

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 18, 2018
Time of Incident:	11:02 pm
Location of Incident:	1901 W. Madison St. (United Center)
Date of COPA Notification:	August 20, 2018
Time of COPA Notification:	12:11 pm

On August 18, 2018, [REDACTED] attended a concert at the United Center with his daughter. During the course of the evening, [REDACTED] exited the arena and was subsequently not allowed back in. [REDACTED] got into an argument with members of the United Center Security team and punched one of the security officers in the face. Members of the United Center Security team called the Chicago Police Department to arrest [REDACTED]. Officers Jeffrey Kriv and Christopher Hillas arrived on scene and placed [REDACTED] under arrest. While [REDACTED] was handcuffed in the rear of the police car, Officer Kriv told him that he “should be proud of [his] race, man.”

II. INVOLVED PARTIES

Involved Officer #1:	Jeffrey Kriv, star# 19265, employee# [REDACTED], DOA: August 5, 1996, Police Officer, Unit 012, DOB: [REDACTED], 1966, Male, White
Involved Officer #2:	Christopher Hillas, star# 16384, employee# [REDACTED], DOA: December 12, 2016, Officer, Unit 012, DOB: [REDACTED], 1978, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1987, Male, Black

III. ALLEGATIONS

Officer	Allegation ¹	Finding / Recommendation
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¹ COPA brought allegations after carefully considering the conduct alleged by [REDACTED] his credibility and ability to recall (he admitted to not only consuming alcohol, but feeling “tipsy”), and the independent, verifiable evidence discovered in the course of the investigation. Examples regarding [REDACTED] credibility include, his assertion that he did not punch a security guard, never had any type of altercation with the security staff, and that his daughter was inside the concert arena and somebody had to get her, which were all clearly refuted by security video. [REDACTED] also alleged that his handcuffs were too tight, but he appeared to have been handcuffed by the security personnel before any Department members arrived (see also, Att. 28, Disc 1 - file name: “AXON_Body_2_Video_2018-08-18_2241_Hillas” (at 3:58 into the video, Officers Kriv and Hillas get out of their vehicle approach [REDACTED] who is already handcuffed in the back of security’s vehicle. [REDACTED] is removed, the handcuffs are visibly restraining his

Officer Jeffrey Kriv	1. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:07 p.m., at or near 1901 W. Madison Street, Officer Jeffrey Kriv, #19265 committed misconduct by stating words to the effect of, "You should be proud of your race, man."	Sustained/Reprimand and training
Officer Christopher Hillas	1. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:07 p.m., at or near 1901 W. Madison Street, Officer Christopher Hillas, # 16384 committed misconduct by failing to report that Officer Jeffrey Kriv stated words to the effect of, "You should be proud of your race, man." 2. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:35 p.m., at or near 1718 South State Street, Officer Christopher Hillas, # 16384 committed misconduct by forcefully pulling [REDACTED] hair without justification.	Not Sustained Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2 – Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 6 – Disobedience of an order or directive, whether written or oral.
3. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G02-01 – Human Rights and Human Resources
2. G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct

hands and the officers do not put their handcuffs on him. Additionally, a security person states, "just so you know, he's got my cuffs on him," as the officers approach.). [REDACTED] never made mention of pain or discomfort during the nearly hour-long body-worn camera video of him. [REDACTED] also asserted that officers tripped him, which the body-worn camera evidence does not support. [REDACTED] alleged that officer struck him on the head, but there is no corroboration in the video or other evidence of this occurring and there are no witnesses of this allegation. Lastly, [REDACTED] alleges that he asked for medical attention but was denied, there is also no independent evidence that supports this assertion.

V. INVESTIGATION²

a. Interviews

██████████ was interviewed by COPA on August 31, 2018.³ The incident occurred on August 18, 2018, at the United Center. On the night of the incident, ██████████ attended a concert with his daughter. ██████████ left the concert to use the restroom and when he tried to re-enter the arena, the security guards informed him that his tickets were fake and that he would not be allowed back inside. ██████████ stated that his daughter was still inside the concert arena. Security members escorted ██████████ from the area, and they called the police to assist. Somebody went inside the concert arena and got ██████████ daughter. According to ██████████ the police arrived and treated him aggressively. ██████████ also asserted that the officers placed the handcuffs on him very tightly to the point where he could not feel his hands.⁴ ██████████ admitted to having two beers at the concert and he stated that he was tipsy.

