

**SUMMARY REPORT OF INVESTION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	December 19, 2019
Time of Incident:	8:52 a.m.
Location of Incident:	████████████████████ Chicago, Illinois
Date of COPA Notification:	December 23, 2019
Time of COPA Notification:	12:30 p.m.

On December 19, 2019, at approximately 8:52 a.m., in the vicinity of ██████████ ██████████ Chicago, Illinois, ██████████ had parked her vehicle behind her apartment complex when a City of Chicago Department of Finance vehicle arrived. The driver, Gregg Hampton, a boot investigator for the city, applied a boot device to her vehicle and later told her that he was going to tow her vehicle. She then called her ██████████ who arrived a short time later to help her remove her personal items from her vehicle. ██████████ became verbally upset with Hampton, approached him and began swearing at him. The revolving camera positioned on the top of Hampton’s vehicle was being monitored by an external team from the Department of Finance, who notified the Chicago Police Department (CPD) of the incident. CPD Officer Mark Hawkins, II, Star #7085, then arrived on the scene, along with his partner, Officer Trvon T. Tines, Star #6929.<sup>1</sup> In the Body Worn Camera (BWC) footage of Officer Tines, Hampton appears to indicate to Officer Hawkins that ██████████ had something in his pockets. Officer Hawkins approached the parking area behind the apartment complex and drew his weapon. He said words to the effect, “Stop, or I’ll shoot,” while pointing his weapon at ██████████ was detained, patted down, and then released without incident. No Investigatory Stop Receipt was issued to ██████████ and no police report of any other kind was generated by the officers. ██████████ and ██████████ subsequently complained to COPA, and an investigation into the matter was initiated. COPA finds the allegations are Sustained, in part.

**II. INVOLVED PARTIES**

Involved Officer #1:	Mark C. Hawkins, II, Star #7085, Employee ID# ██████████, Date of Appointment: October 16, 2017, Rank: Police Officer, Unit of Assignment: 003, DOB: ██████████, 1994, Male, Black
Involved Officer #2:	Trvon T. Tines, Star #6929, Employee ID# ██████████, Date of Appointment: September 18, 2017, Rank: Police Officer, Unit of Assignment: 003, DOB: ██████████, 1991, Male, Black

<sup>1</sup> This is a Body Worn Camera (BWC) incident. See Attachment #25.

Involved Individual #1: ██████████ DOB: ██████████, 2001, Male, Black  
 Involved Individual #2: ██████████ DOB: ██████████, 1979, Female, Black  
 Involved Individual #3: Gregg Hampton, DOB: ██████████, 1970, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Mark C. Hawkins, II	1. It is alleged by ██████████ that on or about December 19, 2019, at approximately 8:52 a.m., at or near ██████████ Chicago, Illinois, Officer Mark C. Hawkins, II, Star #7085, detained ██████████ without justification.	<b>Exonerated</b>
	2. It is alleged by ██████████ that on or about December 19, 2019, at approximately 8:52 a.m., at or near ██████████ Chicago, Illinois, Officer Mark C. Hawkins, II, Star #7085, searched ██████████ without justification.	<b>Exonerated</b>
	3. It is alleged by ██████████ that on or about December 19, 2019, at approximately 8:52 a.m., at or near ██████████ Chicago, Illinois, Officer Mark C. Hawkins, II, Star #7085, used excessive force by pointing his firearm at ██████████ without justification.	<b>Sustained</b>
	4. It is alleged that on or about December 19, 2019, at approximately 8:52 a.m., at or near ██████████ Chicago, Illinois, Officer Mark C. Hawkins, II, Star #7085, failed to provide an Investigatory Stop Receipt to ██████████	<b>Sustained</b>
	5. It is alleged that on or about December 19, 2019, at approximately 8:52 a.m., at or near ██████████ Chicago, Illinois, Officer Mark C. Hawkins, II, Star #7085, failed to activate his Body Worn Camera.	<b>Unfounded</b>



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**Department Notices**


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Firearm Pointing Incidents: D19-01<sup>5</sup> *effective November 1, 2019*

