

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	October 7, 2017
Time of Incident:	9:00 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	March 5, 2018
Time of COPA Notification:	11:34 a.m.

On October 7, 2017, the complainant, [REDACTED] for juvenile [REDACTED] alleged that [REDACTED] was in the alley behind their house at [REDACTED] with several friends, including [REDACTED]. At approximately 9:00 p.m. the complainant alleges that off-duty Officer Michael Mayhew came into the alley and brandished a firearm, to which [REDACTED] recorded a short video of the incident on his cell phone. [REDACTED] also alleges that Officer Mayhew was intoxicated, used profanity, punched and kicked him, and had several altercations with his mother. On a separate occasion, the complainant alleged that Officer Jennifer Mayhew falsely accused [REDACTED] of breaking a window. COPA reviewed these allegations and recommends the following:

II. INVOLVED PARTIES

Involved Officer #1:	MAYHEW, Michael, star #14138, employee ID # [REDACTED] Date of Appointment: August 4, 1997, Police Officer, Unit of Assignment: 008, DOB: [REDACTED], 1966, Male, White
Involved Officer #2	MAYHEW, Jennifer, star #15980, employee ID # [REDACTED] Date of Appointment: September 29, 2014, Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1991, Female, White
Involved Individual #1:	[REDACTED] DOB: March 19, 2000, Male, White
Involved Individual #2	[REDACTED] DOB: October 28, 1998, Female, White.

<sup>1</sup> 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.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Michael Mayhew	1. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused displayed a weapon unnecessarily in violation of Rules 2 and 38.	SUSTAINED / 5 Days
	2. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused punched him in violation of Rules 2, 8 and 9.	UNFOUNDED
	3. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused kicked him in violation of Rules 2, 8 and 9.	UNFOUNDED
	4. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused was intoxicated in violation of Rules 2 and 15.	SUSTAINED / 5 Days
	5. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused used profanity in violation of Rules 2 and 8.	SUSTAINED / 5 Days
	6. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused used a racial pejorative in violation of Rule 2.	SUSTAINED / 5 Days

	<p>7. The complainant alleges that between the Summer of 2017 and March 14, 2018, on approximately 12 occasions, in the vicinity of [REDACTED] the accused made disparaging remarks regarding his mother and father in violation of Rules 2 and</p>	<p>UNFOUNDED</p>
<p>Officer Jennifer Mayhew</p>	<p>1. The complainant alleges that on February 16, 2018, in the vicinity of [REDACTED] AVE, the accused falsely accused her brother ([REDACTED]) of throwing a rock at her window. Reported under JB153822.</p>	<p>UNFOUNDED</p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

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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 8 - Disrespect to or maltreatment of any person, while on or off duty.
  3. Rule 9 - Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
  4. Rule 15 - Intoxication on or off duty.
  5. Rule 38 - Unlawful or unnecessary use or display of a weapon.
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Special Orders

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1. S08-01-02
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## V. INVESTIGATION<sup>2</sup>