██████████ asserted that he never had any physical altercation with the security staff. ██████████ stated that things never got physical until police officers were called. ██████████ denied punching any of the security guards. ██████████ admits to arguing with the officers, but he never had any physical altercation with the officers. ██████████ described the officers as two white males. ██████████ stated that officers tripped him and took him down to the ground and placed him into handcuffs as tight as they could. ██████████ admits that he was “talking a lot of crap”⁵ to the officers. ██████████ said he was not resisting the officers’ efforts to place him under arrest.

██████████ asserted that officers struck him on the head when they transported him between districts. ██████████ asserted that he asked a sergeant on 18th & State for medical attention and he never received any. ██████████ asserted that he never went to the hospital and he was released. ██████████ took himself to the hospital on the Monday following the night of the concert. Before he went to the hospital, he made a complaint at the police station.

Officer Kriv was interviewed by COPA on July 3, 2019.⁶ On the date of the incident, Officer Kriv was already responding to another call at the United Center to escort somebody to lockup. Another call came over the radio for an officer to escort another person to lockup. Officer Kriv responded to the dispatcher that he was already in the area and that he could just get both people. Officer Kriv left the first individual in the care of the United Center’s security personnel and responded to gate 5 where ██████████ was. When Officer Kriv and his partner arrived at the gate, he observed ██████████ in the trunk of a security SUV being detained by security guards. The security guards informed Officer Kriv that ██████████ was very combative and that he had been drinking. Officer Kriv attempted to grab ██████████ and place him into their vehicle, but ██████████ would not get into the vehicle. Officer Kriv was finally able to get ██████████ into the vehicle and he closed the door. Officer Kriv eventually drove ██████████ to the station.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 16.

⁴ As mentioned previously in footnote 1, ██████████ was handcuffed by security personnel prior to the arrival of any Department members.

⁵ Att. 16, at 13:05.

⁶ Att. 53.

Officer Kriv was asked about a comment⁷ he made during the incident. According to Officer Kriv, he was referring to ██████ getting drunk, making a fool of himself and punching security guards and all of this in front of his daughter. Officer Kriv admitted that he was being sarcastic but stated that he was not mocking ██████ because of his race. Officer Kriv considered himself to be professional throughout the whole incident. When Officer Kriv was asked why he used the word race, he stated that he did not know why he used that word. Officer Kriv denied that he was being racist when he made the comment. He explained that he sarcastically meant that ██████ should be proud of himself for his actions in front of his daughter.⁸

Officer Kriv and his partner transported ██████ to the 12th district, but Sergeant Patrick told them to just take ██████ to the 1st district. When they got to the 1st district, ██████ fell to the ground and Officer Kriv and his partner had to carry him. According to Officer Kriv, ██████ wanted to spit in his face, but he did not actually do it. Officer Kriv denied seeing Officer Hillas pull ██████ hair. Officer Kriv stated that on the video it appeared that Officer Nunn might have grabbed ██████ hair when he went down to the ground, but it was not intentional.

Officer Hillas was interviewed by COPA on July 9, 2019.⁹ On the date of the incident, Officer Hillas was a PPO and he was working with his partner Officer Kriv in the 12th district. Officer Hillas and his partner were dispatched to the United Center by OEMC for a disturbance. When Officer Hillas arrived, he discovered that there were multiple separate offenders. One of the individuals was being compliant and the other one was being very violent. Officer Hillas identified the individual being violent as ██████. According to Officer Hillas, ██████ tried multiple times to defeat the arrest. ██████ would not get in the squad car and he was kicking Officer Kriv and the squad car.

Officer Hillas was asked if he heard Officer Kriv say “you must be proud of your race, man.”¹⁰ Officer Hillas did not remember if he heard Officer Kriv make the comment on the date of the incident, but he did acknowledge that he heard the comment when he watched the video before his interview with COPA. Officer Hillas was having a conversation with the other guards about handcuffs through the window when Officer Kriv made the comment. Officer Hillas also did not consider the comment Officer Kriv made as misconduct. According to Officer Hillas, if he thought Officer Kriv was being racist he would have felt compelled to report it.

