

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|---|
| Date of Incident: | October 26, 2018 |
| Time of Incident: | 11:30 AM |
| Location of Incident: | Skinner West Elementary School, 1260 W. Adams Street, Chicago, Illinois 60607 |
| Date of COPA Notification: | October 26, 2018 |
| Time of COPA Notification: | 5:53 PM |

On October 26, 2018, at Skinner West Elementary School, [REDACTED] (“[REDACTED]”) attempted to scare another student, [REDACTED] (“[REDACTED]”) ran towards [REDACTED] and tapped her shoulders. After this, [REDACTED] called [REDACTED], off-duty Officer Marques Burnett #10587 (“Officer Burnett”). Officer Burnett arrived at the school and spoke to [REDACTED]. It is alleged that Officer Burnett engaged in an unjustified verbal altercation with [REDACTED]. [REDACTED] used his official position for personal gain or influence when he showed [REDACTED] his badge, and threatened [REDACTED] by stating he would send him to a juvenile detention center.

II. INVOLVED PARTIES

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|-------------------------|---|
| Involved Officer #1: | Marques Burnett, Star #10587, Employee #117924, Date of Appointment: April 25, 2016, Police Officer, Unit of Assignment: 018, Date of Birth: [REDACTED] 1978, Male, Black |
| Involved Individual #1: | [REDACTED] Date of Birth: [REDACTED] 2010, Male, White |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|--------------------------------|---|-----------------------------|
| Officer Marques Burnett #10587 | 1. Engaged in an unjustified verbal altercation with [REDACTED] in violation of Rules 2, 3, 8, and 9 | Sustained/ 3 Day Suspension |
| | 2. Used his official position for personal gain or influence when he showed [REDACTED] his badge, in violation of Rules 2, 3, and 4 | Sustained/ 3 Day Suspension |

3. Threatened [redacted] by stating he would send him to a juvenile detention center, in violation of Rules 2, 3, 8, and 9

Sustained/ 3 Day Suspension

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 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
- 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.

General Orders

- 1. G01-01: Mission Statement and Core Values

V. INVESTIGATION¹

a. Interviews

COPA interviewed [redacted] (“[redacted]” on October 29, 2018. [redacted] stated he is 8 years old and is in the 3rd grade at Skinner West Elementary School. [redacted] stated while on the playground during a Halloween party, he wanted to scare another student named [redacted] (“[redacted]” said he ran towards [redacted] and not wanting to run into her, he put his hands on her shoulders and tapped her lightly. [redacted] indicated that [redacted] yelled “OMG!” after he attempted to scare her. [redacted] stated [redacted] did not say anything further and did not cry. [redacted] stated he continued to play on the playground. [redacted] said another girl was talking to [redacted] during this incident.

After recess ended, [redacted] stated he walked towards the school to line up which is when he saw [redacted] Officer Burnett. [redacted] said he tried to avoid Officer Burnett because he knew Officer Burnett would want to have a conversation with him, and Officer Burnett

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² [redacted] is a juvenile. [redacted] mother, Laura [redacted] consented for COPA to interview [redacted] See attachment 6.

³ Attachment 8

was looking at [REDACTED] "with an evil stare."⁴ [REDACTED] explained this to mean that Officer Burnett watched him as he walked to the line. [REDACTED] stated he was in line waiting to go inside when Officer Burnett hand motioned [REDACTED] to approach him. [REDACTED] also stated that Officer Burnett asked him to step out of the line, about two feet. [REDACTED] stated he walked to Officer Burnett. [REDACTED] stated Officer Burnett told him not to touch [REDACTED] again. [REDACTED] stated Officer Burnett told him he would send him to juvenile detention. [REDACTED] stated Officer Burnett asked him if he wanted to go to juvenile and he responded that he did not. [REDACTED] said Officer Burnett then showed his police badge, which was on his belt, to him. [REDACTED] stated Officer Burnett stood straight up, and described him as angry, but not screaming. [REDACTED] said he knew Officer Burnett was a police officer prior to this incident.