### a. Interviews<sup>3</sup>

The recorded interview of ██████████ (“██████████” was taken at ██████████ Ave, on March 14, 2018. ██████████ stated that Michael Mayhew (“Officer Mayhew”) has been his neighbor for approximately 10 years and knows him to be a Chicago Police Officer in the 8<sup>th</sup> district. ██████████ stated that he has seen Officer Mayhew in uniform and driving an unmarked police vehicle on multiple occasions. ██████████ stated that he had personally taken the video of the incident in October of 2017 with an iPhone. ██████████ stated that he and five friends were in the alley and garage behind his house between the hours of 8:00 p.m. to 10:00 p.m., to work on their motorcycles. ██████████ stated that several of his friends parked their cars in the alley. ██████████ stated that Officer Mayhew came onto his property holding a Fish City beer can. ██████████ stated that he smelled alcohol on Officer Mayhew’s breath. ██████████ stated that Officer Mayhew told everyone to move their cars from the alley, then Officer Mayhew produced a handgun from a holster located on his right hip. ██████████ stated that he was standing approximately two feet away at that time. ██████████ stated that he nor his friends threatened Officer Mayhew at any time. ██████████ stated that the gun Officer Mayhew held was a Black M9 Beretta automatic pistol, which he held in his right hand and pointed it at the ground and waved it back and forth, “like he was gonna use it,” while holding the beer with his left hand. ██████████ stated that he recorded a video from his phone because he felt threatened by Officer Mayhew. ██████████ stated that his friends began entering their cars and leaving, while Officer Mayhew attempted to read the license plates. ██████████ stated that he stood in front of a friend’s vehicle to block the license plate and Officer Mayhew attempted to punch him in the face. ██████████ stated that he used his left forearm to block the punch which resulted in bruising and swelling. ██████████ stated that his friend ██████████ witnessed Officer Mayhew’s punch. ██████████ stated that he and his mother have an ongoing dispute with Officer Mayhew over the activity in the alley. ██████████ stated that on a previous occasion, Officer Mayhew’s daughter, Jennifer Mayhew, accused him of breaking her father’s windows. ██████████ stated that he believes Jennifer Mayhew is also a Chicago Police Officer. ██████████ stated that on a previous occasion he, his mother, ██████████ (██████████) and Officer Mayhew were engaged in an argument. ██████████ stated that Mayhew called his mother a whore, and that he would “end up like his father” who is deceased.<sup>4</sup>

The recorded interview of ██████████ (“██████████” was taken at ██████████, Forest View IL, on July 19, 2018. ██████████ stated that on October 7, 2017 at approximately 9 pm he and several friends were working on their trucks and motorcycles in the alley. ██████████ stated that at some point Mayhew comes into the alley holding a drink and had a gun in his back pocket. ██████████ described Officer Mayhew as a white male, 5’8” to 5’9” in height, bald head, wore glasses, 190 pounds, wearing a black shirt, jeans, and black shoes. ██████████ stated that he knows Officer Mayhew to be a Chicago Police Officer and has seen him in a Chicago Police uniform and driving an unmarked police vehicle in the area. ██████████ stated that Officer Mayhew was visibly intoxicated, in that his speech was slurred and that he was holding a beer can. ██████████

<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> The following are summaries and not verbatim unless otherwise indicated.

<sup>4</sup> Att. 4

stated that Mayhew leaned over into a friend's vehicle and told him to leave, "unless you want this to get ugly". ██████ stated that Officer Mayhew reached behind him as if he pulled something out of his pocket. ██████ stated that he did not see the gun but was later told that Officer Mayhew was holding a gun while he spoke to his friends. ██████ stated that Officer Mayhew began taking pictures of the license plates of the vehicles in the alley. ██████ stated that ██████ stood in front of one of the vehicles to block the plate. ██████ stated that Officer Mayhew approached ██████ and punched and kicked him. ██████ stated that he was shown the video by ██████ and identified the male as Officer Mayhew, and that he was holding a gun. ██████ stated that Officer Mayhew left the alley and as he walked back to his yard made several disparaging remarks about ██████ mother and deceased father. ██████ stated that Officer Mayhew had harassed him and ██████ approximately a dozen times prior to this incident, and that Officer Mayhew had made threats of issuing tickets to their vehicles<sup>5</sup>.

