

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|---|
| Date of Incident:          | June 11, 2018                                   |
| Time of Incident:          | 8:40 AM   |
| Location of Incident:      | 7301 W. Pratt Avenue, Ebinger Elementary School |
| Date of COPA Notification: | June 11, 2018                                   |
| Time of COPA Notification: | 11:00 AM  |

On June 11, 2018, near Ebinger Elementary School, at approximately 8:40 AM, complainant [REDACTED] a CPS<sup>1</sup> Security Officer, observed an unknown person move the traffic barricades which are used by the school to prevent vehicular traffic from entering the street. The unknown person was later identified as accused officer Captain David Harris, (“Capt. Harris”). After moving the barricades, Capt. Harris began to move his vehicle through the street. [REDACTED] stood in front of the vehicle preventing it from moving forward. While [REDACTED] was standing in front of Capt. Harris’ vehicle, [REDACTED] alleges that Capt. Harris initiated a verbal altercation with [REDACTED] and moved his vehicle forward, striking [REDACTED] torso and forcing him backwards. Capt. Harris then left the area in his vehicle. COPA reviewed these allegations and recommends that they be sustained.

II. INVOLVED PARTIES

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|----------------------|--|
| Involved Officer:    | David Harris, Star# 21, Employee ID# [REDACTED] DOA: 07/08/1996, Rank: Captain, Unit of Assignment: 25 <sup>th</sup> District, DOB: [REDACTED] 1970, Male, Black |
| Involved Individual: | [REDACTED] 12/26/1991, Male, White   |

III. ALLEGATIONS

| Officer            | Allegation   | Finding / Recommendation   |
|--------------------|--|----------------------------|
| Capt. David Harris | It is alleged on or about June 11, 2018, at 7301 W. Pratt Ave., that Capt. David Harris: <ol style="list-style-type: none"> <li>Removed barricades used to prevent vehicular traffic from entering in front</li> </ol> | Sustained/5 Day Suspension |

<sup>1</sup> Chicago Public Schools

|   |   |
|---|---|
| <p>of Ebinger Elementary School, in violation of Rule 2.</p> <ol style="list-style-type: none"> <li>2. Had an unnecessary verbal altercation with [REDACTED] in violation of Rules 2, 8 and 9.</li> <li>3. Used his office during an altercation with [REDACTED] in that he said, "Do you know who I am? I'm a cop," in violation of Rule 4.</li> <li>4. Struck [REDACTED] with his vehicle in violation of Rules 1, 8, and 9.</li> <li>5. Struck [REDACTED] with a vehicle bearing a visible CPD memorial plate in violation of Rule 2.</li> </ol> | <p>Sustained/5 Day Suspension</p> <p>Sustained/5 Day Suspension</p> <p>Sustained/5 Day Suspension</p> <p>Sustained/5 Day Suspension</p> |
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**IV. APPLICABLE RULES AND LAWS**

**Rules**

1. **Rule 1:** Violation of any law or ordinance.
2. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
3. **Rule 4:** Any conduct or action taken to use the official position for personal gain or influence.
4. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
5. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

**INVESTIGATION <sup>2</sup>**

**a. Interviews**

<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.

