

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	May 28, 2020, approximately 4:00 PM, 7000 S. Halsted
Date/Time of COPA Notification:	June 12, 2020, 12:44 PM
Involved Officer #1:	Nataly Janik, Star #8198, Employee # [REDACTED], DOA October 31, 2005, Police Officer, 007 <sup>th</sup> District, DOB [REDACTED], 1976, Female, White
Involved Individual #1:	Unknown Citizens
Case Type:	Excessive Force

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer Nataly Janik	1. It is alleged that on or about May 28, 2020, at approximately 4:00 PM, in the vicinity of 7000 S. Halsted, the accused made unwanted physical contact with an unknown citizen without justification.	Sustained
	2. It is alleged that on or about May 28, 2020, at approximately 4:00 PM, in the vicinity of 7000 S. Halsted, the accused made inappropriate and/or offensive gestures towards unknown citizens.	Sustained

**II. SUMMARY OF EVIDENCE<sup>1</sup>**

This complaint was brought to the attention of COPA on or about June 12, 2020, after concerned citizen [REDACTED] sent an email<sup>2</sup> to COPA and submitted two Tik Tok videos of a Chicago Police Officer engaging with several protestors. COPA attempted to contact [REDACTED]

<sup>1</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

<sup>2</sup> Att. 18

for additional information but was met with negative results.<sup>3</sup> Thus, an affidavit override<sup>4</sup> was obtained.

The **videos**,<sup>5</sup> which were posted on Tik Tok handle “██████████” had over 1000 views and comments.<sup>6</sup> The first video<sup>7</sup> depicts a white female officer in a Chicago Police uniform, wearing the nametag of “Janik,” waving her head from side to side, in a mocking manner, as she engages with protesters. Meanwhile, multiple CPD officer stand calmly in the background. As Officer Janik continues to wave her head, she steps forward and directly towards a protester(s), appearing to contact a recording device held by the protester. Immediately thereafter, several protesters come between the protester recording and Officer Janik, saying things such as, “Get away!” and a struggle among CPD officers and the protesters ensues. One Tik Tok user posted in the comments section, “The [policewomen] did not touch her at all.” The original poster responded, “Since she was so close to the camera you can’t see, but she was pushing me.”<sup>8</sup> Dozens of Tik Tok users posted that the officer’s behavior was rude, unprofessional, provoking, and mocking.

In the second posted Tik Tok video,<sup>9</sup> Officer Janik bends over and pats her buttocks with both hands as she walks away from the protestors. The videos were shared more than a dozen times.

The **Body Worn Camera footage**<sup>10</sup> (BWC) retrieved from Officers Janik and Kopterski depict what appears to be a crowd of people/protesters on the scene of an arrest. In the BWC, a Black female, wearing a blue Chicago Cubs shirt, screams, “You ain’t got no answers though. You ain’t got no answers though. Y’all asses out here for what?” At this point, Officer Janik approaches and closes the distance between herself and one of the protesters, a White female holding a cell phone. Officer Janik’s BWC appears to make contact with the arm of the protester holding the cell phone.<sup>11</sup> Officer Janik, while being in the direct proximity of the protester’s cell phone, begins approaching and moving her head from side to side. Immediately thereafter, several protesters and officers clash as the officers began pushing several protesters back. At one point, some of the protesters fell to the ground. Then, as Officer Janik walks away from the crowd, she bends over and pats/rubs her rear end. Officer Janik also appears to continue making hand gestures at the protesters.<sup>12</sup> Officer Janik states to her partner, “I showed the one girl my ass.”<sup>13</sup>

According to the **Attendance and Assignment Records**<sup>14</sup> for May 28, 2020, Officers Janik and Kopterski were on duty, assigned to 003rd watch and working Beat 723.

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<sup>3</sup> Att. 1, 2, 3

<sup>4</sup> Att. 6, 13

<sup>5</sup> Att. 4, 5

<sup>6</sup> Att. 16, 17

<sup>7</sup> Att. 4

<sup>8</sup> Att. 15

<sup>9</sup> Att. 5

<sup>10</sup> Att. 19, 35

<sup>11</sup> Att. 19 at 2:48

<sup>12</sup> Att. 19 at 4:50 – 7:00

<sup>13</sup> Att. 35 at 11:09

<sup>14</sup> Att. 31

In her statement<sup>15</sup> to COPA on July 20, 2021, **Officer Janik** related that on the date and time of the incident she was on-duty, in full uniform, working Beat 723 with her partner, Officer Kopterski. Officer Janik told COPA investigators that she and her partner responded to the vicinity of 7000 S. Halsted after hearing a request (via radio) for additional units for crowd control. While she did not participate in the arrest nor know the circumstances surrounding the arrest of ██████████<sup>16</sup> she stated that her duties consisted of ensuring that the crowd of protestors remained on the sidewalk, to prevent them from disrupting the flow of traffic, and to stop them from impeding the arrest of ██████████ Officer Janik stated that thirty (30) to forty (40) protesters were at the scene shouting while holding signs that displayed statements such as, “Stop killing us! Cops are bastards!”

