

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	September 3, 2018 / 12:55 pm / ██████████, Chicago, IL 60619.
Date/Time of COPA Notification:	September 3, 2018 / 2:56 pm.
Involved Member #1:	Officer Maurice Burks / Star #4339 / Employee ID# ██████████ / DOA: May 2, 1994 / Unit: 001 / Male / Black.
Involved Individual #1:	██████████ / Male / Black.
Case Type:	05P - Improper Display of a Weapon

I. ALLEGATIONS

Member	Allegation	Finding
Officer Burks	1. Displayed his firearm in the presence of ██████████ without justification.	Sustained
	2. Pointed his firearm at ██████████ without justification.	Not Sustained.
	3. Stating words to the effect of "I'll pop your ass." to ██████████	Not Sustained.

II. SUMMARY OF EVIDENCE

On September 3, 2018, Ms. ██████████ invited a ██████████, Mr. ██████████ to her residence for a meal. While ██████████ was at ██████████ residence, an additional ██████████ of ██████████ Officer Maurice Burks, arrived unannounced at the location to return ██████████ personal property. Upon his arrival, Officer Burks was greeted by ██████████ while ██████████ was in the kitchen cooking. ██████████ exited the kitchen and observed Officer Burks in full uniform speaking with ██████████¹ After observing Officer Burks and ██████████ speaking, ██████████ left the room and went to the rear porch of the residence.² While ██████████ was on the porch, Officer Burks and ██████████ engaged in a verbal argument, during which Officer Burks unholstered his weapon. When Officer Burks unholstered his weapon, ██████████ stated words to the effect of "you actually pulled a gun on me."³ After ██████████ heard ██████████ remark she returned to the room and observed Officer Burks holding his unholstered firearm with it pointed to the ground and ██████████ standing behind a chair. ██████████ sought to deescalate the confrontation by removing the chair from ██████████ control and instructing Officer Burks to holster his weapon.⁴ After Officer Burks holstered his weapon, ██████████ escorted

¹ Officer Burks was on duty, in full uniform at the time of this incident and operating a marked Department vehicle. Atts. 19, pg. 2 and Att. 11, pg. 1.

² ██████████ explained that she was embarrassed that Officer Burks and ██████████ were meeting each other. Att. 19, pg. 1.

³ Att. 19, pg. 1.

⁴ ██████████ explained she instructed Officer Burks to holster his weapon by placing her hand on his while telling him to holster the weapon.

him out to is marked Department vehicle. Officer Burks entered a marked Department vehicle and left the area.⁵

During a statement to COPA and his report to the Department, ██████ alleged that Officer Burks pointed the firearm at him and stated words to the effect of “I’ll pop your ass.”⁶ During statements to COPA, ██████ was clear that at no time did she observe Officer Burks point his firearm at ██████⁷ Additionally, ██████ explained that while she was on the rear porch, she could hear an argument between Officer Burks and ██████ but was not able to discern what was being said. Further, ██████ confirmed that she does have surveillance footage in her residence; however, it only preserves footage for 30 days and was no longer recoverable.⁸

During a statement to COPA, Officer Burks relayed that he was on duty when he decided to make an unannounced visit to ██████ residence. Upon arrival, Officer Burks approached and attempted to enter the front door of the residence; however, he discovered the door was locked. Officer Burks rang the doorbell, and the door was answered by ██████ Officer Burks recognized ██████ and introduced himself. Officer Burks spoke to ██████ and proceeded to exit the residence. While attempting to exit the residence, ██████ attempted to engage Officer Burks in a verbal altercation. Officer Burks elected to remain in the residence and engage ██████ in the verbal altercation. During the verbal altercation Officer Burks and ██████ argued of harassment from ██████ to Officer Burks from 2013.⁹ During the verbal altercation ██████ picked up a chair and raised the chair causing Officer Burks to unholster his weapon.¹⁰ Once Officer Burks had his weapon unholstered, ██████ returned to the room, calmed the situation and Officer Burks left the residence. Additionally, Officer Burks explained that at the time of this incident he had not been issued a Body Worn Camera.¹¹ Finally, Officer Burks informed COPA that he did not notify his supervisor or the Office of Emergency Management and Communications (OEMC) that he would be leaving his assigned work area to visit ██████¹²

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined, by a preponderance of the evidence, that the allegation in fact occurred;¹³

⁵ Att. 19, pg. 2.