After Officer Burnett spoke to him, [REDACTED] stated a school aide, [REDACTED]⁵ approached them. [REDACTED] stated [REDACTED] asked [REDACTED] and another to student to join them. [REDACTED] stated [REDACTED] asked them what happened. [REDACTED] stated he and [REDACTED] told [REDACTED] what happened. After this conversation, [REDACTED] stated he and [REDACTED] went inside the school. [REDACTED] said he does not feel safe at school. [REDACTED] indicated that if he scares [REDACTED] again, he does not want [REDACTED] to call Officer Burnett because Officer Burnett will subsequently send him to juvenile.

[REDACTED] also stated a few weeks prior to this incident, while in music class, [REDACTED] made some sort of hand motion. [REDACTED] indicated that when he made the same motion back he accidentally hit [REDACTED] in the head because he was near her. [REDACTED] said [REDACTED] told the teacher about this situation, and the teacher and principal separately spoke to [REDACTED] about it. [REDACTED] also stated he previously touched [REDACTED] while in the second grade.

COPA interviewed [REDACTED] [REDACTED] (" [REDACTED] on November 13, 2018. [REDACTED] stated that on the date and time of the incident, she was escorting parents while standing inside the school near the front entrance. [REDACTED] stated she looked outside and noticed Officer Burnett conversing with [REDACTED] and not [REDACTED]. [REDACTED] stated while talking to [REDACTED] Officer Burnett was pointing his finger at him. [REDACTED] said she saw Officer Burnett lift his shirt up to show his badge to [REDACTED] which was located on his side. [REDACTED] stated she had a clear view of Officer Burnett. [REDACTED] stated she was able to look through the clear windows.

After approaching Officer Burnett and [REDACTED] stated she touched Officer Burnett to get his attention. [REDACTED] stated she asked Officer Burnett what was happening, and told him that he could not address a student. She also asked him whether everything was okay, but Officer Burnett continued to talk to [REDACTED] stated that she heard Officer Burnett tell [REDACTED] that he is tired of him hitting [REDACTED] [REDACTED] has one more year until he can be placed in a juvenile detention center, and that he has reports to provide the juvenile detention center.

[REDACTED] stated Officer Burnett showed his badge to [REDACTED] stated after she got Officer Burnett to look at her, Officer Burnett informed her that he had a meeting scheduled

⁴ Attachment 8 at 32:18

⁵ [REDACTED]

⁶ Attachment 13

with [REDACTED] [REDACTED] [REDACTED] said she then told Officer Burnett to wait to address his issues at the meeting and not right now. [REDACTED] indicated that she reiterated to Officer Burnett that he could not address the students. [REDACTED] stated at first Officer Burnett did not listen to her about addressing [REDACTED] because Officer Burnett was enraged. [REDACTED] stated she believed Officer Burnett to be enraged because he pointed his finger at [REDACTED] while talking. [REDACTED] stated Officer Burnett also showed his badge to her. [REDACTED] indicated she told Officer Burnett that she knows he is a police officer and he does not need to show his badge.

[REDACTED] stated she called [REDACTED] to join them to discuss what happened. [REDACTED] said [REDACTED] told her that [REDACTED] came behind her and jumped on her back. [REDACTED] stated [REDACTED] told her that he tried to scare [REDACTED] demonstrated [REDACTED] came behind [REDACTED] and tapped her on the shoulder like a scare. [REDACTED] stated she asked [REDACTED] if [REDACTED] hurt her, and [REDACTED] evasively replied that he did not and said her back hurt. [REDACTED] stated that the conversation concluded, the students went inside, she told Officer Burnett to address his issues and concerns at the meeting with [REDACTED] [REDACTED] and [REDACTED] [REDACTED] and Officer Burnett went into the front office.

[REDACTED] believed Officer Burnett did not have to act the way he did. [REDACTED] said she was shocked by what she witnessed and by Officer Burnett's actions. [REDACTED] described Officer Burnett as upset and angry. [REDACTED] said Officer Burnett yelled while speaking to [REDACTED] [REDACTED] described [REDACTED] as nervous. [REDACTED] described [REDACTED] face as flustered because it was red. [REDACTED] stated she told [REDACTED] [REDACTED] what she witnessed and subsequently authored a report. [REDACTED] stated she has known [REDACTED] for about three to four years. [REDACTED] stated, in the past, she only had cordial conversations with Officer Burnett.

COPA interviewed Officer Marques Burnett #10584⁹ ("Officer Burnett") on November 19, 2018. Officer Burnett stated [REDACTED], [REDACTED] attends Skinner West Elementary School. Officer Burnett indicated that [REDACTED] punched [REDACTED] couple days prior to October 26, 2018.

