

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	February 27, 2015
Time of Incident:	3:30 a.m.
Location of Incident:	7600 S. Halsted Street
Date of COPA Notification:	February 28, 2015
Time of COPA Notification:	7:10 p.m.

On February 27, 2015, at approximately 3:30 a.m., off-duty Officer Joseph Boston, #13476, arrived at the Falcon Gas Station at 7600 S. Halsted Street to meet his [REDACTED], [REDACTED]. [REDACTED] arrived at the same time to visit [REDACTED] who was selling loose cigarettes. [REDACTED] approached [REDACTED] for a cigarette while [REDACTED] was speaking with Officer Boston. As he reached towards [REDACTED] for a cigarette, Officer Boston knocked [REDACTED] hand away. An argument ensued, after which Officer Boston went to his car and returned to the gas station. The argument continued and Officer Boston made gestures which [REDACTED] believed to be consistent with someone carrying a pistol.

Ultimately, [REDACTED] photographed Officer Boston's license plate and called 911 to report the altercation – by then [REDACTED] knew that Officer Boston was an off-duty officer. Sgt. William Scanlon, #1773, responded and [REDACTED] informed him of the incident and provided him with Officer Boston's license plate number. Sgt. Scanlon ran the plate, identified it as belonging to Officer Boston, and advised [REDACTED] to wait until the next day and, if he still felt threatened, he could file a complaint.

Anticipating [REDACTED] complaint, Officer Boston went to the 006th District Station and informed the desk sergeant that, if there was a call regarding an incident involving an off-duty officer at Falcon Gas Station, it would concern him.

II. INVOLVED PARTIES

Involved Officer #1:	Joseph E. Boston, Star# 13476, Employee ID# [REDACTED] 13 years on force, Officer, Age 44, Male, Black
Involved Officer #2:	William J. Scanlon, Star# 1773, Employee ID# [REDACTED], 17 years on force, Sergeant, Age 40, Male, White

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Subject #1:

██████████ Age 42, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Joseph Boston	1. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston engaged in an unnecessary verbal altercation with ██████████ in violation of Rule 9;	Sustained
	2. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston intimidated ██████████ by physically inferring ² that he was in possession of a weapon, in violation of Rule 8 and Rule 38;	Sustained
	3. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston Struck ██████████ on the hand, in violation of Rule 9;	Not Sustained
	4. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston left the scene of an incident where he was involved in a verbal and physical altercation, in violation of Rule 5; and	Not Sustained
	5. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston failed to report that he was involved in an incident regarding a verbal and physical altercation, in violation of Rule 5 and Rule 22.	Unfounded
Sgt. William Scanlon	1. On February 27, 2015, at approximately 5:00 a.m., at 7600 S. Halsted Street, Sgt. Scanlon failed to register ██████████ complaint, in violation of Rule 5 and General Order G08-01-02.	See Mediation Agreement ³

² Although the original allegation included the word “inferring” it is likely that the IPRA investigator meant “implying.”

³ The allegation against Sgt. Scanlon was resolved in a September 8, 2015 Mediation Agreement between IPRA and the Police Benevolent & Protective Association. See Att. 39.

IV. APPLICABLE RULES AND LAWS

Rules

Rule 5: Failure to perform any duty.

Rule 8: Disrespect to or maltreatment of any person while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person.

Rule 38: Unlawful or unnecessary use or display of a weapon.

Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

General Orders

General Order G08-01-02: Specific Responsibilities Regarding Allegations of Misconduct

V. INVESTIGATION⁴

On February 28, 2015, [REDACTED] (" [REDACTED] ") registered his complaint regarding officer misconduct. Following [REDACTED] complaint, IPRA began its investigation of the incident that occurred on February 27, 2015. On March 2, 2015, an investigator visited the scene of the incident, Falcon Gas Station, located at 7600 S. Halsted Street. No witnesses to the incident were found, but the surveillance video was obtained for the time period that [REDACTED] alleged the incident occurred. The surveillance video footage was reviewed and additional evidence was requested. The relevant evidence received included reports and records from the Chicago Police Department (CPD) and the Office of Emergency Management and Communications (OEMC). After a thorough review of the evidence, Officer Joseph Boston and Sgt. William Scanlon were identified as involved officers. They were subsequently served with allegations and interviewed regarding this matter in Spring of 2015.