⁶ The allegation related to “I’ll pop your ass” was made to ██████ to the Department when he reported the incident; however, it was not made to COPA during his statement. Att. 4, pg. 2; Att. 6; Att. 7.

⁷ Atts. 15 and 19.

⁸ COPA was not able to obtain ██████ first statement until November 5, 2018. Att. 15.

⁹ Officer Burks explained the harassment was via the telephone and that ██████ was taunting him about his sexual relationship with ██████ Att. 23 from 15:37 to 16:50.

¹⁰ Officer Burks estimated ██████ was approximately 10 feet away and denied pointing his firearm at or threatening ██████ Att. 23 from 28:25 to 30:45.

¹¹ Att. 23 at 08:54.

¹² ██████ explained that it is his typical practice to notify a supervisor or OEMC to that he is taking a break or lunch despite knowing the policy requires him to do so. Att. 23 from 32:55 to 35:12.

¹³ **Preponderance of evidence** is described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation establishes that it is more likely

2. Unfounded - where it is determined, by clear and convincing evidence, that an allegation is not supported by the facts;¹⁴
3. Exonerated - where it is determined, by clear and convincing evidence, that the conduct described in the allegation occurred, but it is lawful and proper; or
4. Not Sustained - where there is insufficient evidence to sustain, unfound or exonerate the allegations.

IV. ANALYSIS AND CONCLUSION

COPA finds that Allegation #1 against Officer Burks is **sustained**. Department members are prohibited from unlawfully or unjustifiably displaying a weapon.¹⁵ Here it is undisputed that Officer Burks unholstered his firearm while engaged in personal verbal argument with [REDACTED]. Additionally, the specifics of the altercation are immaterial, as COPA finds that Officer Burks conducted personal business, while on-duty, and unholstered his weapon in the course of a confrontation that never should have occurred, because he never should have been there at all. Therefore, COPA finds that Officer Burks actions violated Rules 2, 3, 8, and 38.

COPA finds that Allegations #2 and 3 against Officer Burks are **not sustained**. While it is undisputed that Officer Burks engaged [REDACTED] in a verbal argument during which he unholstered his weapon, there is no evidence, Therefore, the allegations must be **not sustained**.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Maurice Burks

i. Complimentary and Disciplinary History

Officer Burks has received 36 various awards and has received two SPARs; one for leaving his duty assignment in 2021 and one for a preventable accident in 2022.

ii. Recommended Penalty

Here, Officer Burks did not deny displaying his firearm. Additionally, it is not in dispute that Officer Burks took it upon himself, without authorization or proper notifications, to conduct personal business while on-duty in a marked Department vehicle and dressed in full uniform. While COPA acknowledges that Officer Burks discovery of [REDACTED] and [REDACTED] engaged in a romantic relationship can be upsetting it does not excuse Officer Burks actions. Furthermore,

that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005).

¹⁴ **Clear and convincing evidence** is described a more that preponderance of the evidence but lower than beyond-a-reasonable doubt required to convict a person of a criminal offense. Clear and Convincing is described as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable” there was no misconduct. *See People v. Coan*, 2016 IL App (2d) 151036 (2016).

¹⁵ Article V, Rule 38 of the Rules and Regulation of Chicago Police Department.

Officer Burks actions in no way served any purpose in furthering the Department's goals and objectives. It is for these reasons and in consideration of Officer Burks complimentary and disciplinary history that COPA recommends a 60-day suspension.

Approved:



Matthew Haynam
Deputy Chief Administrator, Chief Investigator

Date 6/16/2022