On June 14, 2018, complainant [REDACTED] (“[REDACTED]”) gave an audio recorded interview to COPA. [REDACTED] stated on June 11, 2018, he was working at the Ebinger Elementary School (“Ebinger School”), where he is employed as a CPS Security Officer. [REDACTED] stated at or around 8:30 AM, he was stationed on the corner of Farwell Avenue and Oketo Avenue watching for children arriving late to school. [REDACTED] stated traffic barricades are set up to block vehicle traffic at and around the school daily for safety. [REDACTED] stated he observed a vehicle, described as a blue Ford truck or SUV, parked on Oketo and Pratt. [REDACTED] stated the vehicle was parked at the location for some time. [REDACTED] stated at or around 8:35 AM, a male, mid to late 40’s, clean shaven, 5’ 9” to 6’ 0” slender build, 175-185lbs, wearing casual clothing<sup>3</sup>, got out of his vehicle and began moving the barricades. [REDACTED] stated he ran towards Capt. Harris’ location as the vehicle was about to drive by the barricades. [REDACTED] stated he approached Capt. Harris and gestured to him to roll down his car window so they could talk. After Capt. Harris rolled down the car window, [REDACTED] stated to him, “Excuse me sir, you cannot move these barricades.”<sup>4</sup> [REDACTED] stated Capt. Harris immediately started to “snap” at him.<sup>5</sup> [REDACTED] asked Capt. Harris whether he worked at Ebinger School. [REDACTED] stated Capt. Harris said he did not. [REDACTED] stated he told Capt. Harris that moving the barricades was his responsibility. [REDACTED] stated Capt. Harris replied, “Do you know who I am? I am a cop.”<sup>6</sup> [REDACTED] stated in making that statement, Capt. Harris was attempting to use his authority to boss him around.<sup>7</sup> [REDACTED] stated he was not trying to make matters worse, but that Capt. Harris’ behavior was inappropriate towards him.

[REDACTED] stated that Capt. Harris then moved his vehicle forward, striking him on the right side of his torso with the front of the vehicle. [REDACTED] stated Capt. Harris used the vehicle’s front bumper to push him four to five steps backwards. [REDACTED] stated he moved to the side of Capt. Harris’ vehicle. [REDACTED] stated Capt. Harris drove his vehicle through the barricades, proceeding east on Pratt Avenue. [REDACTED] stated he did not sustain any injuries from being struck by Capt. Harris’ vehicle. [REDACTED] stated after the encounter with Capt. Harris, he was approached by a witness, identified as [REDACTED] who stated she saw the entire incident. [REDACTED] stated that [REDACTED] later sent Principal [REDACTED] an e-mail describing the event.<sup>8</sup> [REDACTED] stated that he later spoke with Principal [REDACTED] regarding what occurred. [REDACTED] stated Principal [REDACTED] contacted Officer Michael Black (“Officer Black”), the school liaison officer. [REDACTED] stated he spoke with Officer Black the date of the incident and made a police report.<sup>9</sup> [REDACTED] stated after the

<sup>3</sup> COPA later conducted a photo array with [REDACTED] and the unknown male was identified as Captain David Harris.

<sup>4</sup> Attachment 4, at 6:38

<sup>5</sup> Id. at 6:54

<sup>6</sup> Id. at 7:40

<sup>7</sup> Id. at 19:00

<sup>8</sup> Attachment 10

<sup>9</sup> Attachment 9

incident occurred, he saw photos of the vehicle that struck him. The vehicle had the personalized plate of [REDACTED] with the CPD memorial emblem.

On June 21, 2018, civilian witness [REDACTED] (“[REDACTED]”) gave an audio recorded interview to COPA. [REDACTED] stated on June 11, 2018, at approximately 8:39 AM, she dropped her daughter off for school at Ebinger School. [REDACTED] stated the front of the school and the alleys around the school were blocked off by barricades to prevent vehicles from being able to drive in close proximity to the school. This is done daily, she stated, for the safety of the children. [REDACTED] stated as she was walking back to her vehicle, she observed a man in a dark gray SUV get out of the vehicle and “remove the horses [barricades] that block the street.”<sup>10</sup> [REDACTED] stated after moving the barricades, the man got back into his vehicle.

[REDACTED] stated she was approximately fifteen feet away when she observed and heard the verbal exchange between [REDACTED] and the man who had removed the barricades. [REDACTED] stated she knows [REDACTED] from being in front of the school every day protecting the children. [REDACTED] stated she saw the man’s silhouette from inside his vehicle, possibly wearing a baseball hat. [REDACTED] approached the man and [REDACTED] stated that she heard him say, “Sir, please don’t move these horses.”<sup>11</sup> [REDACTED] stated the man in the vehicle said, “It’s 8:40, these horses should’ve been moved by now.”<sup>12</sup> [REDACTED] stated a second bell rings at 8:40 AM. [REDACTED] stated she looked at her watch, which showed 8:39 AM, and the second bell had not yet rung.

