

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 16, 2018
Time of Incident:	Approximately 12:57 AM
Location of Incident:	Rogue's Gallery, located at 134 E. Juneau Ave., Milwaukee, WI 53202
Date of COPA Notification:	December 17, 2018
Time of COPA Notification:	Approximately 8:20 AM

On December 16, 2018, Chicago Police Department ("CPD") Officer Robert Pet ("Officer Pet") was off-duty in Milwaukee, WI, when he was arrested for disorderly conduct and drinking alcohol with a loaded weapon. The Civilian Office of Police Accountability ("COPA") investigated allegations that Officer Pet was intoxicated off-duty, engaged in an unnecessary verbal altercation, and displayed a firearm magazine. COPA sustained all allegations.

II. INVOLVED PARTIES

Involved Officer #1:	Robert Pet, Star #7484 ¹ , Employee ID #120892, Date of Appointment: June 16, 2017, Unit 376 (Alternate Response Section), Date of Birth: May 21, 1991, Male, Indian
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III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Pet	It is alleged that on December 16, 2018, at approximately 12:57 AM, at or near Rouge's Gallery/134 E. Juneau Ave., Milwaukee, WI, you committed misconduct through the following acts and/or omissions: 1. Intoxicated off-duty.	Sustained / Separation

¹ Officer Pet was stripped of his police powers, including his CPD star, on December 17, 2018, following his arrest by the Milwaukee Police Department on December 16, 2018. However, 7484 is his assigned star number (Att. 8).

	2. Engaged in an unnecessary verbal altercation	Sustained / Separation
	3. Displayed a firearm magazine.	Sustained / Separation

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Prohibits violation of any law or ordinance.
2. **Rule 3:** Prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
4. **Rule 15:** Prohibits intoxication on or off duty.
5. **Rule 38:** Prohibits unlawful or unnecessary use or display of a weapon

Wisconsin Legislature

1. **941.20(1)(b):** “Whoever does any of the following is guilty of a Class A misdemeanor: [...] Operates or goes armed with a firearm while he or she is under the influence of an intoxicant.”²
2. **947.01:** “Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a Class B misdemeanor.”³

² Source: <https://docs.legis.wisconsin.gov/statutes/statutes/941/III/20/1/b>.

³ Source: <https://docs.legis.wisconsin.gov/statutes/statutes/947/01>.

V. INVESTIGATION⁴**a. Interviews⁵*****Officer Robert Pet*⁶**

COPA interviewed Officer Pet on April 14, 2020. Officer Pet told COPA investigators that on December 16, 2018, he was off-duty and in Milwaukee, WI. Officer Pet had driven to Milwaukee, got dinner, where he began drinking. He then proceeded to go to a bar and then took a shuttle to a Brice Lee concert. Following his time at the concert, Officer Pet took a shuttle back to the bar and then eventually went to another bar called Rouge's Gallery. Officer Pet had at least one mixed alcoholic drink with dinner and at the first bar, possibly two mixed alcoholic drinks at the concert, and more mixed alcoholic drinks at the bar after the concert. Officer Pet did not know exactly how many alcoholic beverages he had before Rouge's Gallery, but acknowledged he was intoxicated. When Officer Pet got to Rouge's Gallery, he got a water and sat with a woman he met. A man approached and invited Officer Pet to join his friends.⁷ Officer Pet did not recall the content, or nature, of his conversation after approaching the group, or if the woman he met was still present. Officer Pet did not recall presenting his magazine or why, being punched in the head, or what happened to his gun. Officer Pet left the bar and was detained by Milwaukee Police Department ("MPD"). Officer Pet identified himself to the MPD as a CPD officer, because his firearm was missing. Approximately four hours after his arrest Officer Pet's blood alcohol content ("BAC") was about 00.11%. Officer Pet was uncertain why he took a firearm with him on the night of the December 16th; however, he acknowledged it is unsafe to drink alcohol while armed and apologized for his actions.