Officers Hillas and Kriv transported ██████ to the 12th district and then to the 1st district. ██████ was being combative, so multiple officers were around to help. At some point ██████ fell down and Officer Hillas tried to pick him up by his arms but ended up grabbing some of his hair. According to Officer Hillas, as soon as he realized he had grabbed ██████ hair and not his lapel he let go. Grabbing ██████ by the hair was not intentional. Officer Hillas was attempting to grab ██████ shirt lapel to get him up off the ground.

⁷ At approximately 22:30 into Officer Kriv’s body-worn camera footage he states words to the effect of “You must be proud of your race, man” (Att. 53, p. 10, lines 1-3).

⁸ Att. 53, page 10, lines 12-18; page 14, line 1 through page 15, line 12.

⁹ Att. 54.

¹⁰ Att. 54, page 11, lines 8-9.

b. Digital Evidence**i. Videos from the United Center**¹¹**a. Atrium South Doors Video**¹²

██████████ is seen entering the United Center with his daughter at 01:07 into the video. ██████████ spends some time talking to one of the ticketing agents stationed at the door. The ticketing agent walks over to members of the security team and then two members of the security come over to speak with ██████████ and the two members of the security team speak for a couple of minutes. The two security members, ██████████ and his daughter through the first set exit doors, into the vestibule. At 7:28, ██████████ and the two members of the security team end up on the ground in between the two sets of exit doors. ██████████ daughter reenters the building. She is visibly upset and seen on the ground with her hands covering her face and pacing, while ██████████ and the security guards are still wrestling on the ground. Other members of the security team respond to the exit doors.

b. Atrium South Inside Doors¹³

This is another angle of the above video, showing much of the same things as described as above. However, at 7:26 into the video, ██████████ appears to swing or jab at one of the security guards as they all walk through the first set of doors and into the vestibule. The three men then end up on the ground, as described above.

c. EA South¹⁴

As the video begins, ██████████ and his daughter are sitting on opposite ends of a concrete bench outside the United Center. At 0:27 into the video, ██████████ and his daughter stand up and walk towards the United Center and out of view of this camera. At approximately the 11:17 mark, the camera moves and points straight down, apparently right outside doors to enter the building. A white security vehicle is parked within a few feet of the building and several security personnel are standing and walking near the vehicle's open doors. At 15:14 into the video, a police car pulls up behind the security vehicle. The two officers in the police car exit and approach the open (raised) hatch at rear of the security vehicle. ██████████ is removed from the rear area of the security vehicle in handcuffs and walked to the rear passenger side of the police car. That area of the police car is at the top of the video and is not clearly visible. A few seconds later, the camera pans back to the original view of the concrete bench and parking lot. At approximately 38:30, a security vehicle and police car drive away from the building.

¹¹ Att. 24.

¹² Att. 24, file name: "Atrium South Doors C1-F1-2018-08-18_23h06min26s458ms." The video begins with the date and time stamp embedded on the top left corner of the video of 2018-08-18 22:31:14.

¹³ Att. 24, file name: "Atrium South Inside Doors-2018-08-18_22h30min00s000ms." The video begins with the date and time stamp embedded on the lower left corner of the video of 2018-08-18 22:29:56.

¹⁴ Att. 24, file name: "EA South PTZ-2018-08-18_23h06min26s458ms." The video begins with the date and time stamp embedded on the lower left corner of the video of 2018-08-18 22:29:59.

d. South Exterior Atrium Doors¹⁵

██████████ and his daughter walk up to the United Center and enter the building. Later in the video, officers arrive and take custody of ██████████

ii. Body-worn Camera (BWC) Videoa. Officer Kriv BWC¹⁶

The video depicts Officer Kriv arriving to the gate where ██████████ is already detained and handcuffed in the back of a security vehicle. Officer Kriv and other officers struggle with ██████████ before finally getting him inside the back of the police vehicle. Officer Kriv stands outside of the vehicle and talks to the United Center security officers and other police officers. At minute 22:35 of the video, Officer Kriv gets inside of the squad vehicle and he makes the comment, “you should be proud of your race, man” and he states DCFS will come and pick up your daughter. ██████████ can be heard in the background using profanity toward the officers throughout the transportation process.