[REDACTED] stated the man said to [REDACTED] “Do you know who I am?” in a very loud threatening voice.”<sup>13</sup> [REDACTED] stated the man made this statement repeatedly to [REDACTED] [REDACTED] stated [REDACTED] said, “No, I don’t know who you are, do you work here?”<sup>14</sup> [REDACTED] stated the man persisted in saying to [REDACTED] “Do you know who I am, do you know who I am?”<sup>15</sup> [REDACTED] stated [REDACTED] was now yelling back at the man, “No, I don’t know who you are, do you work here?”<sup>16</sup> [REDACTED] stated after this she heard the man say to [REDACTED] “you need to talk to [REDACTED] [Principal [REDACTED]”<sup>17</sup> [REDACTED] stated while sitting in his vehicle, the man swatted his hand several times at [REDACTED] telling him to get out of the way, and then “hit the gas of the car.”<sup>18</sup> [REDACTED] stated [REDACTED] was standing with part of his body in front of the man’s vehicle and close to the window. [REDACTED] stated [REDACTED] had to jump out of the way of the vehicle to prevent from being struck. Upon further questioning, [REDACTED] stated it was possible the vehicle brushed or struck [REDACTED]

<sup>10</sup> Attachment 32 at 4:34

<sup>11</sup> Id. at 5:03

<sup>12</sup> Id. at 23:36

<sup>13</sup> Id. at 5:14

<sup>14</sup> Id. at 5:23

<sup>15</sup> Id. at 5:25

<sup>16</sup> Id. at 5:32

<sup>17</sup> Id. at 5:43

<sup>18</sup> Id. at 6:37

█████ stated as the unknown man drove away she was able to notate his license plate. █████ stated █████ demeanor was professional and he was doing his job in telling the man not to move the barricades. █████ stated the man was very aggressive in his demeanor towards █████ █████ stated the parents at the Ebinger know not to move the barricades because Principal █████ sends monthly, and sometimes more frequent reminders, saying not to do so.<sup>19</sup> █████ stated she approached █████ and asked if he was okay.

█████ stated when she returned later to pick up her child, she asked █████ if he spoke to Principal █████ about the incident. █████ stated █████ said he did not have any information other than a physical description of the man. █████ stated she told █████ she saw the incident. █████ stated she told █████ she would send an e-mail to Principal █████ describing what she saw and the license plate of the vehicle.<sup>20</sup>

On July 16, 2018, **civilian witness █████** (“Principal █████” principal at the Ebinger School, gave an audio recorded interview to COPA. Principal █████ stated on June 11, 2018, she was made aware of the incident near the school involving █████ Principal █████ stated initially, the identity of the individual involved in the incident was not known. Principal █████ stated after speaking with █████ he decided to file a police report. Principal █████ stated that she contacted Officer Michael Black, a 16<sup>th</sup> District school officer. Principal █████ stated with the description of the vehicle and the license plate information, it was ascertained he was a parent of children that attended the school. Principal █████ stated she, the assistant principal and █████ regularly receive considerable verbal abuse during the morning drop off at the school. Principal █████ stated while such behavior is not condoned, the deciding factor in making a police report regarding this incident was that █████ was struck by the man’s vehicle. Principal █████ stated after receiving the e-mail from █████ describing what she observed of the incident between the man and █████ she contacted Sergeant Mark Golosinski (“Sgt. Golosinski”) of the 16<sup>th</sup> District to complete a supplementary report.<sup>22</sup> Principal █████ stated several days after the incident, she received a text message from an unknown person containing a picture of the involved vehicle.<sup>23</sup> Principal █████ stated she had not had contact with Capt. Harris before nor has she had contact with him since this incident.<sup>24</sup>