The **recorded interview of Officer Michael Mayhew** was taken at COPA on August 10, 2018. Officer Mayhew stated that he and several neighbors have ongoing problems in the alley, and damage to their properties related to ██████ and his friends. Officer Mayhew stated that there are cars parked in the alley and often blocking the garages. Officer Mayhew stated that the alley is used as a drag strip, and that there are tire marks behind his garage. Officer Mayhew stated that ██████ and his friends have caused damage to the neighbor's garages and have used their cars to push garbage cans through the alley. Officer Mayhew stated that on a previous occasion, his daughter was on the couch and heard a window break. Officer Mayhew stated that his daughter saw a tall male running away that was similar in height to ██████ Officer Mayhew stated that there has been other damage to his property that he suspects was caused by ██████ or ██████ including two antennas taken from his truck, his pool liner was slashed, eggs thrown at his rear house windows, and six feet of snow pushed up against his and his neighbor's garage by two snow plow trucks that are similar to trucks owned by ██████ Officer Mayhew stated that his neighbors know he is a police officer and often seek his help to resolve the issues. Officer Mayhew stated that he has tried to reason with ██████ to no avail. Officer Mayhew stated that his neighbors Delores and Jose call for the police almost every day and mentioned the issues in the alley in their beat meetings. Officer Mayhew stated that the conflict began in the spring of 2017 and believes that ██████ influenced ██████ behavior. Officer Mayhew stated that on previous occasions ██████ stopped his truck in the alley and attempted to start an argument and record his reaction, which has been witnessed by the neighbors. Officer Mayhew stated that he and ██████ had a good relationship in the past and stated that ██████ was good kid. Officer Mayhew stated that he has tried to resolve the differences between himself and the ██████ family. Officer Mayhew stated that he is retiring soon and selling his house. Officer Mayhew acknowledged that he knows that if he stays the problems will continue, and neighbors are considering selling their houses as well who have lived there for 20 years without an incident. Officer Mayhew stated that he acted like a father to ██████ and had taken him fishing, to his summer house, and given him tools. Officer Mayhew stated that he heard commotion and screaming from the alley and thought that possibly there was a group confronting each other. Officer Mayhew stated that ██████ and his friends have had arguments with the neighbors, and that there have been fights in the alley in the past. Officer Mayhew stated that he came from his garage on the day in question and told everyone to leave the alley and move the vehicles. Officer Mayhew stated that he pulled his weapon out for safety, because he did not know who was in the

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<sup>5</sup> Att. 17

vehicle, nor has ever seen the gray vehicle before. Officer Mayhew stated that he and neighbors have confronted people parked in the alley in the past. Officer Mayhew stated that he does not trust anyone due to his fourteen years of military experience, and twenty-one years with the police department. Officer Mayhew stated that he looked into the vehicle and saw two passengers. Officer Mayhew stated that once the vehicle was clear he put his weapon away. Officer Mayhew stated that due to training and prior experience, he often holds his gun at his side, and that the occupants of gray vehicle could not have seen his weapon and was not held in a threatening manner. Officer Mayhew stated that after the video ended the cars leave, but one of the cars spun its tires and the occupants screamed and laughed at him. Officer Mayhew stated that he returned to his garage. Officer Mayhew stated that he did not take pictures, but likely said he was going to call the police to have a responding officer issue tickets. Officer Mayhew stated that he has never issued tickets to [REDACTED] or [REDACTED] and he does not know if other officers have written tickets to [REDACTED]. Officer Mayhew stated that he does not work in the area. Officer Mayhew stated that he had consumed several beers while working in his garage but was not intoxicated. Officer Mayhew stated that he did not punch or kick [REDACTED]. When questioned regarding speaking the pejorative as depicted in the video, Officer Mayhew responded, "I'm Italian." Officer Mayhew stated that there have been several verbal altercations in the past between he, [REDACTED] and [REDACTED] and both he and [REDACTED] have used profanities, but he does not remember the exact words. Officer Mayhew stated that he had spoken to [REDACTED] in a consoling manner and told him that if he continues to associate with the wrong people that he could end up like his deceased father. Officer Mayhew stated that he had recently discussed the issues with [REDACTED] and [REDACTED] and apologized for the interactions. Officer Mayhew stated that he believed they had settled their differences and was surprised by the complaint. Officer Mayhew stated that [REDACTED] and [REDACTED] have threatened to make him lose his job, and have started arguments, then recorded his reactions. Officer Mayhew stated that [REDACTED] told him that he was going to, "put a case on him<sup>6</sup>."

