

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 21, 2019
Time of Incident:	12:00 p.m.
Location of Incident:	1322 E. 53 rd St., Chicago, IL
Date of COPA Notification:	June 24, 2019
Time of COPA Notification:	12:01 p.m.

On June 21, 2019, at approximately 12:00 p.m., CPD officers responded to calls for service outside an Xfinity store at 1322 E. 53rd St., Chicago, IL, following telephone complaints of a black, male protester using a bullhorn and causing a disturbance. Responding officers approached an individual protestor, Mr. [REDACTED] and requested he stop using the bullhorn. Mr. [REDACTED] said he would not, and that City of Chicago personnel told him he did not need a permit for a protest of less than 25 people, or with the bullhorn. Officers called for assistance and additionally observed Mr. [REDACTED] shout to an apartment resident above the Xfinity store, [REDACTED] that he would “beat [his] ass.” Both Mr. [REDACTED] and Xfinity staff signed complaints at the scene. Officers thereafter arrested Mr. [REDACTED] and transported him to the 2nd District for processing.

Mr. [REDACTED] was charged with simple assault, disorderly conduct, and violation of Municipal Code of Chicago Ch. 8-32-070, and was released after posting a recognizance bond. He subsequently filed a complaint with COPA alleging, in part, he was unjustifiably arrested because he was told he did not need a protest permit, and also because he was being persecuted for wearing a red “MAGA” (“Make America Great Again”) hat.

II. INVOLVED PARTIES

Involved Officer #1 ² :	Officer Eric Stampley , Star #11029, Employee ID # [REDACTED], Date of Appointment: June 29, 1992, Police Officer, 2 nd District, DOB: [REDACTED] 1970, M, Black
Involved Officer #2:	Officer Darwish Arekat , Star #8679, Employee ID # [REDACTED], Date of Appointment: July 31, 2006, Police Officer, 2 nd District, DOB: [REDACTED] 1982, M, API.

¹ COPA conducted a full and complete investigation of this matter, including the interview of pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Officer Stampley retired from CPD service August 15, 2020. (See PAR rept., Att. 42)

Involved Officer #3

Sergeant Alfie E. Patterson, Star 1106, Employee ID # [REDACTED], Date of Appointment: January 3, 2005, Sergeant, 3rd District, DOB: [REDACTED], 1970, M, Black.

Involved Individual #1:

Complainant-Victim [REDACTED] 34, M, Black,
[REDACTED]

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Eric Stampley	1. The accused officer detained [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.	Exonerated
	2. The accused officer arrested [REDACTED] without due justification on or about June 21, 2019, and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.	Exonerated

<p>Officer Darwish Arekat</p>	<ol style="list-style-type: none"> 1. The accused officer detained [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 2. The accused officer arrested [REDACTED] without due justification on or about June 21, 2019 and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 	<p>Exonerated</p> <p>Exonerated</p>
<p>Sergeant Alfie E. Patterson</p>	<ol style="list-style-type: none"> 1. The accused sergeant detained [REDACTED] on or about June 21, 2019, without due justification, and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 2. The accused sergeant ordered the arrest of [REDACTED] without due justification on or about June 21, 2019 and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 	<p>Exonerated</p> <p>Exonerated</p>

IV. APPLICABLE RULES AND LAWS

Rules

Rule 3: prohibits “Any failure to promote the Department’s efforts to achieve its policy or accomplish its goals.”

Rule 5: prohibits, “Failure to perform any duty.”

Rule 8: prohibits “Disobedience of an order or directive, whether written or oral.”

Rule 10: prohibits “Inattention to Duty.”

Federal Laws

1. The First Amendment to the Constitution of the United States (U.S. Const. Amd. I, as incorporated by Ill. Const. Art. 4-5.)

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

2. The Fourth Amendment to the Constitution of the United States (U.S. Const. Amd. IV as incorporated by Ill. Const. Art. I, Sec. 6).

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.”

State Laws

1. Illinois Constitution Art. 1 Sec. 4-6.

“SECTION 4. FREEDOM OF SPEECH

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

“SECTION 5. RIGHT TO ASSEMBLE AND PETITION

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

“SECTION 6. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

[....]”

2. Municipal Code of Chicago (“MCC”) Ch. 8-32 (“Noise and Vibration Control”).

“8-32-070 Music and amplified sound. (a) No person on the public way shall employ any device or instrument that creates or amplifies sound, including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more, measured vertically or horizontally, from the source. (b) Between the hours of 10:00 p.m. and 8:00 a.m., no person on any private open space shall employ any device or instrument that creates or amplifies sound,

including but not limited to any loudspeaker, bullhorn, amplifier, public address system, musical instrument, radio or device that plays recorded music, to generate any sound, for the purpose of communication or entertainment, that is louder than average conversational level at a distance of 100 feet or more from the property line of the property from which the noise is being generated. (c) The limitations imposed in this section do not apply between the hours of 8:00 A.M. and 10:00 P.M. to a person participating in: (1) a public assembly, as that term is defined in Section 10-8-334; or (2) a parade, athletic event, or outdoor special event, as defined in Sections 10-8-330, 10-8-332, or 10-8-335 of this Code; provided that a permit has been issued for the parade, athletic event or outdoor special event, if required, and the person is in compliance with the permit. (d) The limitations imposed in this section do not apply to emergency and non-emergency signal devices as described in sections 8-32-100 and 8-32-110 of this Code, respectively. (Added Coun. J. 11-16-11, p. 13798, Art. II, § 5)”