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**Federal Laws**


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1. 4<sup>th</sup> Amendment to U.S. Constitution

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**State Laws**


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1. 720 ILCS 5/12-2(c)(1)<sup>6</sup>
2. Constitution of the State of Illinois, Article I, Section 6

## V. INVESTIGATION<sup>7</sup>

### a. Interviews

In his interview with COPA on December 23, 2019,<sup>8</sup> ██████████ **Complainant**, stated that on December 19, 2019, at approximately 9:30 a.m., his mother, ██████████ called him, and told him that her car was going to be towed. At the time, ██████████ was in the rear of her apartment building, ██████████ Chicago, Illinois. ██████████ then went to the rear of the building to help her remove items from her vehicle. A boot vehicle from the City of Chicago was present at that time. ██████████ approached the boot vehicle and tried to have a conversation with the man inside, but the man did not respond to his questions. ██████████ then went back to help his mother. He made two trips up and down the back stairs of the apartment complex with items from her car. When he was going up the stairs to the apartment building on his next trip, he heard a voice announce, “Don’t move, or I’m gonna shoot.”<sup>9</sup> At the time, his back was turned. ██████████ immediately turned around and observed a man, whom he later learned was a police officer, pointing a gun at him.<sup>10</sup> ██████████ put his hands in the air, came down the stairs, and told the officer that the only thing in his pockets was his cell phone. The officer kept pointing his gun at him while ██████████ descended the stairs toward the officer. ██████████ was wearing pajamas and a hooded sweatshirt at the time.

██████████ observed three police cars in the area with uniformed officers, but he had no contact with those officers. The police officer who was pointing his gun at him then searched him. ██████████ was then released. Afterwards, the man from the boot vehicle came over and told ██████████ that he

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<sup>5</sup> Per D19-01 II Section C: When a Department member points a firearm at a person to detain that person a seizure (e.g. investigatory stop or arrest) has occurred and will be documented consistent with existing procedures.

Department members will continue to: 1. conduct and document investigatory stops based on reasonable articulable suspicion and probable cause consistent with the Department directive titled “**Investigatory Stop System.**”

<sup>6</sup> A person commits aggravated assault when, in committing an assault, he or she does any of the following: (1) Uses a deadly weapon, an air rifle as described in Section 24.8-0.1 of this Act or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm

<sup>7</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>8</sup> Attachment #20

<sup>9</sup> Attachment #20 at 05:12

<sup>10</sup> Attachment #20 at 05:25

did not have a problem with him, but ██████ believed the man had called the police. ██████ was very upset at the time. The police did not give ██████ a receipt or a contact card relative to the incident.

In her interview at COPA on December 23, 2019,<sup>11</sup> ██████ stated that she had parked her vehicle at her residence, ██████ Chicago, Illinois, in the rear of her apartment building. Shortly thereafter, a vehicle from the City of Chicago arrived, which she described as a boot vehicle. She had been booted before, and had the boot removed by someone other than the City of Chicago. That was the justification, according to the man (now known as Gregg Hampton), to come onto private property to boot her vehicle. She then called her son, ██████ for assistance. The driver of the boot vehicle told her that he was going to tow her car. So, she decided to remove her personal belongings from her car. ██████ arrived and began helping her remove items from her vehicle. She then heard a voice command, “Stop, before I shoot you.”<sup>12</sup> She noticed that it was a plainclothes CPD officer from the writing on his vest. She said that the officer did not announce himself as police but just pulled a firearm out and pointed it at her son. The officer told her that her son had been walking around with his hands in his pockets. Her son put his hands in the air and was then searched. Hampton then approached the scene and told the officer that he did not have a problem with her son.

She described the officer who had pulled his weapon out and pointed it at her son as caramel-skinned, about 5’6”, and having a stocky build. She took a photograph of the officer.<sup>13</sup> The photograph was provided to COPA.