#### b. Digital Evidence

A **cell-phone video** was obtained from [REDACTED]. The video is forty seconds in length and contains audio. The video portrays Mayhew standing in the doorway to [REDACTED] garage and yelling profanities at several males in the alley. Mayhew's speech is slurred, and he appears to have trouble keeping balance. Mayhew is depicted holding a can in his left hand, then produces a handgun from his waistband with his right hand and holds the gun at his side. As depicted in the video, Mayhew leans over and is speaking to the occupants of a grey Pontiac Vibe to leave the alley while holding the handgun at his side. [REDACTED] asks Mayhew, "what do you have going on there Mike, what is that, Fish City"? [REDACTED] then asks, "what is that one, a Beretta"? As depicted, Mayhew responds, "I'm fucking nuts, I'm nucking futs". Mayhew then stated, "yeah, a Beretta, the fucking dagos make this gun". Mayhew is then depicted speaking to another subject in the background and the video ends.<sup>7</sup>

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<sup>5</sup> Att. 21

<sup>7</sup> Att. 7

## VI. ANALYSIS

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, then the standard of proof has been met.

### Allegations against Officer Michael Mayhew

#### 1. UNNECESSARY DISPLAY OF WEAPON / OFF DUTY

As depicted in the video, Officer Mayhew removes his weapon from his waistband and held it at the low-ready position as he looked into the vehicle, then returned it to his waistband. According to Officer Mayhew's statement<sup>8</sup> he heard a commotion in the alley and exited his garage to investigate. Given his training, prior experience with disturbances in the alley, and his belief that the subjects were fighting, Officer Mayhew felt it was necessary to hold his weapon at his side for his safety and return it after determining there was no threat posed by the occupants of the vehicle or anyone else present in the alley. According to [REDACTED] web complaint<sup>9</sup>, it was alleged that Officer Mayhew, "pulled a gun out and flashing it around to my brother and his friends with his finger in the trigger," and according to [REDACTED] statement, Officer Mayhew waved the gun back and forth, both of which were contradicted by the cell phone video. However, COPA believes, given Officer Mayhew's apparent intoxication and history with the subjects, that Officer Mayhew could not have felt threatened by the individuals in the car; the occupants of the car made no direct threats to Officer Mayhew; there was no fighting or conflict depicted in the video; and that if Officer Mayhew felt threatened, he would have called 911 for assistance. COPA also believes that Officer Mayhew used his display of his firearm for the purpose of intimidating the subjects in the grey vehicle which is corroborated by [REDACTED] claim that Officer Mayhew told the occupants to leave, "unless you want this to get ugly." COPA finds that there is a preponderance of evidence to prove that Officer Mayhew's display of his weapon was unnecessary and recommends that this allegation be SUSTAINED.

#### 2. UNNECESSARY PHYSICAL CONTACT / OFF DUTY - NO INJURY

According to [REDACTED] and [REDACTED] Officer Mayhew punched [REDACTED] which allegedly caused him to have bruising and swelling. The alleged punch was not captured on the video and [REDACTED] did not provide documentation or any evidence that an injury occurred. In addition, [REDACTED] fails to mention that the physical contact occurred in the web complaint<sup>10</sup>. Officer Mayhew denies punching [REDACTED] and depicts [REDACTED] and [REDACTED] as to having a motive to fabricate the allegation. As depicted in the cell phone video, [REDACTED] did not appear or sound fearful of Officer

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<sup>8</sup> Att. 21

<sup>9</sup> Att. 6

<sup>10</sup> Att. 6

Mayhew as reported in his statement and was heard laughing. Without additional witnesses to corroborate the allegation, COPA recommends that this allegation be UNFOUNDED.

### 3. UNNECESSARY PHYSICAL CONTACT / OFF DUTY - NO INJURY

Based on the aforementioned findings, COPA recommends that this allegation be UNFOUNDED.

### 4. INTOXICATED OFF DUTY

According to Officer Mayhew's statement, he consumed several beers, and admittedly held a beer in the video, but denies being intoxicated. As defined in Chicago Police Department Special Order S08-01-02-II-E-1-B, alcohol intoxication means that a person's mental or physical functioning is substantially impaired as a result of the use of alcohol. Both [REDACTED] and [REDACTED] stated that they believed Officer Mayhew was intoxicated, in that he was holding a beer can, smelled of alcohol, and that his speech was slurred, which is corroborated by the [REDACTED] cell phone video. Also, as depicted, Officer Mayhew appears to lose his balance. Although the required tests and investigation was not conducted by a Department Supervisor in accordance with Department policy, COPA finds that there is a preponderance of evidence that proves Officer Mayhew's consumption of alcohol created intoxication and recommends that this allegation be SUSTAINED.