b. Digital Evidence***Rouge's Gallery Security Footage*⁸**

Officer Pet was sitting at a table when [REDACTED] approached. The two men spoke before walking over to [REDACTED] friends. Officer Pet spoke with an unknown male and engaged in an animated conversation. [REDACTED] ([REDACTED])⁹ joined the conversation. Officer Pet reached towards his right hip, then held a firearm magazine against the unknown male's chest (see Photo 1 on the next page). Officer Pet returned the magazine to his hip area and continued talking, when [REDACTED] punched Officer Pet in the head. Several men then struck Officer Pet. Unidentified individuals broke up the fight and Officer Pet exited out the front door.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Attempts to interview witnesses, identified in MPD case reports, were met with negative results (Att. 30).

⁶ Att. 25

⁷ COPA determined this individual was [REDACTED] ([REDACTED]) through Rouge's Gallery security footage and MPD reports.

⁸ Att. 24

⁹ COPA determined this individual was [REDACTED] ([REDACTED]) through MPD reports and the Rouge's Gallery security footage.

Photo 1

Red X – Officer Pet, Blue X – [REDACTED] Yellow X - [REDACTED] Green X – unknown male

Milwaukee Police Department Body Worn Camera (“BWC”)¹⁰

MPD officers arrived outside Rouge’s Gallery, where Officer Pet and [REDACTED] were in handcuffs. Later, [REDACTED] was also handcuffed. MPD was seen with Office Pet’s gun and holster. A bar employee told MPD there was a verbal argument, Officer Pet had a gun, and one of the men punched Officer Pet. [REDACTED] told MPD that Officer Pet approached his friends, but he did not know what the altercation was about and did not see a gun.

MPD Officer Plumley spoke to Officer Pet and referenced another altercation earlier in the night, which had apparently included Officer Pet. Officer Pet denied starting a fight. MPD Officer Erving later spoke with Officer Pet who admitted he had been drinking and was armed. Officer Pet refused to answer questions or submit to sobriety testing. MPD Officer Erving told Officer Pet they were getting a search warrant for a blood draw.

[REDACTED] told MPD that one of his friends began arguing with Officer Pet, whom [REDACTED] described as argumentative, arrogant, and cocky. [REDACTED] asserted that Officer Pet displayed a taser and had a gun holstered at his waist.¹¹ [REDACTED] grabbed the gun and holster, because Officer Pet reached for his waist.

¹⁰ Atts. 18 - 23.

¹¹ Available evidence suggests [REDACTED] mistook Officer Pet’s firearm magazine for a taser.

c. Documentary Evidence

*Milwaukee Police Department (“MPD”) - Initial Report, Disorderly Conduct Offense*¹²

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MPD responded to a call of a person with a weapon at 134 E. Juneau Ave. ██████████ and ██████████ related that Officer Pet, “pulled a magazine out of his waistband and pushed it towards [his] friend’s chest in a threatening manner.” Per ██████████ Officer Pet approached his friends and began acting aggressively. ██████████ then punched Officer Pet in the face and ██████████ “wrestled the hand gun [*sic*] [...],” from Officer Pet. A fight ensued and “a large group of people rushed them out the front door.”

Officer Pet admitted to drinking at the bar while carrying a loaded handgun. Officer Pet refused a breath test, but MPD obtained a search warrant for a blood draw. MPD also obtained video surveillance from Rouge’s Gallery. MPD seized 16 9mm cartridges, a leather holster, and a gun with magazine. Officer Pet’s breath reportedly smelled like alcohol and “[h]is speech was slurred and he was mumbling.” At approximately 11:33 AM, Officer Pet told MPD detective he is an officer with CPD. Officer Pet went to a concert and multiple bars before Rouge’s Gallery and was unsure how much he drank. Officer Pet asserted he only drank water at Rouge’s Gallery. Officer Pet recalled speaking with a male “about motorcycles and firearms,” when he was “suddenly punched and then felt his gun being taken away from him.”