On August 13, 2018, **witness Police Officer Michael Black** (“Officer Black”), gave an audio recorded interview to COPA. Officer Black stated on June 11, 2018, he was assigned to a roving school unit in the 16<sup>th</sup> District. Officer Black stated that he went to Ebinger School and spoke with █████ Officer Black stated that █████ reported that a parent of a student exited his vehicle, moved the barricade, and was going to drive down Pratt Avenue where students were

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<sup>19</sup> Attachment 32

<sup>20</sup> Attachment 10

<sup>21</sup> Attachment 10

<sup>22</sup> Attachment 11

<sup>23</sup> Attachment 8

<sup>24</sup> Attachment 23

still crossing the street to the school. Officer Black stated [REDACTED] told him that he approached the parent and asked him not to remove the barricade. Officer Black stated [REDACTED] also told him that he could not drive on Pratt Avenue at that time. Officer Black stated [REDACTED] reported that the parent then responded, "I am a police officer I can do whatever I want."<sup>25</sup> Officer Black stated [REDACTED] reported that the parent then got back into his vehicle without replacing the barricade. Officer Black stated [REDACTED] said he crept his vehicle towards him. Officer Black stated [REDACTED] reported to him that he stood his ground, explaining to the parent that he could not proceed through the barricade. Officer Black stated [REDACTED] said the parent then bumped him twice with his vehicle. Officer Black stated he initiated a case report and notified Sgt. Golosinski of the situation. Officer Black stated Sgt. Golosinski instructed him to get the case report done for initiating a log number since the parent stated he was a police officer. Officer Black stated from his observations as the school officer at Ebinger School, [REDACTED] has always exhibited a professional demeanor and he has never seen [REDACTED] raise his voice. Officer Black further described [REDACTED] as mild mannered.<sup>26</sup>

On September 4, 2018, **accused officer, Captain David Harris, ("Capt. Harris")**, Star no. 21, gave an audio recorded interview to COPA. Capt. Harris stated on June 11, 2018, between 8:30 AM and 8:40 AM, he was parked on Pratt Avenue in front of the Ebinger School. During the interview, Capt. Harris was shown a black and white photo of a vehicle bearing an Illinois personalized plate with the initials "[REDACTED]" and a CPD star to the left of the initials. Capt. Harris identified the vehicle as his personal vehicle with an attached CPD memorial plate.<sup>27</sup> Capt. Harris admitted that was the vehicle involved in the incident with [REDACTED]. Capt. Harris stated he arrived at the Ebinger School at approximately 8:15 AM. Capt. Harris stated he was at that location to drop off his children for school. Capt. Harris stated on inclement weather days, the school allows parents to drop children off in front and they enter the school. Capt. Harris stated because it was raining the date of the incident, he arrived at the school at 8:15 AM because the bell rings at 8:30 AM. Capt. Harris stated when he arrived on Pratt Avenue in front of the school, there were no barricades on the street. Capt. Harris stated for some reason the school chose not to follow the inclement weather policy, and barricades were put on Pratt Avenue which impeded his ability to leave. Capt. Harris stated he waited in his vehicle with his children until about a minute before the bell rang. Capt. Harris stated he crossed the street with his children, with his oldest son walking to one of the school doors, and he waited with his youngest son at another door until the bell rung. Capt. Harris stated after his youngest son entered the school, he went back to his vehicle, made a "hands-free" phone call to [REDACTED] and proceeded driving down Pratt Avenue towards Octavia Avenue. Capt. Harris stated at that time, no one was in the street, so it was safe to drive down Pratt Avenue. Capt. Harris stated when he arrived at

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<sup>25</sup> Attachment 30 at 7:13

<sup>26</sup> Attachment 30

<sup>27</sup> Attachment 8

Octavia Avenue, a barricade was up. Capt. Harris stated he put his car in park and exited the vehicle, walked to the barricade, and moved it.