Officer Burnett stated that on October 26, 2018 [REDACTED] "snuck up"¹⁰ behind [REDACTED] and "hit her in the back."¹¹ Officer Burnett indicated [REDACTED] called him about this incident. Officer Burnett was in the neighborhood when he received the call because he was en route to speak to the principal. On the way to the office, Officer Burnett stated he saw [REDACTED] run up into a line while Officer Burnett waited to enter into the building. Officer Burnett said he did not motion [REDACTED] to approach him, but he turned towards [REDACTED] leaned towards him, and kneeled, approximately one foot, to [REDACTED] height. Officer Burnett stated he did not want to intimidate [REDACTED] Officer Burnett indicated he asked [REDACTED] his name and introduced himself as [REDACTED] Officer Burnett said he asked [REDACTED] if he hit [REDACTED] and [REDACTED] replied in the affirmative. Officer Burnett then said he told [REDACTED] that he could

⁷ [REDACTED] [REDACTED] is the Principal of Skinner West Elementary School.

⁸ [REDACTED] [REDACTED] is the Assistant Principal of Skinner West Elementary School.

⁹ Attachments 19 and 25

¹⁰ Attachment 25, page 8, line 8

¹¹ *Id.*

not hit [REDACTED] or other children, to keep his hands to himself, and that he does not want to hear about [REDACTED] hitting [REDACTED]

Officer Burnett said he did not tell [REDACTED] he would send [REDACTED] to a juvenile detention center. Officer Burnett stated he did not refer to a juvenile detention center or similar locations. Officer Burnett did not recall if he asked [REDACTED] if he wanted to go to a juvenile detention center. Officer Burnett stated he did not tell [REDACTED] he possessed documents or a file on him. Officer Burnett stated he spoke to [REDACTED] "how [omitted] an adult would talk to a child, kinda like in a non-intimidating way."¹² Officer Burnett stated he did not yell or scream at [REDACTED]

Officer Burnett said he had his Chicago Police Department badge on his belt at the time. Officer Burnett stated his badge may have been visible because he wore a sweatshirt that day. At first, Officer Burnett stated that he did not point to his badge, then he stated, he did not recall if he pointed to his badge.

Officer Burnett stated a teacher joined them.¹³ Officer Burnett stated the teacher called [REDACTED] and another student to join them and asked what happened. Officer Burnett said the other student told this teacher what happened. Officer Burnett stated the teacher reiterated to [REDACTED] what Officer Burnett told him about hitting children. After that, Officer Burnett stated he and the teacher went to the principal's office.

b. Digital Evidence

COPA requested **video footage**¹⁴ from the Chicago Board of Education of the Chicago Public Schools. COPA received a response, which stated "Due to construction going on at Skinner West School it is very difficult to recover the video footage of the incident. [omitted], is still trying but it may be unretrievable." It also stated "Unfortunately, I am not able to preserve the video footage as requested from 10/26/2018. Skinner West is under construction which includes an update to the camera system."

c. Documentary Evidence

[REDACTED] provided a **written statement**¹⁵ to COPA. The written statement was authored on October 26, 2018 and provided to COPA at the time of his interview. It states the following:

There were kids around me. [REDACTED] pulled me aside and said "If you touch [REDACTED] again we're going to have a problem (shows me his badge) you know I'm a officer right?" (I nod my head holding back tear) "I will throw you in juvenile. And you don't want to juvenile right? (I nod my head) "So don't touch her. [sic]

¹² Attachment 25, page 22, line 5-6

¹³ Officer Burnett stated he has known this teacher since [REDACTED] was in kindergarten, which is approximately three years.

¹⁴ Attachment 26

¹⁵ Attachment 7

The **Original Case Incident Report**¹⁶, RD #JB494948, lists ██████████ as the victim. The report states that off-duty officer, Marques Burnett, told ██████████ that if he touches ██████████, they will have a problem at which time Officer Burnett showed ██████████ his badge. The report further states Officer Burnett told ██████████ that he would throw ██████████ in juvenile.