a. Interviews

In Complainant [REDACTED] interview with IPRA⁵ on February 28, 2015, he stated that on February 27, 2015, at approximately 3:30 a.m., he went to the Falcon Gas Station at 7600 S. Halsted Street (sometimes referred to as, "Falcon") to purchase a loose cigarette from [REDACTED] (" [REDACTED] ") whom he knew to sell loose cigarettes there. [REDACTED] was about to retrieve a cigarette from [REDACTED] when Officer Joseph Boston stepped forward and slapped [REDACTED] hand. [REDACTED] later found out that Officer Boston was both [REDACTED] nephew and an off-duty CPD officer. [REDACTED] and Officer Boston engaged in a verbal altercation because [REDACTED]

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 Att. 5

felt that Officer Boston should not have hit his hand. Officer Boston asked ██████ what he was going to do if Officer Boston touched him again. ██████ responded that he would fight Officer Boston if he touched him again.

After briefly arguing with Officer Boston, ██████ went outside with ██████ to purchase a cigarette and Boston followed. ██████ was upset that Officer Boston followed them, so he asked Officer Boston what he was trying to do. ██████ said that Officer Boston said to him, "I'll show you. I'm finna pop you." Then, Officer Boston quickly walked to his car. ██████ told ██████ that Officer Boston was getting a gun. Officer Boston opened the front door of his vehicle, reached inside, and then walked towards ██████ while holding his hand under the front of his coat. ██████ believing that Officer Boston was returning with a firearm, ran back into the gas station and alerted the cashier to let him into the back room.

A few moments later, ██████ told the store security guard, whom he knew as "██████" that Officer Boston had a gun and was going to shoot. ██████ told ██████ that Officer Boston was not going to shoot because he was a police officer. ██████ stated that at no time prior did Officer Boston identify himself as an officer. ██████ then emerged from the back room. Officer Boston and ██████ continued to argue and curse at each other for about 15 to 20 minutes. ██████ believed that Officer Boston was trying to provoke him into starting a fight. ██████ stated that, although Officer Boston acted like he had a pistol on him, he never openly displayed it.

██████ subsequently went home to calm down. Approximately 20 minutes later, he returned to the gas station to begin his morning duties. As ██████ was preparing a pot of coffee, Officer Boston returned to the gas station. ██████ was angry and asked Officer Boston why he returned to the gas station. ██████ said that Officer Boston told him, "Shut up you bitch-ass, fake-ass thug... I go the fuck wherever I want to go." Officer Boston and ██████ continued to argue and call each other names. ██████ subsequently called 911. Approximately 20-25 minutes after his call to 911, Sergeant William Scanlon responded and spoke with ██████ about the incident. ██████ provided Sgt. Scanlon with Officer Boston's license plate number. Sgt. Scanlon told ██████ that he would run the plate number at the 006th District Station and return. When he returned, Sgt. Scanlon told ██████ that the owner of the vehicle was a police officer, but that he was not familiar with him. He also said that he would try to call the officer and tell him to leave ██████ alone. Prior to leaving, Sgt. Scanlon advised ██████ that he could file a complaint later if he still felt threatened.

In **Sgt. William Scanlon's interview with IPRA⁶** on April 15, 2015, Sgt. Scanlon stated that on February 27, 2015, he was on-duty working either Beat 620R or 650R. He was in uniform and driving a marked vehicle without a partner. At approximately 5:00 a.m. on the incident date, he received an OEMC dispatch regarding a Request for a Supervisor at a gas station located at 7600 S. Halsted Street. Upon arrival, Sgt. Scanlon spoke with ██████ who stated that he was attempting to purchase loose cigarettes from another individual in the store when an off-duty officer touched his hand. ██████ told Sgt. Scanlon that he and the off-duty officer engaged in a verbal altercation regarding why the officer touched the individual's hand. ██████ said that the encounter ended shortly thereafter. Nevertheless, the off-duty officer returned to the gas station about two hours later and they engaged in a second verbal altercation.