b. Officer Hillas 1 BWC¹⁷

The video begins with Officer Hillas inside what appears to be the United Center’s security office. Officer Hillas and his partner walk through the United Center and outside to their squad vehicle. Officer Hillas arrives to where ██████████ is located. Officer Kriv and United Center security guards attempt to get ██████████ inside the squad vehicle. ██████████ is finally placed inside the squad vehicle. Officers Hillas and Kriv stand around the vehicle talking to the United Center security guards while they wait on a wagon to come. At approximately 26:12 of the video, Officer Hillas gets inside the squad vehicle and Officer Kriv makes the comment, “you should be proud of your race, man.”

c. Officer Hillas 2 BWC¹⁸

The video shows Officer Kriv getting ██████████ from inside the squad vehicle at 10:45 into the video and walk him inside the station. ██████████ falls to his knees. It then appears that Officer Hillas has ██████████ by his dreadlocks. Hillas then grabs ██████████ arms and tries to get ██████████ back up. ██████████ gets up with the help of officers. ██████████ is placed inside a cell and searched. ██████████ is seen beating on the closed cell door while Officer Hillas and other officers walk away.

c. Physical Evidence

Medical Records from Mercy Hospital¹⁹ document that ██████████ came into the hospital on August 20, 2018. The records document that ██████████ had an x-ray performed on his right and left wrists. The x-ray revealed no acute fractures and no dislocation of either wrist. An x-ray was also performed on ██████████ pelvis which revealed no fracture or dislocation. X-rays taken of the chest,

¹⁵ Att. 24, file name: “South Exterior Atrium Doors-2018-08-18_23h06min26s458ms.” The video begins with the date and time stamp embedded on the top left corner of the video of 2018-08-18 22:29:57.

¹⁶ Att. 28, Disc 1 (file name: “AXON_Body_2_Video_2018-08-18_2245_Kriv”).

¹⁷ Att. 28, Disc 1 (file name: “AXON_Body_2_Video_2018-08-18_2241_Hillas”).

¹⁸ Att. 28, Disc 1 (file name: “AXON_Body_2_Video_2018-08-18_2323_Hillas”).

¹⁹ Att. 25.

posterior-anterior and lateral views, also revealed no evidence of acute intrathoracic process. Lastly an x-ray of the right foot was performed, which revealed no acute fracture or dislocation.

d. Documentary Evidence

Arrest Report and **Original Case Incident Report**²⁰ document that [REDACTED] was arrested on August 18, 2018, for battery. [REDACTED] was at the United Center for a concert and when the concert ended, [REDACTED] became disruptive and caused a disturbance. Security personnel attempted to escort [REDACTED] outside the venue when he became physical and punched one of the security guards about the face. [REDACTED] was forcibly detained by security personnel until officers arrived. Throughout the transport, [REDACTED] kicked and screamed. [REDACTED] was arrested on a signed complaint.

United Center Incident Report²¹ document that the incident occurred on August 18, 2018 at the [REDACTED] concert. The victim is listed as security officer, [REDACTED]. According to the report, a man (who appeared to be impaired) and his daughter were trying to re-enter the south atrium and he could not produce their tickets. The man was asked to leave, and he became argumentative and combative. He took a swing and punched security guard [REDACTED]. The man was detained until CPD arrived.

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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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

²⁰ Atts. 4 & 6.

²¹ Att. 31.

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.

VII. ANALYSIS

Officer Kriv

It is alleged by Inv. [REDACTED] that on or about August 18, 2018, at approximately 11:07 p.m., at or near 1901 W. Madison Street, Officer Jeffrey Kriv, #19265 committed misconduct by stating words to the effect of, “You should be proud of your race, man.”

COPA finds this allegation is **Sustained**. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 also prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty. General Order G02-01 “Human Rights and Human Resources,” sets forth some of the Departments’ policies for treating people. It mandates that “Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.”²² Officer Kriv was interviewed by COPA and he admitted that he made the comment. Officer Kriv asserted that he was not mocking [REDACTED] because of his race but rather he was being sarcastic. It is also documented on Officer Kriv’s body-worn camera that he made the comment. Officer Kriv could not provide a reason for using the word “race” in the comment he made to [REDACTED]. This comment was not meant to be complimentary or as an uplifting message to [REDACTED] it was meant sarcastically and to degrade. As such COPA finds that this allegation is **Sustained**.