V. INVESTIGATION

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

a. Interviews

1. Complainant-Victim ██████████

In an interview with COPA on June 25, 2019, ██████████ related that on or about June 21, 2019, he was arrested by CPD officers after protesting outside an Xfinity store at or about 1322 E. 22nd St., Chicago, IL. He related he picketed the store, alone, with a sign and a bullhorn because he was upset Xfinity charged too much. He related he obtained a protest permit from the City of Chicago Department of Transportation, but that the staff told him he did not need one if there were fewer than 25 protestors. He also said he was not told he needed any special permit to protest using a bullhorn. Mr. ██████████ related he believed he was targeted and arrested by the police specifically because he is black and was wearing a “MAGA” hat. Mr. ██████████ related after his arrest he was taken to the District station for processing, and was thereafter released.

b. Digital Evidence

In-car camera (“ICC”), body-worn camera (“BWC”) video and Office of Emergency Management and Communications (OEMC) recordings were requested. With respect to ICC footage, the footage obtained provided video captured by the vehicle’s rear seat facing camera. A review of said video footage showed the complainant being placed into a CPD vehicle; buckled securely using the rear seatbelt buckle; being transported to the district, then being removed from the vehicle. There were no identified concerning issues regarding the conduct of CPD members. This video footage did not show any evidence or video of the actual arrest.³

Officers’ Body Worn Camera (BWC) footage clearly depicted Mr. ██████████ protesting outside the Xfinity store using an amplified bullhorn and activating its siren.⁴ The video(s) further

³ Attachment 38.

⁴ Attachment 21, BWC at 2:15.

depicted Officer Stampley tell Mr. [REDACTED] he could protest, but not using the bullhorn – and Mr. [REDACTED] then refuse to do so. Thereafter, additional officers arrived, and Mr. [REDACTED] repeatedly exclaimed he would continue to protest with the bullhorn, and that they should arrest him so that he could sue the City of Chicago.⁵ Sergeant Patterson also arrived and asked Mr. [REDACTED] on BWC to protest without the bullhorn. Again, Mr. [REDACTED] refused to comply. BWC footage additionally depicted Mr. [REDACTED] call up to a male resident of the building, [REDACTED] and threaten to “beat [his] ass.”⁶ Subsequent BWC footage depicted CPD members enter the building, and collect signed complaint(s) against Mr. [REDACTED].⁷ The video(s) also depicted Mr. [REDACTED] repeatedly complain he was being persecuted because of his hat, but at no point were arresting officers recorded stating he was being arrested because of the hat, his political views or his protest message against Xfinity.

Documentary Evidence

The **Original Case Incident Report**,⁸ documented CPD officers responded to calls of a male protestor in front of an Xfinity store at 1322 E. 53rd St., Chicago, IL, who was reportedly disturbing customers using a loud audible device. Officers approached and told [REDACTED] he could protest but could not use a bullhorn. Mr. [REDACTED] did not show a permit to use an audible device and refused the responding officers’ orders to stop doing so. Mr. [REDACTED] also got into an argument with the tenant of a unit above the store, [REDACTED] and told Mr. [REDACTED] to “come down from out the window and I’ll beat your ass.” Mr. [REDACTED] was then arrested and transported to the 2nd District for processing. He was charged with simple assault, disorderly conduct, and violation of MCC 8-32-070 (“Music and Amplified Sound”).

The **Arrest Report**⁹ of [REDACTED] mirrored the basic information presented in the Case Incident Report, documenting that CPD officers arrested Mr. [REDACTED] for reportedly disturbing customers using a loud audible device in front of an Xfinity store at 1322 E. 53rd St., Chicago, IL. Officers approached and told Mr. [REDACTED] he could protest but could not use a bullhorn or block pedestrian traffic. Mr. [REDACTED] did not show a permit to use an audible device and refused the responding officers’ order to stop doing so. Mr. [REDACTED] also got into an argument with a tenant above the store, [REDACTED] and told Mr. [REDACTED] to “come down from out the window and I’ll beat your ass.” [REDACTED] and Xfinity both signed complaints against Mr. [REDACTED] who was then arrested and transported to the 2nd District for processing. He was charged with simple assault, disorderly conduct, and violation of MCC 8-32-070 (“Music and Amplified Sound”).

A **Case Supplemental Report**¹⁰ documented contact information and other details of Mr. [REDACTED] assault complaint against Mr. [REDACTED]

⁵ Id., at 11:52:40, 11:54:30, and 10:54:49. (BWC)

⁶ See Attachment 20 at 9:33 (BWC).