⁶ Att. 27 & 38

Sgt. Scanlon stated that [REDACTED] provided a license plate number from the off-duty officer's vehicle, which he checked through LEADS using his Portable Data Terminal. Sgt. Scanlon found that a name matched the license plate number, but he "couldn't verify 100% that that was the gentleman [REDACTED] actually got into it with." Sgt. Scanlon also said that he did not recognize the name as being an officer that he knew. After running the license plate, Sgt. Scanlon reengaged with [REDACTED] who told him that he would have fought the off-duty officer, but did not do so over fear that the officer may have been armed with a gun. He also told Sgt. Scanlon that he hid from the officer because of this fear. Sgt. Scanlon stated that [REDACTED] responded in the negative to multiple questions as to whether the off-duty officer ever displayed his gun. Sgt. Scanlon indicated that [REDACTED] appeared more concerned about the off-duty officer's return to the gas station than he was about the officer touching his hand during their initial encounter. Furthermore, Sgt. Scanlon said that [REDACTED] never indicated that the officer's contact with him was excessive or unnecessary, or that it injured him.

Sgt. Scanlon also spoke with the clerk at the store. The clerk, whose name Sgt. Scanlon did not recall, told him that the individual who called 911 [REDACTED] does odd jobs around the premises for spare change. The clerk told Sgt. Scanlon that this man "blows things outta proportion." The clerk indicated that the individual and the off-duty officer in the store had a confrontation near the entrance and that it was "very minor." The clerk said that the off-duty officer then went out to his vehicle and the individual ran and hid behind the store's counter when the officer reentered the store.

Sgt. Scanlon said that he never talked to the off-duty officer, Officer Joseph Boston. However, Sgt. Scanlon received a call from Dispatch notifying him that Boston was at the 006th District Station. Sgt. Scanlon called the 006th District Station and was told that Officer Boston was there to inquire as to whether a report was going to be filed regarding this incident. Sgt. Scanlon indicated that, based upon what he knew at that time, the incident did not rise to the level of a complaint. Sgt. Scanlon said that the individual expressed that if he saw the off-duty officer again, then he was going to make a formal complaint.

In Accused Officer Joseph Boston's interview with IPRA⁷ on June 9, 2015, Officer Boston indicated that on February 27, 2015, at around 3:00 a.m., he went to the Falcon Gas Station at 7600 S. Halsted Street. Officer Boston had been informed by someone who worked there that his uncle, [REDACTED] frequently spent time there. Officer Boston had not seen his uncle in years and went to Falcon to see if he was there. Upon arrival, Officer Boston met his uncle in the parking lot. They entered the store and began speaking to one another. Officer Boston was speaking with [REDACTED] regarding family matters when [REDACTED] interrupted their conversation.

Officer Boston heard [REDACTED] say that he was going to take loose cigarettes from [REDACTED] and he didn't care that [REDACTED] nephew was right there. Officer Boston did not hear [REDACTED] mention paying for the loose cigarettes that he was about to take. [REDACTED] then reached under Officer Boston's arm. It was at that point that Officer Boston "knocked [REDACTED] hand down" to prevent him from taking the loose cigarettes from his uncle. Following this physical

⁷ Att. 35-37

contact, ██████ made comments to the effect that he was not concerned that Officer Boston was in law enforcement and began an “off the wall conversation” regarding the general conduct of police officers. Officer Boston noted that he believed ██████ knew he was a police officer because either ██████ or the security guard at the gas station had previously mentioned this to him. He added that ██████ made disparaging comments about police officers to him as soon as he entered Falcon, but, as they were not personal in nature, he ignored them.

Officer Boston remained in the gas station for 15 to 20 minutes before returning to his vehicle. When explaining why he returned to his vehicle, Officer Boston said, “... I mighta went back and got, I'm not sure. I mighta got my, I got somethin' outta my, it mighta been my phone outta my car.” Officer Boston did not know if his uncle and/or ██████ followed him when he returned to his vehicle. Officer Boston further indicated that when he entered the gas station for the second time, he put his hand into his jacket but could not recall what he had placed in his jacket. He said that it could have been his cellphone. Officer Boston stated that, during this incident, he was carrying a firearm in his off-duty holster. When asked if his firearm was on his left side or right side, Officer Boston responded that he is left handed and subsequently confirmed that it would have been on his left side. When later asked if his holster was on his belt, he responded that “nine times outta ten it is.”