A security guard for Rouge’s Gallery, ██████████ was alerted to a fight and broke it up. ██████████ learned a gun was involved, and an unknown female handed him a firearm and holster. ██████████ turned the firearm over to MPD.

*MPD – Police Call History*¹⁴

At roughly 3:27 AM, MPD reported going to St. Mary’s Hospital for a blood draw. The call was closed at about 5:35 AM.

*CPD’s Bureau of Internal Affairs (“BIA”)*¹⁵

On December 16, 2018 at about 1:00 AM, CPD Lieutenant Jose Mendez was notified by MPD that Officer Pet was in custody for disorderly conduct. At about 8:55 AM, CPD Sergeant Mark O’Conner (“Sgt. O’Conner”) learned that “Officer Pet was in custody after being involved in a physical confrontation at a bar in Milwaukee, Wisconsin.” On December 17, 2018, Sgt. O’Connor reported that “Officer Robert Pet was to be relieved of his police powers,” until the conclusion of

¹² Att. 13

¹³ MPD also completed Initial Report for an assault with Officer Pet as the victim (Att. 14), which contained no additional, relevant detail.

¹⁴ Atts. 11 - 13

¹⁵ Att. 8

the present investigation. Officer Pet was accused of “an off-duty physical altercation within a bar while in possession of a firearm [...]” On December 17, 2018 at approximately 1:00 PM, Officer Pet was notified of his duty restrictions.

*Criminal Docket – Milwaukee County Circuit Court*¹⁶

Case Number [REDACTED] was filed on February 12, 2019. Officer Pet was initially charged with operating a firearm while intoxicated. On April 15, 2019, the charge was amended to disorderly conduct. Officer Pet pleaded no contest and was fined \$250.

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;
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.

¹⁶ Att. 17

VII. ANALYSIS

Allegation 1

The allegation that Officer Pet was intoxicated off-duty is sustained. Officer Pet told COPA he began drinking alcoholic beverages at dinner. Per MPD reports, Officer Pet arrived in Milwaukee at about 3:30 PM.¹⁷ COPA identified that doors for the concert opened at 8:00 PM.¹⁸ By his own admission, Officer Pet was drinking alcoholic beverages throughout the night and was intoxicated at Rouge's Gallery. Officer Pet related that his BAC was 0.11%, suggesting it was higher when he was arrested roughly four hours earlier. CPD's Rule 15 prohibits officers from being intoxicated, on or off duty. Further, Officer Pet violated Wisconsin law 941.20(1)(b), prohibiting individuals from being armed while intoxicated, and Wisconsin law 947.01, which prohibits disorderly conduct. By being drunk and armed in public Officer Pet violated local law in Wisconsin. Officer Pet's actions discredited the CPD by negatively influencing public perception, weakening public trust, and demonstrating an overall failure by Officer Pet to uphold the law.

Allegation 2

Allegation 2, that Officer Pet engaged in an unnecessary verbal altercation, is sustained. Rouge Gallery's video confirmed that Officer Pet conversed with an unknown male. However, the camera angle only shows the unknown male's face (because Officer Pet's back was facing the camera) and there is no audio captured. With Officer Pet unable to recall the conversation and some witnesses unresponsive to COPA, it is unknown exactly what was stated. That being said, multiple witnesses reported to the MPD that Officer Pet was involved in a verbal altercation. Furthermore, Officer Pet's body language and the unknown male's behavior indicates that Officer Pet was most likely involved in a verbal argument with the unknown male that ultimately resulted in him reaching toward to his firearm, displaying his magazine in a threatening manner and engaging in a physical altercation. . Based on known evidence, COPA finds no reason way Officer Pet could not have walked away, regardless of who initiated the confrontation. Officer Pet chose to remain in the conversation, which escalated until he displayed a firearm magazine and a physical altercation ensued. Lastly, Officer Plumley apparently encountered Officer Pet earlier in the night because of a previous argument he had, suggesting a pattern. Taken in consideration with Allegation 1, that Officer Pet was drunk, the preponderance of the evidence indicates that Officer Pet had an unnecessary altercation with the unknown male.