Officer Hillas

1. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:07 p.m., at or near 1901 W. Madison Street, Officer Christopher Hillas, # 16384 committed misconduct by failing to report that Officer Jeffrey Kriv stated words to the effect of, “You should be proud of your race, man.”

COPA finds this allegation **Not Sustained**. General order 08-01-02 outlines the specific responsibilities regarding allegations of misconduct. According to the general order, department members who have knowledge of circumstances relating to misconduct will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of misconduct. Officer Hillas was interviewed by COPA, according to Officer Hillas he did not recall if he heard Officer Kriv make the comment on the date of the incident. Officer Hillas was having a conversation with other guards about handcuffs through the window when the comment was made. While you can hear the comment being made on Officer Hillas’ body-worn camera footage. COPA cannot prove that Officer Hillas actually heard Officer Kriv make the comment on the date of the incident, as such COPA finds the allegation to be **Not Sustained**.

²² G02-01(III)(B).

2. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:35 p.m., at or near 1718 South State Street, Officer Christopher Hillas, # 16384 committed misconduct by forcefully pulling [REDACTED] hair without justification.

COPA finds this allegation **Not Sustained**. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty. Rule 9 also prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty. At some point during the interaction between [REDACTED] and Officer Hillas, [REDACTED] fell down to the ground and Officer Hillas attempted to pick him up. Officer Hillas tried to pick him up by his lapel but ended up grabbing [REDACTED] hair. According to Officer Hillas, the grabbing of [REDACTED] hair was not intentional and as soon as he realized that he grabbed his hair and not his shirt he immediately let go. Officer Hillas body-worn camera does show Officer Hillas grab [REDACTED] hair and then let it go. COPA cannot prove that Officer Hillas' actions were intentional and as such, COPA finds this allegation to be **Not Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jeffrey Kriv

i. Complimentary and Disciplinary History Officer Kriv's Complimentary History includes one Life Saving Award; five Department Commendations; one Unit Meritorious Performance Award; seven Complimentary Letters; 117 Honorable Mentions; four Attendance Recognition Awards; three Emblems of Recognition for Physical Fitness; three Crime Reduction Ribbons and Awards (2004, 2009 and 2019); one NATA Summit Service Award; one Presidential Election Deployment Award (2008); and one Democratic National Convention Award. Officer Kriv was disciplined in September 2018, with a 15-Day Suspension for an off-duty D.U.I. incident occurring on November 11, 2016. He does not have any reported history of SPARs.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1

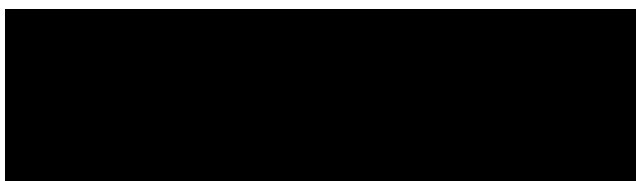
COPA has considered Officer Kriv's complimentary and disciplinary histories in mitigation and aggravation. COPA notes that the comment at issue was not only unnecessary, but also a substantial amount of time after any struggle or disagreement and not made in the "heat of the moment." While [REDACTED] was possibly impaired and certainly combative, uncooperative and verbally insulting, Officer Kriv made that race comment a substantial amount of time after any struggle took place. COPA recommends that Officer Kriv receive Reprimand and training for Implicit Bias.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Jeffrey Kriv	1. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:07 p.m., at or near 1901 W. Madison Street, Officer Jeffrey Kriv, #19265 committed misconduct by stating words to the effect of, "You should be proud of your race, man."	Sustained/Reprimand and training
Officer Christopher Hillas	1. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:07 p.m., at or near 1901 W. Madison Street, Officer Christopher Hillas, # 16384 committed misconduct by failing to report that Officer Jeffrey Kriv stated words to the effect of, "You should be proud of your race, man." 2. It is alleged by Inv. Jessica Ciacco, #55 that on or about August 18, 2018, at approximately 11:35 p.m., at or near 1718 South State Street, Officer Christopher Hillas, # 16384 committed misconduct by forcefully pulling [REDACTED] hair without justification.	Not Sustained Not Sustained

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

10-27-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	5
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	Angela Hearts-Glass