Officer Boston subsequently spoke with ██████ again. During this conversation, ██████ attempted to downplay the threats he had made earlier in front of Officer Boston and against the police in general. ██████ also stated, “...I'm going to take it out on you,” but Officer Boston did not know what ██████ meant by this. He and ██████ continued arguing, but Officer Boston only remained in the gas station for approximately five minutes before leaving to drive his uncle home. Officer Boston said that he remained at his uncle's residence for an hour and a half to two hours speaking to him about family matters. Upon leaving ██████ residence, Officer Boston returned to the gas station where he encountered ██████. When ██████ noticed that Officer Boston had returned, he stated, “Oh, you came back for me.” Officer Boston responded that he had returned to the gas station only to purchase a bottle of water. ██████ then told him that he had taken a photograph of his vehicle and was going to notify the police.

Officer Boston said that he told the clerk that he was going to remain at the gas station for a few minutes to determine if ██████ was going to follow through on his statement that he was going to contact the police, but if the police were to come to the business looking for him, he could be located at the 006th District Station. He also said that he left his phone number with the clerk. Upon leaving the gas station, Officer Boston proceeded to the 006th District Station and spoke with the desk sergeant, Sgt. Boffo. He informed Sgt. Boffo that if there was a call regarding an incident involving an off-duty officer, he was the off-duty officer that was involved. A moment later, Officer Boston heard a radio call regarding an incident with an off-duty police officer at the gas station, and he told Sgt. Boffo that the call was about him. The desk sergeant informed Officer Boston that Beat 640R had responded to the call. Officer Boston remained in the station for five to ten minutes before returning to his vehicle. After Officer Boston exited from the district station's parking lot onto Halsted Street, he said he saw 640R, who told him that he had closed the assignment without taking any further action as ██████ was not credible.

At the end of his statement, Officer Boston was asked to specifically address each allegation. He first responded by acknowledging that he had a conversation with ██████ but that it was not unnecessary. He then denied that he intimidated ██████ by physically inferring he was in possession of a weapon. Officer Boston indicated that he struck ██████ hand and did so as he was trying to obtain a loose cigarette from ██████. He reiterated that at the time of the physical contact, ██████ was commenting that he did not care that Officer Boston was there at the gas station. Officer Boston thought that ██████ was trying to steal a cigarette from ██████ and struck his hand to prevent the theft. Officer Boston noted that he twice left the scene of this incident; the first time was to take ██████ to his residence and the second time was to go to the 006th District Station. Finally, he denied failing to report that he was involved in this incident.

b. Digital Evidence

The **Surveillance Videos**⁸ from Falcon Gas Station were from two different cameras and did not contain audio. The relevant images show that at approximately 3:12 a.m., a dark colored sedan arrived and parked at a fuel pump. Officer Boston exits the vehicle and enters the store portion of the gas station. ██████ enters the store seconds later. Upon entering the store, Officer Boston is seen meeting ██████. ██████ also approaches ██████ and appears to greet him. Shortly thereafter, Officer Boston and ██████ acknowledge each other and briefly converse. At 3:14 a.m., ██████ and ██████ are seen exiting the store. Officer Boston follows them out. Officer Boston briefly confronts ██████ then walks to his vehicle, opens the front driver side door, and retrieves something from inside.

Next, Officer Boston walks back towards the store's main entrance. ██████ is seen running back inside the store and signaling towards the glassed-in cashier area before running out of view from the camera. Approximately 15 seconds later, ██████ reenters the store followed shortly thereafter by Officer Boston. As Officer Boston reenters the store, he is seen briefly concealing his left hand under the right upper portion of his jacket.⁹ Over the next several minutes, PO Boston steps in and out of the camera's field of vision. Based upon the facial expressions and movements of Officer Boston, it appears that he is arguing with a person outside the view of the camera. During this argument, Officer Boston has his right arm, which appears bent and stiffened, pressed tightly to the right side of his body, over his jacket. His arm remains stiffened in that position for over 10 minutes in a manner that suggesting that he was holding something under his jacket.

