructions. For these reasons, COPA finds there is clear and convincing evidence that Officer Carroll correctly identified himself, and this allegation is unfounded.

Approved:

██████████

8/22/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

¹³ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

¹⁴ See General Order G03-02-01.IV.B.1 (effective February 29, 2020 to April 14, 2021) (authorizing Department members who encounter passive resistance to respond with force options including holding techniques, compliance techniques, and control instruments).