In his interview with COPA on July 23, 2020,<sup>14</sup> **Gregg Hampton, City of Chicago Department of Finance Investigator, Boot Supervisor**, viewed the BWC of CPD Officer Trvon Tines, Star #6929.<sup>15</sup> After viewing the BWC, Hampton identified himself in the video. At that time, Hampton was investigating a City of Chicago employee, who lived in the area and had illegally removed a boot from her vehicle in the past, now known as ██████. The vehicle was parked in the rear of ██████ Chicago, Illinois. He located the vehicle and applied a boot device to it. While he was seated in his truck doing his paperwork, and waiting for a tow truck to arrive, ██████ son, now known as ██████ approached him and began swearing at him. ██████ was acting nervously and had his hands in his pockets. Because of ██████ actions, the exterior team that remotely monitored Hampton’s activities via a 360-degree camera mounted on the top of his vehicle, notified the police of the incident, and a police vehicle was dispatched to the scene. His exterior team had notified him that a police unit would be arriving, so Hampton exited his vehicle and waited for the unit.

When a police unit arrived, Hampton explained the situation to one of the officers, who had exited the vehicle from the passenger side. He told the officer that his exterior team had called him because the man kept putting his hands in his pockets. He did not tell the officer that he saw a weapon, or that he was threatened with bodily harm, only that the individual with his hands in

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<sup>11</sup> Attachment #19

<sup>12</sup> Attachment #19 at 04:10

<sup>13</sup> Attachment #21

<sup>14</sup> Attachment #43

<sup>15</sup> Attachment #25

his pockets was acting nervously and swearing at him. Hampton did not observe the individual with a weapon. There was a quick verbal exchange between Hampton and the officer, and then, the officer walked past him. The only other interaction that Hampton had with the officer was at the end of the incident when the officer told him that his sergeant may call him. The officer then received another call and departed the scene. He did not observe the officer provide a contact card to either the woman or her son. He did, however, recall that he was probably talking to the officer's partner, after his exchange with the first officer, but he did not recall specifics.

He stated that the young black male was not arrested, but that the first officer had pointed his weapon at the man. He did not recall if the individual was handcuffed. After the police left the scene, he waited over an hour for a tow truck to arrive. During that time, he had a brief conversation with [REDACTED] and [REDACTED] and told them that he, personally, did not call the police, but that his exterior team called the police because [REDACTED] had his hands in his pockets and was acting nervously.

In his interview with COPA on July 28, 2020,<sup>16</sup> **Officer Mark C. Hawkins, II, Star #7085**, stated that on December 19, 2019, at approximately 8:52 a.m., he and his partner responded to call in the vicinity of [REDACTED] Chicago, Illinois, in the rear of an apartment building. The call described a disturbance between an individual and an employee of the Department of Finance, who had placed a boot device on a vehicle at that location; and that there were problems with the people on the scene. Officer Hawkins was driving, and his partner, Officer Trvon Tines, Star #6929, was seated in the passenger front seat. Both officers were wearing BWCs. Officer Hawkins believes he had activated his BWC. The call did not indicate that the individual was in possession of a firearm or other weapon. A City of Chicago Department of Finance vehicle was parked in the alley behind the location, and the driver, later identified as Investigator Gregg Hampton, was waiting for them outside of his vehicle. Officer Hawkins exited his vehicle and approached Hampton. They had a brief conversation, wherein Hampton told Officer Hawkins that the people whose car had been booted were acting irate, and a young Black male, later identified as [REDACTED] had been verbally degrading him. He further related [REDACTED] had his hands in his pockets. Hampton then said, "Him over there," referencing [REDACTED] Officer Hawkins then took a few more steps forward and observed [REDACTED] who was moving across the alley toward the rear of the apartment building.<sup>17</sup>