At 3:35 a.m., Officer Boston again exits the store and walks to his vehicle. He remained outside of his vehicle for a moment before returning to the store for a third time. At 3:43 a.m., Officer Boston walks back to his car and drives away from the gas station. Minutes later, ██████ who is still inside, appears to reenact the physical contact that occurred between him and PO Brown while talking to someone standing offscreen, behind the cash register. At 3:47 a.m., ██████ exits the store and walks away from the gas station. Moments later, Officer Boston returns, parks his vehicle in front of the gas station store's entrance, and reenters the store where his uncle is still present. Both of them subsequently step in and out of the camera view until the video ends

⁸ Att. 17

⁹ See Surveillance Video Screenshot at 3:15:05 at Att. 48 and Part VI.b., *infra*.

approximately 13 minutes later.

An OEMC recording of 911 transmissions¹⁰ relative to this incident documents that on February 27, 2015, at 5:07 a.m., ██████ called 911 and reported that he was at the Falcon Fuel Gas Station, located at 76th and Halsted. He stated that an off-duty police officer was currently in the gas station and described the officer as being “out of order.” ██████ added that the same off-duty police officer was protecting a family member who was selling loose cigarettes. He also requested a “police officer” because the off-duty police officer had “smacked [his] hand to the ground,” went to get a gun from his car, and now was refusing to leave. The 911 operator informed ██████ that she would dispatch a sergeant to his location.¹¹

An OEMC recording of radio transmissions¹² show that Beat 620R was dispatched to 76th and Halsted and instructed to speak with ██████ regarding the matter. Approximately 21 minutes later, Beat 601 informed dispatch that the off-duty officer from the incident at the gas station was at 006th District Station. Beat 620R was informed of this development and, approximately one hour later, closed out the call as D/19P.¹³

A Cellphone photograph¹⁴ taken by ██████ captured Officer Boston’s license plate. ██████ showed his cellphone containing this photograph to an IPRA investigator, which depicted Illinois license plate# ██████. Due to technical issues, IPRA was unable to retain a copy of the photograph.

c. Documentary Evidence

An Event Query from OEMC¹⁵ indicates that ██████ called 911 on February 27, 2015, at 5:07 a.m. to report that an off-duty officer had smacked his hand and threatened to get his gun after he bought loose cigarettes from the off-duty officer’s ██████. The report documents that Beat 620R was dispatched to the location of the incident at 0514 hours and made an initial LEADS inquiry of Illinois License Plate# ██████ at 0533 hours. The report also details that at 0536 hours, Beat 602 notified dispatch that the off-duty officer was in the 006th District.

d. Additional Evidence

A LEADS Check¹⁶ of Illinois license plate# ██████ revealed that it belonged to Joseph E. Boston.

¹⁰ Att. 19

¹¹ Large portions of what ██████ said were unintelligible and he was yelling throughout most of his telephone call to OEMC.

¹² Att. 19 & 20

¹³ D/19P: No Police Service Necessary

¹⁴ Att. 8

¹⁵ Att. 9

¹⁶ Att. 13

VI. ANALYSIS




The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.



It is alleged that Officer Joseph Boston: (1) engaged in an unnecessary verbal altercation with [REDACTED] (2) intimidated [REDACTED] by inferring that he possessed a weapon; (3) struck [REDACTED] hand; (4) left the scene of an incident where he was involved in a verbal and physical altercation; and (5) failed to report that he was involved in a verbal and physical altercation.

a. Allegation 1 as to Officer Boston: Unnecessary Verbal Altercation

The evidence collected in this investigation shows that Officer Joseph Boston engaged in an unnecessary verbal altercation with [REDACTED]. In Officer Boston's statement, he said that he spoke with [REDACTED] while they were in the Falcon Gas Station. He indicated that [REDACTED] spoke ill of law enforcement officers, but that it did not bother him because the comments were not personal in nature. Officer Boston also indicated that [REDACTED] made comments about his uncle that may have been threatening. [REDACTED] describes Officer Boston as antagonizing him by calling him names and asking him questions to the effect of, what will happen if he decides to touch [REDACTED] again. [REDACTED] believed that Officer Boston was trying to provoke him into fighting him.