Officer Janik related that some of the protesters were holding cellphones and recording her and other officers on the scene. She stated that the protesters’ phones were getting closer to her face, at which time, she moved her head from side to side as if to say, “Here I am. Here I am. You want my face. Here’s my face.”<sup>17</sup> When asked if she gave verbal commands asking the crowd to back away from her, Officer Janik responded that it was hot and she was wearing two masks, which made it difficult for her to breathe and talk. She further explained that while she did not give them any verbal orders to back up, she did outstretch her arms to create distance between she and the protestors, which she explained was an attempt to deescalate the situation instead of utilizing force. While on the scene, Officer Janik heard people saying, “You have no ass. You have no ass.” Office Janik related that as she walked away from the crowd, she patted her rear end as to say, “Here’s my ass.”<sup>18</sup>

Officer Janik related that while she did not recall having any physical interaction between the female wearing the Cubs shirt and/or any other citizen on the scene, it was possible she did.<sup>19</sup> Additionally, she did not recall any citizens falling to the ground, nor did she recall any Department Members pushing any citizens while on the scene.

Officer Janik felt that she acted silly. Looking back at it, it was not her best behavior, and she could have done a better job; however, she thought if she acted goofy, she could get the crowd to laugh. Finally, Officer Janik admitted that the crowd got to her and “broke her down”<sup>20</sup> and realizes her actions were unprofessional and did not help the situation.

### 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;

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<sup>15</sup> Att. 32, 33

<sup>16</sup> Att. 8, 10, 11, 36

<sup>17</sup> Att. 33 at 11

<sup>18</sup> Id. at 21

<sup>19</sup> Id. at 18-19, 32

<sup>20</sup> Id. at 12

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** is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.<sup>21</sup> 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.<sup>22</sup> Clear and convincing is 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.”<sup>23</sup>

#### IV. ANALYSIS AND CONCLUSION

COPA finds **Allegation #1** against Officer Janik is **Sustained**. Although COPA did not make contact with the poster of the Tik Tok videos, within the comment section of the video the protester clearly indicates that Officer Janik pushed her. Additionally, Tik Tok videos and BWC depict what most likely appears to be physical contact between Officer Janik and the protester holding the cellphone camera. Furthermore, the crowd’s reaction immediately following the apparent contact was to get in between Officer Janik and the protester holding the video and shout things such “Get away!” Based on the totality of the evidence, COPA finds it more likely than not that Officer Janik pushed/contacted the protester holding the video. Equally important, COPA finds there was no justification for the push/contact. In fact, at the time of contact multiple CPD officers are observed in the background calmly standing there as a barrier between the crowd of protesters and the arrest of Mr. [REDACTED]. The clash between protesters and CPD officers seemingly begins as a result of Officer Janik’s mocking actions towards and contact physical contact with protester(s), something COPA finds to be the antithesis of the de-escalation required by CPD directives in the context of use of force. Accordingly, this allegation is Sustained, in violation of rules 8, 9, and 6.

COPA finds **Allegation #2** against Officer Janik is **Sustained**. Tik Tok videos submitted by an unknown citizen as well as BWC footage show Officer Janik moving her head from side to side in front of a protester’s camera as well as patting her buttocks end as she walked away from

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<sup>21</sup> 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 been found to be more probably true than not).

<sup>22</sup> See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>23</sup> *Id.* at ¶ 28.

the crowd of protesters. The crowd's reaction demonstrates that they found these gestures to be offensive and antagonistic. In fact, Officer Janik herself admitted that her actions were unprofessional and not her best behavior. Thus, the preponderance of the evidence shows this allegation is **Sustained**, in violation of rules 6, 11, 8, 9, and 2.

## V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### A. Officer Nataly Janik

#### i. Complimentary and Disciplinary History

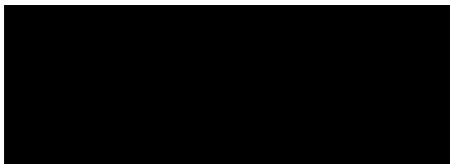
1. **Complimentary History:** 2 Crime Reduction Awards (2009, 2019); 3 Attendance Awards, 5 Complimentary Letters, 1 Department Commendation, 1 Deployment Operations Center, 12 Physical Fitness Awards, 36 Honorable Mentions, 1 NATO Summit Service Award, 1 Unit Meritorious Performance Award
2. **Disciplinary History:** None

#### ii. Recommended Penalty, by Allegation

1. Allegation No. 1: 30-day Suspension
2. Allegation No. 2: 30-day Suspension

This investigation revealed that it was Officer Janik's actions that heightened the hostility and anger between the CPD and citizens. The resulting physical contact between CPD and the protesters resulted in several protesters falling to the ground. Even after peace was restored, Officer Janik pats/rubs her buttocks in an mocking gesture towards the protesters. Although at times during her interview with COPA investigators Officer Janik appeared to acknowledge that her actions were unprofessional, she also minimized her behavior by relating that she was being "goofy" at the time to make the crowd laugh. COPA does not find this explanation for her actions to be forthright. Rather, it seems that Officer Janik was frustrated and purposefully escalated the situation. There are no circumstances that justify CPD officers treating citizens who are peacefully protesting with disrespect. Officer Janik was on duty, in full uniform, and knew that she was being recorded. The videos, which circulated on social media, have been viewed over a thousand times and repeatedly shared, bringing further discredit to the Department. Thus, COPA recommends 30-day suspension.

Approved:



9/6/2021

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Matthew Haynam  
Deputy Chief Administrator – Chief Investigator

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	9
<b>Investigator:</b>	Shykela Carter
<b>Supervising Investigator:</b>	Sharday Jackson
<b>Deputy Chief Administrator:</b>	Matthew Haynam