Officer Hawkins then approached the rear of the building, and just as he was about to round the corner where a chain-link fence was located, he observed an individual, whom he later learned was [REDACTED] quickly move toward the trunk of a vehicle parked there and remove a dark object, which he then placed in his waistband.<sup>18</sup> He assumed it was a firearm. In approximately three seconds, [REDACTED] had moved to the back stairs of the apartment building. He was approximately fifteen feet away from Officer Hawkins, and his back was turned toward him. Officer Hawkins then pointed his firearm at [REDACTED] and said, "Don't move or I will shoot."<sup>19</sup> [REDACTED] stopped and put his hands up. Officer Hawkins then put his weapon to his side. He approached [REDACTED] and then patted him down for weapons. He discovered that the object [REDACTED]

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<sup>16</sup> Attachment #50

<sup>17</sup> Attachment #25 at 2:55

<sup>18</sup> Attachment #50 at 10:38

<sup>19</sup> Attachment #50 at 10:48

had removed from the vehicle, and had placed in his pocket, was his cell phone. He did not remove the cell phone from [REDACTED] pocket. Officer Tines did not pat down [REDACTED] nor did he draw his firearm. Officer Hawkins apologized and explained that he thought [REDACTED] had a weapon. [REDACTED] then continued to help his [REDACTED] unload her vehicle, which had been booted. [REDACTED] mother became irate and complained about the situation. Officer Hawkins attempted to explain his actions to her. Then, another call came out over the radio of a person with a gun about three blocks away, and he and his partner responded to the call. As a result, no contact card was given to either [REDACTED] or to [REDACTED] mother, by either Officer Hawkins or Officer Tines. Further, no report of the incident was generated by either officer. Officer Hawkins thought the other responding officers, who received the original call, were going to write a report, even though he and Officer Tines were the first officers on the scene. He also acknowledged that these officers arrived after the incident had been concluded and did not witness Officer Hawkins point his firearm at [REDACTED]. He did, however, explain what had transpired to the officers. He does not know if those officers wrote a report relative to the incident.

Relative to Officer Hawkins' conversation with Investigator Hampton, he said Hampton told him that the individual who had been acting belligerently, [REDACTED] had his hands in his pockets, and he did not know why. Hampton did not say that [REDACTED] had a firearm, nor did he say he had a weapon. Hampton told him that he and [REDACTED] had a verbal altercation, but [REDACTED] had not threatened him with bodily harm.

Relative to an officer pointing his firearm at an individual, Officer Hawkins stated that the CPD protocol includes announcing his office, if feasible, which he did not do in this instance; and notifying OEMC<sup>20</sup> over the police radio of the incident. He said he made the appropriate notification to OEMC.<sup>21</sup> He stated that at no time during the incident he announced that he was the police.

Relative to the factors that Officer Hawkins had taken into consideration in pointing his firearm at [REDACTED] he identified the following factors: (1) The nature of the call, which described a disturbance; (2) The information provided to him by Investigator Hampton, which described [REDACTED] as acting belligerently, and having his hands in his pockets; (3) His observations of [REDACTED] moving quickly toward the rear of the building after [REDACTED] had observed the officers; (4) [REDACTED] movements near the trunk of the booted vehicle, and suspecting that [REDACTED] had removed a firearm from the trunk of the vehicle; and (5) [REDACTED] quick movements toward the back of the apartment building.

In his interview with COPA on September 1, 2020,<sup>22</sup> **Officer Trvon T. Tines, Star #6929**, stated that on December 19, 2019, at approximately 8:52 a.m., he and his partner, Officer Mark C. Hawkins, II, responded to a situation involving a disturbance about an individual's vehicle being booted by the Department of Revenue. The officers were on patrol and responding to in-progress-calls. Another police unit was also dispatched to the scene; however, Officer Tines and Officer Hawkins arrived first. When they arrived on the scene, they exited their vehicle. An investigator from the Department of Revenue was on the scene and standing by his vehicle. Officer Hawkins

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<sup>20</sup> OEMC is an acronym for the Office of Emergency Management and Communication

<sup>21</sup> See Attachment #1, confirming Officer Hawkins reported to OEMC that he pointed his firearm.