Capt. Harris stated the school blocks off more streets than it needs to, stating that they also block off a street north of the school. Capt. Harris stated his intention was to drive through the barricades, replace them, and go on his way. Capt. Harris stated there were no children in the street, as it was ten minutes after the bell rang. He further stated that all the children were in school, although there may have been one or two “stragglers” walking down the sidewalk. Capt. Harris stated when he got back into his vehicle and started to move forward, the security guard, ██████ ran at his vehicle like “The Terminator,” then ran in front of his vehicle, and essentially detained him. Capt. Harris stated ██████ put his chest up to the vehicle and started yelling at him that he was not authorized to move the barricades. Capt. Harris stated ██████ positioning of his body was approximately six inches in front of his vehicle. Capt. Harris stated ██████ was yelling profusely. Capt. Harris stated he rolled down his vehicle’s window, leaned his head out and told ██████ “young man you need to move from in front of my vehicle.”<sup>28</sup> Capt. Harris stated he never raised his voice in anger or in rage at ██████. Capt. Harris stated ██████ continued to berate him, saying again he was not authorized to remove the barricades. Capt. Harris stated he told ██████ a second time to move from in front of his vehicle. Capt. Harris stated he said to ██████ “you know who I am.”<sup>29</sup> Capt. Harris stated during this interaction with ██████ he never exited his vehicle. Capt. Harris stated once ██████ moved from in front of his vehicle, he drove away. Capt. Harris stated his entire interaction with ██████ lasted approximately one minute. Capt. Harris stated if any contact was made with his vehicle ██████ initiated it. Capt. Harris stated at no time did he move his vehicle to strike him with it. Capt. Harris stated at no time did he identify himself as a police officer.

Capt. Harris stated he was baffled as to why the incident was occurring, but not surprised. Capt. Harris stated he has seen ██████ do this to several parents before. Capt. Harris stated it always happens after the school bell rings. Capt. Harris stated he understands the street is blocked off for the safety of the children. Capt. Harris stated however, once the students are in school, and there is no one on the street, the street needs to be opened. Capt. Harris stated he highly doubts Ebinger School has a permit to keep the street closed beyond this time. Capt. Harris stated when he saw parents having a similar interaction with ██████ he never got involved. Capt. Harris stated when this incident happened to him, he was in shock. Capt. Harris stated ██████ behavior was very unprofessional.

Capt. Harris stated when the COPA investigation is completed, he plans to make a complaint against ██████ at the Ebinger School, since the reason why he is sitting at COPA for an interview is “ridiculous.”<sup>30</sup> Capt. Harris stated from what he understands of CPS guidelines,

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<sup>28</sup> Id at 16:40

<sup>29</sup> Id at 16:57

<sup>30</sup> Id at 26:00

security officers are to observe and report and not engage parents. Capt. Harris stated [REDACTED] “engaged” him, “detained” him, and verbally berated him.<sup>31</sup> Capt. Harris stated when he received a call from a CPD officer at the 16<sup>th</sup> District stating a complaint was being made against him, he decided not to speak with the school for fear of additional allegations being made that he was using his position to stop the COPA investigation. Capt. Harris stated before this incident, he did have prior contact with [REDACTED] at the school. Capt. Harris stated his contact with [REDACTED] involved greeting him as a parent dropping his children off at the school. Capt. Harris stated [REDACTED] also knew him as a police officer from coming to the school in CPD uniform. Capt. Harris stated if he saw [REDACTED] running towards him, he would have let [REDACTED] move the barricades. Capt. Harris stated he moved the barricades because he felt ample time had passed and he did not feel he was out of line in doing so. Capt. Harris stated he believed the situation could have been resolved with a conversation at the school. Capt. Harris stated while he was wrong in moving the barricades, he did not believe that this investigation was warranted.<sup>32</sup>

