

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 6, 2018
Time of Incident:	3:52am
Location of Incident:	109 W. Division
Date of COPA Notification:	March 6, 2018
Time of COPA Notification:	9:26am

While off-duty Officer Nicholas Abramson walked into a Mr. Gyros restaurant. After engaging in a dispute with a man outside and inside of the restaurant, Officer Abramson displayed his gun and badge. COPA finds that Officer Abramson violated the directive not to unnecessarily display his weapon and the allegation against him is sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	ABRAMSON Nicholas, star #13605, employee ID# [REDACTED], Date of Appointment: December 12, 2016, Police Officer, Date of Birth: [REDACTED], 1991, Male, Asian Pacific Islander
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**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Nicholas Abramson	1. It is alleged that on March 6, 2018, at approximately 0350 hours, while off duty, Officer Nicholas Abramson, unnecessarily displayed his firearm in a Mr. Gyros restaurant located at 109 W. Division.	Sustained

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 2: Prohibits any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. Rue 38: Prohibits the unlawful or unnecessary use or display of a weapon.
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#### V. INVESTIGATION

##### a. Interviews

In an interview with COPA on June 13, 2018, **Officer Nicholas Abramson** stated that during the early morning of March 6, 2018, he was off duty and had been up all night playing Play Station video games and watching Netflix. Officer Abramson stated that at around 3:50am he became hungry and decided to go to Mr. Gyros restaurant. He chose this establishment because he is a frequent patron, and because it is located in close proximity to his home. Officer Abramson stated that he had not been drinking at all on March 6, 2018. While walking to the restaurant Officer Abramson related that a man came up to him and asked if he wanted to purchase some drugs to which Officer Abramson responded in the negative. Officer Abramson stated that the man became upset and introduced himself as a G.D. street gang member and asked Officer Abramson if he knew who he was. Officer Abramson stated that told the man words to the effect of "get the fuck out of here" and walked into the Mr. Gyros restaurant.

After placing his order and waiting for his food, Officer Abramson stated that the man from before and two additional gentlemen started pointing at him from outside while he was inside the restaurant. Officer Abramson related that the men were older African Americans who looked to be in their 40's. Officer Abramson also related that these men were wearing jackets and that it looked like they were engaging in illegal drug sells while standing outside. Officer Abramson stated that since he could not see the hands of the men outside he felt uncomfortable and took out his firearm and held it close to his chest. He stated that he saw that the employees of Mr. Gyros were surprised that he had his gun out so he displayed his badge to let everyone know that he was a police officer. Officer Abramson stated that although his gun was out he did not point it at anyone and that he only pulled it out because he felt uncomfortable that he could no longer see that hands of the gentlemen outside who had previously been pointing at him. Officer Abramson stated that he did not intend to use his weapon and that after brandishing his gun the situation de-escalated. Officer Abramson stated that after his food arrived he put his gun away and walked out of the restaurant and had no other issues with the men outside. Officer Abramson stated that he did not

feel it was necessary to call the police because he had the situation under control when he displayed his gun.<sup>1</sup>

In a phone interview with COPA on May 10, 2018, ██████████ stated that on March 6, 2018, he was working at Mr. Gyros restaurant located at 109 W. Division Street, when a man, now known as Officer Abramson, walked into the restaurant and ordered some food. Mr. ██████████ stated that two African American men came into the restaurant and started arguing with him and asked him to step outside and that Officer Abramson refused. Mr. ██████████ stated that approximately 6 to 13 people crowded around the door of Mr. Gyros seemingly waiting for Officer Abramson to come out. Mr. ██████████ related that Officer Abramson pulled out his gun and badge and held his gun to his chest. Mr. ██████████ opined that Officer Abramson was alone and likely felt threatened by the presence of the men. Mr. ██████████ stated that he himself did not feel threatened by the men outside and he did not feel threatened or scared by Officer Abramson's display of his weapon. When asked about Officer Abramson's demeanor Mr. ██████████ stated that Officer Abramson did not appear intoxicated but he did look like he had a couple of drinks.<sup>2</sup>

#### b. Digital Evidence

The security video footage from Mr. Gyros restaurant shows Officer Abramson inside the establishment seemingly waiting for his food to be prepared wearing a green jacket and blue jean pants. There are four videos that show different angles of the restaurant and none of the videos have audio. The pictures below are taken from the third security video camera. The video shows that while Officer Abramson is waiting for his food, an African American man wearing a purple jacket can be seen speaking to Officer Abramson. The two individuals engage in what appears to be a disagreement.



2:53



3:05

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<sup>1</sup> Att. 17

<sup>2</sup> Att. 18

Other patrons walk in to the restaurant and another gentleman steps in-between Officer Abramson and the man in the purple jacket, which causes the man in the purple jacket to walk out of the restaurant



4:16



4:20

Officer Abramson can be seen standing in front of the counter. Officer Abramson unzips his jacket, adjusts his belt, then looks out the window of the restaurant and pulls a gun out of his waist band.