[REDACTED] account of the incident is more credible since he admits that he was also arguing with and swearing at Officer Boston. Officer Boston denies any wrong-doing on his part and describes his interaction with [REDACTED] as a "conversation." The video obtained from the Falcon Gas Station shows Officer Boston acting in an angry manner, where he is seen near the bottom of the screen, with an uncovered head and wearing a gray-colored jacket, arguing with [REDACTED] who is located just outside of the video. Although the video does not include any audio, Officer Boston's recorded facial expressions and gestures show that he and [REDACTED] were arguing. The screenshots in the table on the following page depict this interaction.

Time	Screenshot from Surveillance Camera Video
3:15:27 AM	
3:15:29 AM	
3:16:11 AM	




3:16:28 AM	
3:16:33 AM	
3:16:34 AM	

Given his inaccurate description of the interaction with [REDACTED] as a conversation, Officer Boston's denial of that "conversation" being unnecessary is not credible. It is reasonable to believe that if Officer Boston was not bothered or offended by [REDACTED] remarks, he would not have followed [REDACTED] outside and subsequently returned inside the store and reengaged in the ensuing argument with [REDACTED]. Even if [REDACTED] overacted to Officer Boston's action of striking his hand, Officer Boston had no justifiable reason to continue engaging in the argument with [REDACTED].

b. Allegation 2 as to Officer Boston: Intimidation by Inferring that He Possessed a Weapon

Based on the evidence, COPA determined that Officer Boston intimidated [REDACTED] by physically implying that he possessed a weapon. The video of this incident showed [REDACTED] running into the gas station after Officer Boston had just retrieved an unknown item from his vehicle. In his interview, Officer Boston could not remember what he retrieved from his car, stating that it may have been his cellphone. The video shows that when Officer Boston reentered the gas station, he placed his hand under his jacket in a manner that suggested he was holding a weapon. Officer Boston’s explanation of this movement was vague and he could not definitively say what he was holding under his jacket. Additionally, when Officer Boston was in the store arguing with [REDACTED] he made movements with his arms and body consistent with someone who possesses a weapon under their clothing. See table below:

Time	Screenshot from Surveillance Camera Video
3:15:05 AM	
3:15:05 AM	

<p>3:15:06 AM</p>	
<p>3:20:16 AM</p>	
<p>3:20:17 AM</p>	

<p>3:20:52 AM</p>	
<p>3:21:01 AM</p>	
<p>3:21:05 AM</p>	



Officer Boston only started making these unnatural movements with his arm after retrieving an unknown item from his vehicle. While Officer Boston did admit to having his gun on him during this incident, his explanation of where his weapon was located on his person was not definitive. For example, when asked which side of his body his gun was on, his initial response was that he was left-handed. Additionally, when asked if his gun was holstered on his belt, he said that “nine times out of ten” it is holstered on his belt. Based on the video, it is reasonable to assume that Officer Boston retrieved a gun from his car and placed it under the upper right portion of his jacket. Alternatively, even if he did not retrieve a gun from his car and place it under his jacket, Boston behaved as if he did, which intimidated [REDACTED] recorded reaction of running into the store away from Officer Boston along with [REDACTED] 911 call, in which he mentioned the off-duty officer getting a gun from his car, show that he believed Officer Boston had retrieved a gun and that he felt threatened and intimidated by this action.

c. Allegation 3 as to Officer Boston: Unnecessary Use of Force against [REDACTED]

Based on the evidence, COPA determined that there is insufficient evidence to support or refute the allegation that Officer Boston struck [REDACTED] hand, in violation of Rule 9, engaging in any unjustified verbal or physical altercation with any person.