On September 11, 2018, **civilian witness** [REDACTED] gave an audio recorded interview to COPA. [REDACTED] stated on June 11, 2018, approximately between 8:20 AM and 8:30 AM, he was having a cell phone conversation with Capt. Harris. [REDACTED] stated within a couple of minutes of the conversation, he heard a loud commotion. [REDACTED] stated he heard Capt. Harris tell someone to get away from his car and say, “you know who I am.”<sup>33</sup> [REDACTED] stated as the commotion continued, Capt. Harris calmly told the person “just get away from my car so I can go on.”<sup>34</sup> [REDACTED] stated he knew the other person was a male and he could heard him yelling. [REDACTED] stated Capt. Harris said, “Man, this dude is going crazy, I wish he get away from my car. Let me let you go.”<sup>35</sup> [REDACTED] stated Capt. Harris then ended the conversation saying he would call him back. [REDACTED] stated he heard approximately seven minutes of the incident. [REDACTED] stated he heard what Capt. Harris was saying, but not what the other person said. [REDACTED] stated the other person was shouting at Capt. Harris. [REDACTED] stated during the incident, Capt. Harris’s demeanor was “very, very calm.”<sup>36</sup>

[REDACTED] stated he has personally known Capt. Harris for about thirty-six years. [REDACTED] stated Capt. Harris never returned the phone call the date of the incident, nor spoke with him regarding what had occurred. [REDACTED] stated Capt. Harris told him COPA may get in contact with him regarding the incident. [REDACTED] stated Capt. Harris did not coach or tell him what to say about the incident if interviewed by COPA.<sup>37</sup>

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<sup>31</sup> Id at 17:59

<sup>32</sup> Attachment 34

<sup>33</sup> Attachment 44 at 4:42

<sup>34</sup> Id at 4:46

<sup>35</sup> Id at 6:00

<sup>36</sup> Id at 8:06

<sup>37</sup> Attachment 42



**b. Digital Evidence**

On July 11, 2018, COPA conducted a photo array<sup>38</sup> with two independent administrators for complainant [REDACTED]. COPA video recorded the photo array. [REDACTED] made a positive identification of Capt. Harris.<sup>39</sup>

COPA obtained outdoor video footage from the Chicago Board of Education for the time period 8:00 AM until 9:00 PM on June 11, 2018. The video footage does not capture the incident involving Capt. Harris and [REDACTED].<sup>40</sup>

**Documentary Evidence**

Sgt. Golosinski completed an **Initiation Report** to Commander William Looney of the 16<sup>th</sup> District on June 11, 2018, detailing this incident. The report states that Sgt. Golosinski was made aware of a situation that arose involving [REDACTED] and at that time an unknown male identifying himself as a CPD Officer at 7301 W. Pratt Avenue, near the Ebinger School. The report indicates that [REDACTED] stated he was working outside of the Ebinger School when he observed the operator of a blue Ford pick-up truck standing in the street move a barricade set up to stop the flow of traffic. The report states that [REDACTED] confronted him, saying he had no permission to move the barricades that were there for the safety and protection of the kids walking to school. It further states that the unknown person got back inside his truck with [REDACTED] standing in front of the vehicle replacing the barricade. The report states there was then a verbal altercation between [REDACTED] and the vehicle operator who said, "I am a police officer I can do whatever I want," and edged his truck forward towards [REDACTED]. The report indicates that [REDACTED] continued to yell at the vehicle operator to stop his car. The Report states the vehicle operator continued to edge the truck forward making physical contact with [REDACTED]. It states that afterwards, the vehicle fled east on Pratt Avenue in an unknown direction. It also states that [REDACTED] suffered no injury and required no Chicago Fire Department ("CFD") assistance.<sup>41</sup>