Allegation 3

COPA finds allegation 3, that Officer Pet displayed a firearm magazine, is sustained. Bar security footage confirms this occurred. Rule 38 of CPD's Rules and Regulations prohibits unlawful or unnecessary use or display of a weapon. While Officer Pet did not display his entire firearm, he did display his weapon in part by producing a magazine loaded with ammunition during a verbal altercation. This display of his gun's magazine was threatening in nature in that it implied

¹⁷ Att. 13

¹⁸ Atts. 31

Officer Pet also had a gun. Officer Pet's reference to a gun during a drunken argument was a lapse in judgment, served no valid law enforcement purpose, and was illegal in Wisconsin.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Robert Pet

i. **Complimentary and Disciplinary History:** Honorable Mention, 3; 2019 Crime Reduction Award, 1. No applicable disciplinary history within the past 5 years.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** It is alleged that on December 16, 2018, at approximately 12:57 AM, at or near Rouge's Gallery/134 E. Juneau Ave., Milwaukee, WI, you committed misconduct through the following acts and/or omissions: Intoxicated off-duty. COPA recommends Separation.

2. **Allegation No. 2:** It is alleged that on December 16, 2018, at approximately 12:57 AM, at or near Rouge's Gallery/134 E. Juneau Ave., Milwaukee, WI, you committed misconduct through the following acts and/or omissions: Engaged in an unnecessary verbal altercation. COPA recommends Separation.

3. **Allegation No. 3:** It is alleged that on December 16, 2018, at approximately 12:57 AM, at or near Rouge's Gallery/134 E. Juneau Ave., Milwaukee, WI, you committed misconduct through the following acts and/or omissions: Displayed a firearm magazine. COPA recommends Separation.

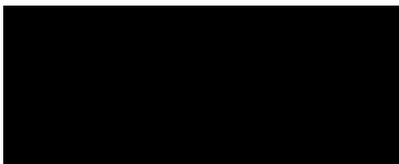
Officer Pet's actions on December 16, 2018, constitute a profound lapse in judgment. Specifically, he brought his loaded weapon with him to a concert in Milwaukee with full knowledge of his intent to consume alcohol. Officer Pet proceeded to become so intoxicated that he was unable to recall the details surrounding the altercation which led to his arrest. While intoxicated and in an argument, Officer Pet displayed his firearm magazine in a threatening manner, which caused a dangerous escalation of the incident. Furthermore, Officer Pet was disarmed in a bar, during an altercation which could have had deadly consequences to himself or his fellow patrons. COPA does acknowledge Officer Pet's candor and acceptance of responsibility for his actions as mitigating factors. What should not be deemed mitigating is that no one was injured – Officer Pet's actions surely put that possibility in motion. Officer Pet's actions were criminal in nature and brought significant discredit to the Department. Moreover, his dangerously poor judgment is not befitting of a sworn officer and renders him ill-suited to continue to serve in his current capacity as a police officer. Accordingly, COPA recommends separation from the Department.

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Pet	<p>It is alleged that on December 16, 2018, at approximately 12:57 AM, at or near Rouge's Gallery/134 E. Juneau Ave., Milwaukee, WI, you committed misconduct through the following acts and/or omissions:</p> <ol style="list-style-type: none"> 1. Intoxicated off-duty. 2. Engaged in an unnecessary verbal altercation 3. Displayed a firearm magazine. 	<p>Sustained/ Separation</p> <p>Sustained/ Separation</p> <p>Sustained / Separation</p>

Approved:



Andrea Kersten
Deputy Chief Administrator

June 29, 2020

Date

Sydney R. Roberts
Chief Administrator

June 29, 2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	Three
Investigator:	Kelsey Fitzpatrick
Supervising Investigator:	Matthew Haynam
Deputy Chief Administrator:	Andrea Kersten