<sup>22</sup> Attachment #54

moved forward, passed him, and spoke with him briefly, but Officer Tines did not overhear the conversation. Officer Hawkins continued to move forward, and Officer Tines remained behind him and spoke with the revenue investigator. He does not recall exactly about what they spoke. Meanwhile, Officer Hawkins proceeded to the rear of the apartment building and was reaching for his firearm. At that time, Officer Tines did not know why Officer Hawkins was reaching for his firearm, but assumed it was for officer safety. He did not observe anyone with a weapon, nor did he observe anyone near the trunk of the booted vehicle. Officer Tines stated that he did not draw his firearm during the incident. At that time, Officer Tines had not observed anyone in the rear of the apartment building. Officer Tines then approached the rear of the building and observed Officer Hawkins with his weapon drawn. He then observed a Black male, wearing checkered pants, standing on the stairs to the apartment building. Officer Tines moved forward as security and encountered a Black female, the mother of the individual on the stairs, who was visibly upset. He tried to calm her down and explain the situation to her. The revenue investigator remained behind by his vehicle. The revenue investigator had not told Officer Tines that anyone had a gun. He then observed Officer Hawkins conduct a pat down of the Black male. Officer Tines did not participate in the pat down, other than to act as security. After the pat down was completed, the individual was released without incident. The officers then received another call and left the area. Officer Tines did not recall the exact amount of time that had elapsed from the end of the pat down to the time the officers left the scene. Watching his BWC footage,<sup>23</sup> however, he stated that there was sufficient time to issue an Investigatory Stop Receipt (ISR) to the individual detained, but no ISR was issued. Officer Tines had no explanation for why an ISR was not issued but stated that an ISR should have been issued. He admitted the allegation of failure to issue an ISR.

#### b. Digital Evidence

██████████ submitted a **Digital Photograph of Officer Mark C. Hawkins, II**, that she took on December 19, 2019.<sup>24</sup>

COPA obtained **BWC of Officer Trvon T. Tines**.<sup>25</sup> Officer Tines and Officer Mark C. Hawkins, II respond to the rear of ██████████, Chicago, Illinois. Upon arrival, Officer Hawkins exits the vehicle and approaches the rear of the building from an alley. He encounters Gregg Hampton standing in front of a Department of Finance truck parked in the alley. ██████████ walks in the rear of the building toward the alley.<sup>26</sup> He abruptly stops and looks in the direction of Officer Hawkins. He then returns to the rear of the building. Hampton points toward ██████████ and states something to the effect of, "In his pocket."<sup>27</sup> Officer Hawkins moves forward to the rear of the building, rounds a fence, and draws his weapon.<sup>28</sup> He then points his weapon directly at ██████████ is standing on the back stairs and is facing away from Hawkins, and his hands are in his pockets. He is approximately 15-20 feet away from Officer Hawkins. Officer Hawkins then states, "Move, I will shoot."<sup>29</sup> ██████████ immediately raises his hands

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<sup>23</sup> Attachment #25: 3:31 to 7:14

<sup>24</sup> Attachment #21

<sup>25</sup> Attachment #25; (8:48:49 to 8:56:03)

<sup>26</sup> Attachment #25 at 8:51:41

<sup>27</sup> Attachment #25 at 8:51:44

<sup>28</sup> Attachment #25 at 8:51:49

<sup>29</sup> Attachment #25 at 8:51:50

in the air and steps down from the stairs. Officer Hawkins puts his gun down and returns it to its holster as [REDACTED] steps down the stairs. [REDACTED] mother is heard complaining in the background. Officer Hawkins then proceeds to pat down [REDACTED] as [REDACTED] mother, [REDACTED] approaches them. Officer Tines is observed near [REDACTED] acting as security. Officer Hawkins tells [REDACTED] that [REDACTED] hands were in his pockets, and that he thought [REDACTED] had a weapon. Nothing is recovered from [REDACTED] and [REDACTED] is released without incident.