**Original Case Incident Report, JB 301983**, details that on June 11, 2018 between 8:30 AM and 8:40 AM, at 7301 W. Pratt Avenue, [REDACTED] was conducting an exterior premise check of the streets immediately surrounding Ebinger School where he is employed as a CPS security officer. It states that [REDACTED] observed an unknown offender moving a traffic horse used for student safety to drive his vehicle through the school zone. [REDACTED] approached the unknown person making several requests for him not to move the barricades or drive through as the students were still approaching the school. The report further states that a short verbal

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<sup>38</sup> COPA conducted the photo array despite having Capt. Harris' license plate to make sure that there was a positive identification of Capt. Harris. In the Original Case Incident Report generated by Officer Black, the unknown suspect is listed as a male white. However, CPD records list Capt. Harris as a male black, see Attachment 46

<sup>39</sup> Attachments 21 and 28

<sup>40</sup> Attachment 47

<sup>41</sup> Attachment 7

dispute ensued while [REDACTED] was standing in front of the unknown person's vehicle. It states that the unknown person then said, "I am a police officer, and I can do what I want." The report details that the unknown person then moved his vehicle towards [REDACTED] striking him twice with the bumper of the vehicle. It concludes that the man then fled eastbound on Pratt Avenue leaving the area.<sup>42</sup>

Sgt. Golosinski, completed a **Supplementary Report** to [REDACTED] detailing additional information provided by witness [REDACTED] via an e-mail sent by her to Principal [REDACTED]. It lists an Illinois personalized plate of [REDACTED] as a CPD memorial plate known to belong to a David Harris.<sup>43</sup>

## V. ANALYSIS

COPA concludes that on June 11, 2018, Capt. David Harris, while off duty, engaged in an unjustified verbal and physical altercation with complainant [REDACTED] regarding the unauthorized removal of traffic barricades at the Ebinger School. COPA finds the independent eyewitness, [REDACTED] to be credible. She lacks bias or any motive to lie or exaggerate the incident. When she witnessed the incident, she took notice of the license plate that was later identified as belonging to Capt. Harris. She corroborates that Capt. Harris did indeed remove the traffic barricades thereby creating a potential traffic hazard to children walking or crossing the street to the Ebinger School. Moreover, in his COPA interview, Capt. Harris admitted to removing the traffic barricades. Additionally, the same independent eyewitness stated that Capt. Harris continually repeated in a loud threatening voice to [REDACTED] something to the effect of, "Do you know who I am?" This contradicts Capt. Harris' COPA statement, and that of his witness [REDACTED] that Capt. Harris never raised his voice in anger or in rage at [REDACTED]. Furthermore, Capt. Harris' repeated statement is evidence, as alleged by [REDACTED] that he used his position as a member of the Chicago Police Department inappropriately during his verbal altercation with [REDACTED].

Based on [REDACTED] statement, COPA reasons that it is more likely than not that Capt. Harris made contact with [REDACTED] as he attempted to pull away. While [REDACTED] did not see the vehicle strike [REDACTED] she stated that it was possible that it did in fact strike him. [REDACTED] immediately reported this incident to Principal [REDACTED] and while Principal [REDACTED] said that receiving "verbal abuse" from parents is not abnormal, she made the decision to involve the police after [REDACTED] told her that he was struck by Capt. Harris' vehicle. All of these factors taken in totality, amount to a preponderance of evidence that Capt. Harris struck [REDACTED] with his vehicle.

Lastly, during his COPA interview, Capt. Harris acknowledged that there was a personalized CPD memorial plate with the initials "[REDACTED]" displayed on his personal vehicle

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<sup>42</sup> Attachment 9

<sup>43</sup> Attachment 11

during the incident with [REDACTED]. The CPD memorial plates are issued to commemorate the actions of members of the CPD that make the ultimate sacrifice in their service to the Department in protecting the people and the communities of the City of Chicago. The citizens who observed Capt. Harris' conduct and saw the CPD memorial plate would have naturally assumed that he was in some way associated with CPD. His conduct was unnecessary and brought considerable discredit upon the Department.