4:58



5:12



5:14



5:17

After taking the gun out of his waistband, Officer Abramson leans against the counter with his gun out, and then waves his badge around with his free hand showing the restaurant workers.



5:31



5:40

Officer Abramson holds the gun close to his chest for about two minutes. In the two minutes a man walks up to Officer Abramson and pats his gun then walks away.<sup>3</sup>



5:51



5:54



6:04



6:30

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<sup>3</sup> Officer Abramson stated in his interview that this man helped deescalate the situation.

Other patrons walk in and out of the restaurant and seemingly order food while Officer Abramson stands with his gun in his hand speaking to the people in the restaurant. Officer Abramson casually stands around with his firearm in his hand while other patrons order their food and leave the restaurant.



6:43



6:50



7:04



7:12

Officer Abramson puts his gun away when his food arrives, and he quickly walks out of the restaurant.<sup>4</sup>



7:14



7:17

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<sup>4</sup> Att. 14



7:21



7:23

### c. Physical Evidence

The **Event Query from the Office of Emergency Management** provides that a caller named [REDACTED] from Mr. Gyros restaurant located on 109 W. Division street called 911 and stated that there was an intoxicated off duty officer in a green jacket and white shirt waving a badge and a gun. The caller stated that the off-duty officer was a white male.<sup>5</sup>

### d. Documentary Evidence

An **initiation report** was drafted by Sergeant John Soferer. The report notes that [REDACTED] called the police after an off-duty officer ordered food and appeared to be intoxicated. The report provides that after exchanging words with several male subjects outside the restaurant one subject stated that he was going to get the officer once he left the restaurant. The report next provides that Officer Abramson removed his firearm and presented his star and left the restaurant. A receipt from Mr. Gyros restaurant shows that a Nicholas Abramson paid \$14.45 for his food via his VISA debit card.<sup>6</sup>

## VI. ANALYSIS

COPA recommends a **Sustained** finding against Officer Abramson who is alleged to have unnecessarily displayed his firearm while off duty inside a Mr. Gyros restaurant. Chicago Police Rule 38 prohibits the *unnecessary* display of a weapon.

Here, Officer Abramson testified at his COPA interview that he deemed the display of his firearm necessary because while waiting for his food to be prepared, three African American males in their 40's wearing jackets were pointing at him from the outside of the restaurant after he just had a disagreement with one of them. He further testified that the men stopped pointing at him and that he could no longer see their hands. Officer Abramson related that he felt very uncomfortable that he could not see the hands of the men so he brandished his firearm. Officer Abramson stated that he wanted to de-escalate the situation and acknowledged that he never saw a weapon on the three gentlemen, but assumed the men were armed because he believed that they were selling narcotics in front of the restaurant.

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<sup>5</sup> Att. 20

<sup>6</sup> Att. 11

COPA finds that Officer Abramson’s off duty display of his firearm in a public restaurant is objectively unreasonable given the circumstances and therefore unnecessary. Officer Abramson did not clearly articulate that the men outside of the restaurant threatened or assaulted him, only that he subjectively felt uncomfortable by their presence. Merely feeling uncomfortable by the presence of another is not a valid reason to draw a deadly weapon in a public restaurant. It is clear from the security footage and his interview with COPA, Officer Abramson was not trying to prevent a crime, apprehend an assailant, or protect his life or the lives of others from deadly harm. Other patrons calmly walked into the restaurant, walked past Officer Abramson with his gun out, and ordered their food without any incident. COPA finds that Officer Abramson drawing his gun after feeling uncomfortable to be an unnecessary display of his weapon and a thus a violation of Rule 38.

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Scott Martin**

**i. Complimentary and Disciplinary History**

COPA has taken into account both the complimentary and prior disciplinary history of the officer.

**ii. Recommended Penalty, by Allegation**

**1. Allegation No. 1**

The officer freely admitted to his conduct though he believed it was justified. However, as set forth in the above analysis, COPA finds this conduct to be contrary to that of a reasonable officer in the same or similar circumstances. COPA further finds this conduct to be contrary to the training that Chicago police officers receive and violative of the expectations the Department has for its officers, even conduct that occurs when off-duty.

COPA recommends a 10 day suspension for Officer Abramson.

**VII. CONCLUSION**

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

<b>Allegation</b>	<b>Finding</b>
<b>Officer Nicholas Abramson</b>	
1. It is alleged that on March 6, 2018, at approximately 0350 hours, while off duty, Officer Nicholas Abramson, unnecessarily displayed his firearm in a Mr. Gyros restaurant located at 109 W. Division.	Sustained

Approved



Andr a Kersten  
*Deputy Chief Administrator*

10/31/18  
Date \_\_\_\_\_

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Dwight A. White
<b>Supervising Investigator:</b>	James Murphy-Aguilu
<b>Deputy Chief Administrator:</b>	Andrea Kersten