**BWC of Officer Mark C. Hawkins, II** captures essentially the same events.<sup>30</sup> Hampton points toward the rear of [REDACTED]. A hooded figure is observed walking toward the rear of the apartment building from across the alley. Hampton says something to the effect, "In his pocket."<sup>31</sup> Officer Hawkins moves past him and approaches the rear of [REDACTED]. [REDACTED] walks away from a parked vehicle and toward the rear steps of the apartment building.<sup>32</sup> His back is facing Officer Hawkins, who then draws his firearm, points it at [REDACTED] and says, "If you move, I will shoot."<sup>33</sup> [REDACTED] is observed climbing up the back stairs of the apartment building, with his back facing Officer Hawkins. [REDACTED] then turns and faces Officer Hawkins, who states, "Put your hands up right now."<sup>34</sup> [REDACTED] raises his hands in the air. His [REDACTED] can be heard in the background saying words to the effect of don't shoot. [REDACTED] then approaches Officer Hawkins with his hands raised. Officer Hawkins begins to pat down [REDACTED] as Officer Tines positions himself opposite of Officer Hawkins. [REDACTED] is holding a set of keys in his right hand. [REDACTED] can be heard complaining in the background. [REDACTED] is released, and Officer Hawkins tells him he was stopped because his hands were in his pockets, and they did not know what was going on. They did not know if he had a weapon. [REDACTED] who is standing nearby, can be seen holding a cell phone, and taking a photograph of Officer Hawkins. [REDACTED] and [REDACTED] continue to complain to the officers. Two back-up officers, in uniform, appear on the scene, as [REDACTED] continues to complain about the incident. Three more uniformed officers are observed standing in the alley facing the apartment building. Officer Hawkins tells the other officers that he saw [REDACTED] pull something out of the trunk.<sup>35</sup> Officer Hawkins then tells Investigator Hampton that they have received a call of "shots fired."<sup>36</sup> Officers Tines and Hawkins return to their vehicle and leave the scene and respond to the call.

## 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;

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<sup>30</sup> Attachment #33; (8:48:50 to 09:03:22)

<sup>31</sup> Attachment #33 at 8:51:43

<sup>32</sup> Attachment #33 at 8:51:45

<sup>33</sup> Attachment #33 at 8:51:49

<sup>34</sup> Attachment #33 at 8:51:51

<sup>35</sup> Attachment #33 at 8:55:39

<sup>36</sup> Attachment #33 at 8:56:49

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 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.

## VII. ANALYSIS

- a. *Officers Hawkins and Tines failed to provide an Investigator Stop Receipt to*  
██████████

COPA finds the allegations against Officers Hawkins and Tines for failing to provide ██████████ with an Investigatory Stop Receipt are Sustained. CPD Department Notice D19-01 II Section C, requires that when an officer points a firearm at a person, the incident must be documented. In this case, there is no question of whether Officer Hawkins pointed a firearm at ██████████. It is also clear that no ISR was issued by either officer. Although a call came in concerning a person with a gun about three blocks away, which precipitated Officer Hawkins and Officer Tines leaving the scene shortly after the incident with ██████████ had ended to respond to the call, there was still time to provide a contact card to ██████████ had been released at 8:51:41 and the call came in at 8:56:48.<sup>37</sup> As a result, **Allegation #4** against **Officer Mark C. Hawkins, II** is **SUSTAINED**, and **Allegation #2** against **Officer Trvon T. Tines** is **SUSTAINED**.

- b. ██████████ *detention was justified.*

With respect to the issue of whether ██████████ was detained by Officer Hawkins, without justification, one must determine the totality of the circumstances of the event,<sup>38</sup> the need for officer safety, and the safety of others, and whether Officer Hawkins had specific and

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<sup>37</sup> Attachment #33

<sup>38</sup> See *People v. Lake*, 2015 IL App. (4<sup>th</sup>) 130072, ¶ 28, 28 N.E.3d 1036.

articulable facts for the detention.<sup>39</sup> When evaluating the validity of a *Terry* Stop, the totality of the circumstances must be considered.<sup>40</sup> Further, the officer's basis for the stop must be objectively reasonable and not based on inarticulable hunches or unparticularized suspicions.<sup>41</sup> To justify a brief investigatory stop of a person in a public place, a police officer must be able to articulate specific facts which, considered with rational inferences from those facts, would lead a reasonable person to believe the action taken was proper.<sup>42</sup> If Officer Hawkins reasonably believed that ██████ had committed, or was about to commit, a crime, his investigatory detention of ██████ would be justified.<sup>43</sup> Thus, the question must be answered as to what information Officer Hawkins knew about ██████ before he detained him and whether this knowledge justified a reason for detaining ██████

Officers Hawkins and Tines responded to a dispatch to the location based upon a call that described a suspicious male, with his hands in his pockets, who was acting belligerently toward the investigator, who had booted his ██████ vehicle. In Officer Hawkins' statement to COPA, he explained that after Investigator Hampton had identified ██████ as having acted belligerently toward him, and having his hands in his pockets, Officer Hawkins observed ██████ in the area of the booted vehicle and removing a black object from the trunk. It should be noted that neither the BWC of Officer Hawkins, nor the BWC of Officer Tines, shows ██████ reaching into the trunk of a vehicle and retrieving a black object. ██████ however, can be seen walking toward the vehicle, and then walking away from the vehicle toward the back stairs to the apartment building. Officer Hawkins suspected this object to be a weapon. He then pointed his firearm at ██████ and said words to the effect that if ██████ moved, he would shoot. ██████ turned, raised his hands, and approached Officer Hawkins. A pat down of ██████ was then conducted by Officer Hawkins, and the object in ██████ pocket was determined to be a cell phone. ██████ was not in possession of a weapon. Officer Hawkins eventually apologized for the incident, and ██████ was released without further incident.

At the time of the detention, Officers Hawkins and Tines were investigating a disturbance. ██████ was identified as being involved in that disturbance by Hampton. These facts alone were sufficient basis to briefly detain ██████ while they conducted further investigation and determined if a crime was committed. Thus, **Allegation #1** alleged against **Officer Mark C. Hawkins, II**, and **Allegation #1** against **Officer Tines** is **EXONERATED**.

*c. The search of ██████ was justified.*

With respect to the issue of whether ██████ was searched by Officer Hawkins, without justification, the evidence is clear that Officer Hawkins conducted a pat down search of ██████ when he was detained. As was already discussed, COPA finds the investigatory stop of

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<sup>39</sup> See *People v. Timmsen*, 2016 IL 118181, 9, ¶ 50 N.E.3d 1092: "...the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion."

<sup>40</sup> *United States v. Sokolow*, 490 U.S. 1, 8 (1989); *United States v. Cortez*, 449 U.S. 411, 417 (1981).

<sup>41</sup> *People v. Ray*, 116 Ill.App.2d 269, 252 N.E.2d 772 (Ill.App. 1969).

<sup>42</sup> *People v. Rivera*, 272 Ill.App.3d 502, 504-05, 209 Ill.Dec. 111, 650 N.E.2d 1084 (1995); See also *People v. Starks*, 190 Ill.App.3d 503, 506, 137 Ill.Dec. 447, 546 N.E.2d 71 (1989).

<sup>43</sup> See *Terry v. Ohio*, 392 U.S. 1 (1968): "A police officer may conduct a brief investigatory stop of a person when the officer reasonably believes that the person has committed, or is about to commit, a crime."

██████ was justified. Officer Hawkins stated he believed ██████ to have a weapon and conducted a pat down for weapons after detaining him. Officers are permitted to conduct a limited search for weapons when conducting valid investigatory stops. Thus, Officer Hawkins search of ██████ was justified, and **Allegation #2** alleged against **Officer Mark C. Hawkins, II**, is **EXONERATED**.

*d. Officer Hawkins used excessive force when he pointed his weapon at ██████*

Excessive Force claims are reviewed under the 4<sup>th</sup> Amendment's objective reasonableness standard. The question is whether Officer Hawkins' actions were reasonable under the circumstances. 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.<sup>44</sup> With respect to pointing a firearm, CPD Department Notice D19-01 states, "Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by the member on the scene. While reasonableness is not capable of a precise definition, Department members may consider factors that include, but are not limited to, the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person (e.g. possession or access to weapons)." Thus, COPA must determine if Officer Hawkins' conduct was objectively reasonable under the totality of the circumstances.