## **VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **a. Captain David Harris**

#### **i. Complimentary and Disciplinary History**

1. Capt. Harris has received a Democratic National Convention Award, three Emblems of Recognition for physical fitness, three Attendance Recognition Awards, and a 2008 Presidential Election Deployment Award. Additionally, Capt. Harris has received three Special Commendation Awards, seventy-two Honorable Mentions, seven Department Commendations, a 2004 Crime Reduction Ribbon, and one Police Officer of the Month Award. Capt. Harris has also received a Complimentary Letter, a NATO Summit Service Award, a Life Saving Award, a 2009 Crime Reduction Award, a Joint Operations Award and a Unit Meritorious Performance Award.
2. Captain Harris has no departmental discipline in the last five years.

#### **ii. Recommended Penalty, by Allegation**

##### **1. Allegation No. 1**

- a. COPA recommends a penalty of 5 Day Suspension.
- b. Mitigating Factor: None
- c. Aggravating Factors: (1) Capt. Harris removed traffic barricades use to prevent vehicular traffic from entering the front of the Ebinger School thereby created a safety hazard for children walking to and crossing the street to the Ebinger School.

##### **2. Allegation No. 2**

- a. COPA recommends a penalty of 5 Day Suspension.
- b. Mitigating Factor: None

c. Aggravating Factors: (1) Capt. Harris was observed by an eyewitness in having an “angry, aggressive and outright disrespectful” argument with complainant [REDACTED]

**3. Allegation No. 3**

- a. COPA recommends a penalty of 5 Day Suspension.
- b. Mitigating Factor: None
- c. Aggravating Factors: (1) Capt. Harris stated his office in his verbal altercation with [REDACTED] in saying, “Do you know who I am? I’m a cop.”

**4. Allegation No. 4**

- a. COPA recommends a penalty of 5 Day Suspension.
- b. Mitigating Factor: None
- c. Aggravating Factors: (1) Capt. Harris struck [REDACTED] with his vehicle.

**5. Allegation No. 5**

- a. COPA recommends a penalty of 5 Day Suspension.
- b. Mitigating Factor: None
- c. Aggravating Factors: (1) Capt. Harris struck [REDACTED] with a vehicle bearing a visible CPD memorial plate.

**VII. CONCLUSION**

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

| Officer            | Allegation   | Finding / Recommendation   |
|--------------------|--|----------------------------|
| Capt. David Harris | It is alleged on or about June 11, 2018, at 7301 W. Pratt Ave., that Capt. David Harris: <ul style="list-style-type: none"> <li>1. Removed barricades used to prevent vehicular traffic from entering in front of Ebinger Elementary School in violation of Rule 2.</li> </ul> | Sustained/5 Day Suspension |

|  |                            |
|--|----------------------------|
| 2. Had an unnecessary verbal altercation with [REDACTED] in violation of Rules 2, 8 and 9.   | Sustained/5 Day Suspension |
| 3. Used his office during an altercation with [REDACTED] in that he said, "Do you know who I am? I'm a cop," in violation of Rule 4. | Sustained/5 Day Suspension |
| 4. Struck [REDACTED] with his vehicle in violation of Rules 1, 8, and 9.   | Sustained/5 Day Suspension |
| 5. Struck [REDACTED] with a vehicle bearing a visible CPD memorial plate in violation of Rule 2.                                     | Sustained/5 Day Suspension |

Approved: 

[REDACTED]

Angela Hearts-Glass  
Deputy Chief Administrator

Date

10-22-18

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Appendix A

Assigned Investigative Staff

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|                                    |                     |
|------------------------------------|---------------------|
| <b>Squad#:</b>                     | 10                  |
| <b>Investigator:</b>               | Mark A. Glenn       |
| <b>Supervising Investigator:</b>   | Erica Sangster      |
| <b>Deputy Chief Administrator:</b> | Angela Hearts-Glass |