⁷ Attachment 21 at 17:05 (BWC)

⁸ Attachment 9.(Orig. case incident report)

⁹ Attachment 8 (Arrest Report)

¹⁰ Attachment 10. (Supp. Rept.)

An OEMC Event Query Report¹¹ documented calls of a disturbance at 1322 E. 53rd St., Chicago, IL, at or about 11:34 a.m. on June 21, 2019. Dispatch noted receipt of a wireless call complaining a protestor with a loud bullhorn was bothering people as they entered and left the caller's business. The protestor was described as a black male, age 25-35, wearing a red "Make America Great Again" hat, white shirt and grey or green pants. Building security was also noted as having called in a related complaint. Responding officers requested a [REDACTED] be dispatched, and related interviewing the building security guard. Seven units responded to the incident, and dispatch noted the individual was then arrested. The incident was closed at or about 1:58 p.m.

VI. ANALYSIS

Officer Eric Stampley

COPA finds EXONERATED for **Allegation #1 that Officer Eric Stampley** detained [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.¹²

Mr. [REDACTED] detention and arrest is undisputed. Mr. [REDACTED] however, complained CPD acted improperly because he had a constitutional right and lawful permit to protest, and because he was unfairly targeted by officers for wearing a MAGA hat and the meaning it conveyed (-- i.e., officers' acts were a punitive, content-based speech restriction by state actors.).

The objective evidence in this case, however, including BWC footage and complaints sworn by Mr. [REDACTED] and Xfinity staff, vitiates Mr. [REDACTED] claim. The BWC footage clearly depicted officers tell Mr. [REDACTED] he could protest, but without amplification. Mr. [REDACTED] however, continued shouting into the bullhorn and activating its siren – directly in front of the large apartment building housing the Xfinity store. Further, Mr. [REDACTED] repeatedly dared the officers to arrest him, expressly so that he could sue the City of Chicago. In addition, officers observed and/or overheard Mr. [REDACTED] threaten to beat up Mr. [REDACTED].

MCC 10-8-334 mandates permits for public assembly protests on the public way using sound amplification audible above a certain threshold, and such permits are only valid for the date(s) issued.¹³ Mr. [REDACTED] however, admittedly only obtained a permit for June 6, 2019. Because he lacked a valid permit for June 21, 2019, his detention for using the bullhorn on that date was duly justified. The verbal threat to Mr. [REDACTED] likewise justified his detention.

In addition to the foregoing, there was no objective evidence indicating that any officer unjustifiably targeted, detained or arrested Mr. [REDACTED] because of his boycott message, his hat or his political beliefs or affiliations, and Mr. [REDACTED] proffered no proof in support thereof.

¹¹ Attachment 37. (OEMC event query)

¹² COPA completed its investigation and recommended findings prior to and/or without knowledge of PO Stampley's retirement from CPD. Given the facts of the case, and clear, objective evidence recovered, "Exonerated" findings remain as COPA's recommended disposition, notwithstanding PO Stampley's retirement.

¹³ See also MCC 10-8-330 – 10-8-337.

For each of the reasons herein, a finding of EXONERATED is warranted.

COPA finds EXONERATED for **Allegation #2 that Officer Eric Stampley** arrested [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.

For each of the multiple reasons as set forth above, a finding of EXONERATED is warranted.

COPA finds EXONERATED for **Allegation #1 that Officer Darwish Arekat** detained [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.

For each of the multiple reasons as set forth above, a finding of EXONERATED is warranted.

COPA finds EXONERATED for **Allegation #2 that Officer Darwish Arekat** arrested [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.

For each of the multiple reasons as set forth above, a finding of EXONERATED is warranted.

COPA finds EXONERATED for **Allegation #1 that Sergeant Alfie E. Patterson** detained [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.

For each of the multiple reasons as set forth above, a finding of EXONERATED is warranted.

COPA finds EXONERATED for **Allegation #6 that Sergeant Alfie E. Patterson** ordered the arrest of [REDACTED] on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.

For each of the multiple reasons as set forth above, a finding of EXONERATED is warranted.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Eric Stampley	<ol style="list-style-type: none"> 1. The accused officer detained ██████ on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 2. The accused officer arrested ██████ without due justification on or about June 21, 2019 and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 	<p>Exonerated.</p> <p>Exonerated.</p>
Officer Darwish Arekat	<ol style="list-style-type: none"> 1. The accused officer detained ██████ on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 2. The accused officer arrested ██████ without due justification on or about June 21, 2019, and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 	<p>Exonerated.</p> <p>Exonerated.</p>
Sergeant Alfie Patterson	<ol style="list-style-type: none"> 1. The accused sergeant detained ██████ on or about June 21, 2019, without due justification and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6. 2. The accused sergeant ordered the arrest of ██████ without due justification 	<p>Exonerated.</p> <p>Exonerated.</p>

on or about June 21, 2019, and in relation to the First and Fourth Amendments to the United States Constitution as incorporated by Illinois Constitution, Art. 1 Sec. 4-6.

Approved:



2-22-2023

Angela Hearts Glass,
Deputy Chief Investigator

Date