

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 31, 2018 / 11:15 AM / 7041 S. Jeffery Blvd.
Date/Time of COPA Notification:	May 31, 2018 / 11:58 AM
Involved Officer #1:	Officer Joseph Bennet #19733 / Employee ID # [REDACTED] / DOA: 28 Apr 2008 / Unit: 003 / DOB: [REDACTED] 1972 / Male / Black
Involved Individual #1:	[REDACTED] / [REDACTED] 1967 / Male / Black
Case Type:	Use of Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Joseph Bennett	The complainant ([REDACTED]) alleged that on 31 May 2018, at approximately 11:15 hours, in the vicinity of 7041 S. Jeffery Blvd., you:	
	1. Pushed him on the chest.	Exonerated
	2. Were disrespectful in that you told him that he could not stand on the corner and told him, "if you are not on the next bus, I am going to lock you up".	Exonerated
	3. Followed him to the other side of the street for no reason.	Not Sustained

II. SUMMARY OF EVIDENCE

Mr. [REDACTED] was waiting for a bus at the incident location when he observed two Chicago Police officers clearing a corner of occupants. [REDACTED] heard one of the officers yell "motherfucker" and told him he could not use that language. Officer Bennett approached [REDACTED] telling him he would go to jail if he was not on the next bus. [REDACTED] became upset with Officer Bennett and his actions, alleging that Officer Bennett pushed him and followed him around at an uncomfortable distance.

COPA reviewed cellphone video that was provided by ██████¹ One video² records ██████ degrading a group of officers from distance and threatening their employment, citing an unknown officer's information that he had previously complained about to COPA. ██████ crosses the street, yelling more derogatory comments towards the officers, enters a store and the video ends. The second video³ records a brief verbal confrontation between Officer Bennett and ██████. The video continues with ██████ standing at the bus stop yelling homophobic insults and more derogatory terms towards the officers who appear to be speaking with other bus stop patrons. Halfway through the video, Officer Joseph Bennett confronts ██████ by approaching him and telling him to leave the area. ██████ refuses, saying he will continue to wait for the bus. ██████ then walks to the other side of the street and returns, but is confronted by Officer Bennett who tells him to get off the corner. ██████ goes back to the other side of the street, crosses in the middle of the street, and stands in the bus stop station. Officer Bennett approaches and stands next time ██████ while ██████ uses homophobic insults and derogatory insults towards him and the video ends.

COPA reviewed BWC of Officer Bennett.⁴ BWC shows Officer Bennett confronting ██████ who walks from the bus stop into the street. Officer Bennett continues to follow ██████ who is swearing at Officer Bennett. ██████ crosses the street, walking towards the intersection and again crosses over to where Officer Bennett is. Officer Bennett confronts ██████ with an outstretched arm on the sidewalk who is again walking towards the bus stop. Officer Bennett orders ██████ to disperse and with an open left hand, makes contact once with ██████ right shoulder and once in the upper right chest area in a non-forceful guiding or blocking manner. ██████ turns around and walks back across the street at the intersection and the BWC video ends.

COPA interviewed Officer Bennett⁵ and Officer Joseph Negron.⁶ The Officers stated they were both in the area to disperse known gang members around 71st and Jeffery which is a known hotspot for crime. Officer Bennett and his partner went to the corner to check the bus stop and were confronted by ██████ who was immediately verbally hostile. Officer Bennett ordered ██████ to disperse multiple times which he did not comply with. Officer Bennett recalls making physical contact with ██████ but only to maintain a zone of safety. Officer Bennett denies all the allegations made against him. Not verbatim but Officer Negron's statement is similar to Officer Bennett's recitation of what occurred. Officer Negron does not recall Officer Bennett having any physical contact with ██████

BWC or cellphone video does not record the entirety of the interaction between ██████ and any of the on-scene officers. Because of this, one allegations that was made against Officer Bennett could not be objectifiable determined to be true or false.

III. ANALYSIS AND CONCLUSION

¹ Att. 25

² Att. ██████ police 111 1.mp4

³ Att. 25: ██████ police compress 1 1.mp4

⁴ Att. 25: BWC – Bennett2

⁵ Att. 22

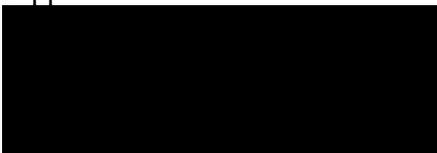
⁶ Att. 17

COPA finds the allegation that Officer Bennett pushed ██████████ is exonerated. Officer Bennett is alleged to have violated Rule 6 which prohibits Department members from the “disobedience of an order or directive, whether written or oral.” General Order G03-02-01 Force Options (effective 16 October 2017) instructs Department members to utilize tactical positioning and attempt to establish a zone of safety when interacting with members of the public. ██████████ attempted to return to the area that he was dispersed from and approached Officer Bennett. Officer Bennett established a zone of safety using his extended arm and open hand to create space between himself and ██████████. Per BWC, ██████████ was walking quickly and approached Officer Bennett despite being verbally ordered to disperse. Officer Bennett was not forceful in his physical contact with ██████████. COPA finds the allegation that Officer Bennett pushed ██████████ is therefore exonerated.

COPA finds the allegation that Officer Bennett was disrespectful in that he told ██████████ that he could not stand on the corner and told him “if you are not on the next bus, I am going to lock you up” is exonerated. Officer Bennett is alleged to have violated Rule 9 which prohibits Department members from “engaging in any unjustified verbal or physical altercation with any person, while on or off duty”. Officer Bennett was in the area to disperse individuals who were congregating in an area designated a Hot Spot. Special Order S10-02-03 allows Department members to disperse members of the public whose actions are consistent with gang loitering criteria. Officer Bennett gave a dispersal order to ██████████ which would require him to remove himself from the area or otherwise be arrested. Officer Bennett told ██████████ that he would be arrested if he did not comply with the dispersal order. COPA finds the allegation that Officer Bennett was disrespectful in that he told ██████████ that he would not stand on the corner and told him “if you are not on the next bus, I am going to lock you up,” is exonerated.

COPA finds the allegation that Officer Bennett followed ██████████ to the other side of the street for no reason, is not sustained. Officer Bennett is alleged to have violated Rule 2 which prohibits Department members from “any action or conduct which impedes the Department efforts to achieve its policy and goals or brings discredit upon the Department.” Per BWC, Officer Bennett does not follow ██████████ to the other side of the street from their original location at the bus stop. Officer Bennett’s BWC does not capture the entirety of the interaction with ██████████ from initial contact to all officers clearing the scene. It cannot be independently determined, using BWC and statements, if Officer Bennett did or did not follow ██████████ to the other side of the street. COPA finds the allegation that Officer Bennett followed ██████████ to the other side of the street for no reason, is not sustained.

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

12/27/2021

Date