### 5. USE OF PROFANITY, and 6. RACIAL / ETHNIC, ETC

There is no dispute that the cell phone video captured Officer Mayhew using profanities in which he admitted to using the terms in his statement. In addition, Officer Mayhew uttered a pejorative that is commonly used as a slur towards persons of Italian descent, which, again he admitted using. Given the overall conduct as depicted in the video, COPA believes that Officer Mayhew's words brought discredit upon himself and the Department and violates the Standards of Conduct.<sup>11</sup> COPA finds that this incident occurred as alleged and recommends that these allegations be SUSTAINED.

### 7. ALTERCATION / DISTURBANCE - NEIGHBOR

COPA believes that there was some level of interaction in the reported time frame between Officer Mayhew and the [REDACTED] family and that, according to the statements and the cell phone video, there was contentious behavior from the involved parties. Given the lack of specificity of the allegation, and that there was no other evidence discovered or presented in the investigation, COPA finds there is not a preponderance of evidence to prove that these incidents occurred as alleged and recommends that this allegation be UNFOUNDED.

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<sup>11</sup> Rule 2 applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.



Allegation against Officer Jennifer Mayhew

## 1. ALTERCATION/DISTURBANCE - NEIGHBOR

Falsely accusing someone of a crime does not rise to the level of misconduct and does not violate any Chicago Police Department rule or regulation. COPA recommends that this allegation be UNFOUNDED.

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS****a. Officer Michael Mayhew****i. Complimentary and Disciplinary History**

Officer Mayhew has received one problem solving award, one military service award, one Presidential election deployment award 2008, four attendance recognition awards, one 2004 crime reduction ribbon, two Department commendations, one hundred forty-six honorable mentions, three complimentary letters, one life saving award, one NATO summit service award, one Superintendent's award of valor, and one 2009 crime reduction award<sup>12</sup>.

Officer Mayhew has no disciplinary actions against him in the past five years<sup>13</sup>.

**ii. Recommended Penalty, by Allegation****1. Allegation No. 1**

COPA recommends a suspension of 5 days.

**2. Allegation No. 4**

COPA recommends a suspension of 5 days.

**3. Allegation No. 5**

COPA recommends a suspension of 5 days.

**4. Allegation No. 6**

COPA recommends a suspension of 5 days.

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<sup>12</sup> Viewed in CLEAR

<sup>13</sup> Att.26

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Michael Mayhew	1. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused displayed a weapon unnecessarily in violation of Rules 2 and 38.	SUSTAINED / 5 Days
	2. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused punched him in violation of Rules 2, 8 and 9.	UNFOUNDED
	3. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused kicked him in violation of Rules 2, 8 and 9.	UNFOUNDED
	4. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused was intoxicated in violation of Rules 2 and 15.	SUSTAINED / 5 Days
	5. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused used profanity in violation of Rules 2 and 8.	SUSTAINED / 5 Days
	6. The complainant alleges that on October 7, 2017, at approximately 8:00 p.m., in the vicinity of [REDACTED] the accused used a racial pejorative in violation of Rule 2.	SUSTAINED / 5 Days
	7. The complainant alleges that between the Summer of 2017 and March 14, 2018, on approximately 12 occasions, in the vicinity	UNFOUNDED

	of [REDACTED] the accused made disparaging remarks regarding his mother and father in violation of Rules 2 and	
Officer Jennifer Mayhew	1. The complainant alleges that on February 16, 2018, in the vicinity of [REDACTED] AVE, the accused falsely accused her brother ([REDACTED] [REDACTED]) of throwing a rock at her window. Reported under JB153822.	UNFOUNDED

Approved:

[REDACTED]

3-21-19

Angela Hearts-Glass  
Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	8
<b>Investigator:</b>	Anthony Smajo
<b>Supervising Investigator:</b>	Robert Coleman
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass