

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date / Time of Incident:	January 25, 2020, approximately 9:37 p.m.
Location of Incident:	754 West 74th Street, Chicago, Illinois
Date / Time of COPA Notification:	January 26, 2020, approximately 6:35 a.m. <sup>1</sup>

██████████ made a complaint alleging that on-duty CPD Officer Adam Bennett entered a tavern and threatened those present that a car parked outside would be towed unless the officer was provided with a certain video depicting a previous incident. COPA has conducted a preliminary investigation into ██████████ complaint, and we have concluded that the complaint is based on an apparent misunderstanding. Body-worn camera footage recorded by Officer Bennett shows that the officer did in fact enter a tavern and ask those present if any of them owned a car that was about to be towed. However, that footage also shows that Officer Bennett did not say anything about a video. Instead, the footage shows that the officer announced to those present that they were being audio and video recorded. Such an announcement is required by the CPD’s directive respecting body-worn cameras.

**II. INVOLVED PARTIES**

Involved Officer #1:	Adam Bennett, Star # 18757, Employee# ██████████ Date of Appointment: October 31, 2019; Rank: Police Officer Unit of Assignment: 007; Date of Birth: ██████████, 1982; M/WHI
Involved Individual #1:	██████████, 1970, M/B

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Bennett	1. On January 25, 2020, at approximately 9:37 p.m., at or near 754 West 74th Street, Chicago, Illinois, Officer Bennett threatened to tow a car unless he was provided with a certain video depicting a previous incident.	Unfounded

**IV. APPLICABLE RULES**

Rules
1. Rule 8, CPD Rules of Conduct (prohibiting disrespect to or maltreatment of any person)

<sup>1</sup> COPA was notified of the incident by CPD Sgt. Ryan Brown, who had been dispatched to the incident scene by OEMC upon OEMC’s receipt of a 911 call from a person identifying himself as the Complainant, ██████████ seeking the presence of a CPD supervisor at the scene. See Attachments ## 12 and 15.

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CPD Directives

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1. Special Order S03-14 *Body Worn Cameras* (effective April 30, 2018)

**V. INVESTIGATION<sup>2</sup>**

*Summary of Alleged Misconduct under Review*

CPD Officer Adam Bennett is alleged to have wrongly threatened to tow a car.

*Interview of* ██████████

COPA interviewed ██████████ on January 27, 2020.<sup>3</sup> In material summary, ██████████ then told COPA investigators that CPD Officer Adam Bennett entered a tavern located at 754 West 74th Street in Chicago at about 9:37 p.m. on January 25, 2020 and threatened those present that a car parked outside would be towed unless Officer Bennett was provided with a video depicting a previous incident.<sup>4</sup>

*Video Footage*

COPA accessed and reviewed body-worn camera footage recorded by Officer Bennett on the evening in question,<sup>5</sup> as well as body-worn camera footage recorded by CPD Sgt. Ryan Brown later that evening.<sup>6</sup>

The footage recorded by Officer Bennett depicts the incident under review. In material summary, that footage shows the following:

- At approximately 9:35 p.m., Officer Bennett engaged in a momentary conversation with a person across the street from the incident scene. In that conversation, Officer Bennett asked that person whether he owned a certain vehicle that was parked there, and Officer Bennett indicated that the car was about to be towed.
- At approximately 9:37 p.m., Officer Bennett entered the tavern. Officer Bennett then apparently asked a bartender, “Hey, do you know whose car that is?” The bartender gave no audible response. Officer Bennett then asked a patron, “Is that yours?” Receiving no audible response, Officer Bennett then said, “Is it yours? Because it’s going to get impounded. You’re being audio and video recorded.”

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<sup>2</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>3</sup> Attachment #4 is a recording of that interview.

<sup>4</sup> That previous incident had occurred outside the same tavern on January 1, 2020. COPA is currently investigating that previous incident under Log #2020-000165. During his interview, ██████████ also complained that he was wrongly issued two parking citations by Officer Bennett. COPA has examined those citations. Attachments ## 5 and 6 are copies. COPA has determined, from the tickets themselves and from body-worn-camera-recorded statements made at the scene by ██████████ to Sgt. Ryan Brown (see Attachment #12), that the citations were issued to a vehicle bearing “in transit” license plates that was parked on a City street, rather than on a dealer lot, in apparent violation of City ordinances. COPA has accordingly elected not to take further action concerning ██████████ complaint about those citations.

<sup>5</sup> Attachment #11 comprises that footage.

<sup>6</sup> Attachment #12 comprises that footage.

Officer Bennett then said, “That car is going to get impounded if we don’t get some i.d. or something.” When a patron apparently indicated that he didn’t understand, Officer Bennett stated, “That car is going to get impounded. Whose car is that?” The patron responded, “He’s not in here tonight.” Officer Bennett then said, “Alright. Alright. Well, thanks anyway.”

- Officer Bennett left the tavern at approximately 9:37 p.m. Altogether, Officer Bennett was in the tavern for approximately thirty seconds.

Footage recorded Sgt. Brown shows the following, in material summary:

- Sgt. Brown arrived at the incident scene at approximately 10:23 p.m.<sup>7</sup> Sgt. Brown then spoke with ██████████, first outside the tavern, then inside. ██████████ then told Sgt. Brown that a CPD officer (subsequently determined to be Officer Bennett) had entered the tavern and threatened to tow a car that was parked outside unless he was provided with a video.
- Sgt. Brown approached a number of patrons inside the tavern and asked each to describe what he or she had seen. Some of the patrons gave accounts similar to ██████████ Other patrons stated that Officer Bennett had simply asked about who owned a car that was parked outside. Others declined to speak with Sgt. Brown or stated that they had no relevant information.<sup>8</sup>

## 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 that such conduct was lawful and proper. A **preponderance of evidence** is a quantum of evidence indicating that it is **more likely than not** that a fact is true. *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 likely that a fact is true, even if by a narrow margin, then the preponderance of the evidence standard is met. **Clear and convincing evidence** is standard requiring more than a preponderance of the evidence but less than an amount necessary to prove a proposition “beyond-a-reasonable doubt.” *See People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and convincing evidence is

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<sup>7</sup> See Attachment #12. An Event Query Report shows that a person identifying himself as ██████████ made a 911 call at approximately 10:09 p.m., during which he requested the presence of a CPD supervisor at the scene. See Attachment #15.

<sup>8</sup> See Attachment #12. The footage recorded by Sgt. Brown shows that he also conducted a licensed premises investigation while he was at the scene. Two citations were issued after Sgt. Brown determined that the tavern was not in compliance with City ordinances respecting the use of video gaming devices. See Attachment #14 (an image of the Original Incident Case Report submitted in connection with that licensed premises investigation).

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**

*Credibility Assessment*

Body-worn camera recorded video footage shows that [REDACTED] account of the event under review is unreliable.

*Further Analysis*

A CPD directive in effect at the time of the incident under review required Officer Bennett to record the incident with his BWC system and to announce to persons present that they were being recorded.<sup>9</sup> The evidence clearly and convincingly shows that [REDACTED] misheard or misunderstood Officer Bennett’s announcement to that effect and that Officer Bennett did not engage in the misconduct alleged. COPA has accordingly determined that the allegation against Officer Bennett is **UNFOUNDED**.

**VIII. FINDINGS**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Bennett	1. On January 25, 2020, at approximately 8:37 p.m., at or near 754 West 74th Street, Chicago, Illinois, Officer Bennett threatened to tow a car unless he was provided with a certain video depicting a previous incident.	Unfounded

Approved:

[REDACTED]

9/20/2021

\_\_\_\_\_  
 Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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 Date

<sup>9</sup> See CPD Special Order S03-14 *Body Worn Cameras* (effective April 30, 2018), Section III.A.4.

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	2
<b>Investigator:</b>	Francis Tighe
<b>Supervising Investigator:</b>	Robert Coleman
<b>Deputy Chief Administrator:</b>	Matthew Haynam