The evidence collected in this investigation suggests that there may have been some type of physical contact between Officer Boston and [REDACTED]. Both [REDACTED] and Officer Boston stated that there was physical contact between them. However, the video does not show Officer Boston striking [REDACTED] hand, even though the initial interaction between [REDACTED] and Officer Boston, when this act allegedly occurred, is captured on the recording. Officer Boston stated that he knocked [REDACTED] hand away when [REDACTED] reached underneath his arm and tried to steal cigarettes from his uncle. [REDACTED] described Officer Boston as smacking his hand to the ground for no reason. Due to the varying descriptions of the degree of physical contact, the inconsistency regarding the circumstances of the physical contact, and the fact that the video recording shows no such contact, there is insufficient evidence to support or refute this allegation.

d. Allegation 4 as to Officer Boston: Leaving the Scene of this Incident

Based on the evidence, COPA determined that there is insufficient evidence to support or refute the allegation that Officer Boston left the scene of a verbal and physical altercation in which he was involved. Officer Boston indicated that he first left the gas station to take his uncle home and remained there for approximately 1.5 – 2 hours. However, the video shows Officer Boston briefly leaving the station the first time for only a few minutes and without his uncle. Officer Boston said that when he returned to the gas station after taking his uncle home, it was so that he could purchase a bottle of water. Based on [REDACTED] 911 call at approximately 5:07 a.m., it appears that Officer Boston had returned prior to that time and was present for the call. Officer Boston also stated that [REDACTED] informed him that he was going to call 911. Because the video does not indicate when Officer Boston left the gas station for the final time, it cannot be determined if he left the scene and proceeded directly to the 006th District or if he made any stops on his way there. In most circumstances, Officer Boston should have remained if he knew that [REDACTED] was calling 911 regarding an incident involving him. He did, however, proceed to the 006th District Station after leaving the Falcon. Although it is unclear whether Officer Boston proceeded directly to the station, there is no doubt that he self-reported the incident at the station that morning. Thus, there is insufficient evidence to support or refute [REDACTED] allegation that Officer Boston left the scene without informing supervisory personnel of his involvement at the scene.

e. Allegation 5 as to Officer Boston: Failure to Report His Involvement in this Incident

During its investigation, COPA determined that Officer Boston did report his involvement in a verbal and physical altercation. The evidence revealed that he proceeded to the 006th District Station and reported his involvement to the desk sergeant. Sgt. Scanlon’s statement and OEMC reports, corroborate Officer Boston’s account of going to the 006th District after the incident. Although it cannot be determined if Officer Boston drove directly to the 006th District upon his final departure from the Falcon Gas Station, the evidence shows that he eventually did and reported his involvement.

VII. CONCLUSION

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

Allegation	Finding
Officer Joseph Boston	
1. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston engaged in an unnecessary verbal altercation with [REDACTED] in violation of Rule 9;	Sustained
2. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston intimidated [REDACTED] by physically inferring that he was in possession of a weapon, in violation of Rule 8 and Rule 38;	Sustained

3. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston Struck [REDACTED] on the hand, in violation of Rule 9;

Not Sustained

4. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston left the scene of an incident where he was involved in a verbal and physical altercation, in violation of Rule 5; and

Not Sustained

5. On February 27, 2015, at approximately 3:30 a.m., at 7600 S. Halsted Street, Officer Boston failed to report that he was involved in an incident regarding a verbal and physical altercation, in violation of Rule 5 and Rule 22.

Unfounded

Sgt. William Scanlon

1. On February 27, 2015, at approximately 5:00 a.m., at 7600 S. Halsted Street, Sgt. Scanlon failed to register [REDACTED] complaint, in violation of Rule 5 and General Order G08-01-02.

See Mediation Agreement¹⁷

Approved:

[REDACTED]

Joshua Hunt
Deputy Chief Administrator

14 Feb 2018
Date

¹⁷ The allegation against Sgt. Scanlon was resolved in a September 8, 2015 Mediation Agreement between IPRA and the Police Benevolent & Protective Association. See Att. 39.

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Brittany Barclae
Supervising Investigator:	Brian Dollar
Deputy Chief Administrator:	Joshua Hunt