Officer Hawkins was responding to a call which related that someone was acting belligerently. As Officer Hawkins was approaching the rear of ██████ Hampton said something indicating ██████ hands were in his pockets. Hampton confirmed that he had spoken with Officer Hawkins, and told him that ██████ had been acting suspiciously, and had his hands in his pockets. Officer Hawkins pulled his firearm out and approached ██████ after reportedly seeing him remove an object from the trunk of a vehicle. ██████ was walking away from Officer Hawkins, up the stairs and not towards any civilians or officers, when Officer Hawkins pointed his firearm at him. Officer Hawkins then threatened to shoot ██████ if he moved.<sup>45</sup> Officer Hawkins did not announce his office. ██████ immediately placed his hands in the air and turned around. Officer Hawkins' only purported justification for pointing his firearm at ██████ was for officer safety, or for the safety of others.

COPA finds that based on the totality of the circumstances, it was not objectively reasonable for Officer Hawkins to point his firearm at ██████. First, there was no information relayed to Officer Hawkins by dispatch or Hampton that would cause an objectively reasonable officer to believe that there was a risk of harm to themselves or others. ██████ had not threatened anyone or reportedly demonstrated any physically threatening behavior. Furthermore, ██████ was walking away from Officer Hawkins and not toward any individuals when the weapon was pointed at him, negating any reasonable belief that he was a danger to anyone's safety. Although Officer Hawkins observed Hampton remove an object from a vehicle, his belief that this may have been a firearm was not reasonable under the circumstances. He did not report that the object had a shape consistent with a firearm or that anyone else believed ██████ to have a firearm. Additionally, he was responding to an incident involving a vehicle being repossessed. Thus, removal of items from

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<sup>44</sup> General Order G03-02 Section III (B): Use of Force.

<sup>45</sup> Attachment 25 at 8:51:50

a vehicle is reasonable, if not expected, conduct to observe under the circumstances. Thus, based on the totality of the circumstances and a preponderance of the evidence, **Allegation #3** alleged against **Officer Mark C. Hawkins, II** is **SUSTAINED**.

e. *Officer Hawkins activated his BWC in accordance with Department policy.*

With respect to **Allegation #5** alleged against **Officer Mark C. Hawkins, II**, this allegation is **UNFOUNDED**, as the BWC of Officer Hawkins was located after his interview with COPA.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Mark C. Hawkins, II

#### i. Complimentary and Disciplinary History:

1. **Complimentatry History:** 1 Crime Reduction Award (2019), 1 Complimentary Letter, 23 Honorable Mentions, 1 Unit Meritorious Performance Award
2. **Disciplinary History:** None

#### ii. Recommended Penalty:

COPA has considered the complimentary and disciplinary history of Officer Hawkins and the nature of the allegations. Pointing a firearm at an individual without justification is a serious violation of Department policy and undermines public trust in the Department. COPA has considered the duration of the firearm pointing and the surrounding circumstances. Considering all these factors, COPA recommends a 30-day Suspension and Training in Investigatory Stops/Use of Force/Firearm Pointing.

### b. Officer Trvon T. Tines

#### i. Complimentary and Disciplinary History:

1. **Complimentary History:** 1 Crime Reduction Award (2019), 2 Complimentary Letters, 3 Department Commendations, 11 Honorable Mentions
2. **Disciplinary History:** 3 SPAR's (1 Preventable Accident 2021, 1 Reprimand - Preventable Accident., 1 Misuse of Equipment 2021)

#### ii. Recommended Penalty: Written Reprimand

COPA has considered the complimentary and disciplinary history of Officer Tines, the nature of the allegation and Officer Tines' willingness to take accountability for violating Department Rules. Thus, COPA recommends a Written Reprimand.

Approved:



Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

June 21, 2022

Date