The Chicago Police Department **Victim Information Notice**¹⁷, RD #JB494948, lists the incident as an assault simple with Marques Burnett as the defendant.

d. Additional Evidence

COPA requested¹⁸ and obtained **documents from the Chicago Board of Education of the Chicago Public Schools**.¹⁹ Included in these documents are: (1) an email authored by ██████████ stating what she witnessed sent on October 26, 2018; (2) an email authored by the school psychologist summarizing her conversation with ██████████ sent on October 26, 2018; (3) an incident report authored by ██████████ dated October 26, 2018; and (4) a safety plan for ██████████ related to Officer Burnett.

VI. ANALYSIS

COPA has the preponderance of the evidence standard burden of proof. Determining whether Officer Burnett's actions were proper and justified are fact dependent.

COPA recommends a finding of Sustained for Allegation #1 against Officer Burnett, that he engaged in an unjustified verbal altercation with ██████████. It is undisputed that Officer Burnett had a verbal exchange with ██████████ an 8-year-old child. COPA finds that it is more likely than not that Officer Burnett's verbal exchange with ██████████ escalated into verbal altercation, even though he stated he spoke to ██████████ in a non-intimidating way and did not yell or scream.

██████████ an independent witness, provided a statement which corroborates ██████████ version of events and demonstrates that it is more probable than not that an unjustified verbal altercation occurred. In her statement, ██████████ stated that Officer Burnett was enraged, upset, and angry during his exchange with ██████████. Specifically, Officer Burnett kneeled to ██████████ height, pointed his finger at ██████████ while speaking, and yelled at ██████████. Also, ██████████ asked Officer Burnett not to address any student, but he did not listen, and rather continued to address ██████████. This substantiates that Officer Burnett escalated and engaged in a verbal altercation.

Finally, even assuming *arguendo* that Officer Burnett did not engage in a verbal altercation, Officer Burnett clearly violated CPD Rules 2, 3, and 8 because his actions brought discredit upon

¹⁶ Attachment 4

¹⁷ Attachment 10

¹⁸ Attachment 26

¹⁹ Attachment 24

the Department; he failed to promote the Department's efforts to act professionally and make ethical and moral decisions; and he disrespected [REDACTED] a minor. Officer Burnett ignored [REDACTED] a school employee when asked to stop speaking to [REDACTED] approached a student that was not his own child while there was no reason for him to be present near the students; and spoke to a minor who was visibly nervous and flustered. The fact that Officer Burnett perceived and believed that [REDACTED] hit [REDACTED] does not necessitate arriving at the school, yelling at [REDACTED] and showing his police badge. Officer Burnett's actions were improper and clearly violated CPD Rules.

For the foregoing reasons, it is more likely than not that Officer Burnett engaged in an unjustified verbal altercation with [REDACTED]. Therefore, COPA recommends a finding of Sustain for Allegation #1.

COPA recommends a finding of Sustained for Allegation #2 against Officer Burnett, that he used his official position for personal gain or influence when he showed [REDACTED] his badge. Rule 4 states "[a]ny conduct or action taken to use the official position for personal gain or influence" is prohibited. Officer Burnett did not recall if he pointed to his badge. In his statement, [REDACTED] stated Officer Burnett showed his badge during the incident. [REDACTED] also told the school psychologist that Officer Burnett showed his badge and included it in his written statement.

[REDACTED] corroborates [REDACTED] saw Officer Burnett lift his shirt up to show [REDACTED] his badge. Officer Burnett also showed his badge to [REDACTED] once she approached him. What is more, [REDACTED] said that Officer Burnett showed his badge in conjunction with a threat to send [REDACTED] to a juvenile detention center.

A reasonable inference can be made that Officer Burnett showed his badge to [REDACTED] for Officer Burnett's personal gain or influence. Officer Burnett was off-duty, on medical leave, and not conducting Department work when he showed his police badge. Officer Burnett showed his badge for personal gain and influence over [REDACTED] to intimidate him and influence him. Therefore, COPA recommends a finding of Sustain for Allegation #2.

COPA recommends a finding of Sustained for Allegation #3 against Officer Burnett, that he threatened [REDACTED] by stating he would send him to a juvenile detention center. Officer Burnett at first denied telling [REDACTED] he would send him into a juvenile detention center or referring to one. But, upon further questioning, Officer Burnett stated that he did not recall if he asked [REDACTED] if he wanted to go to a juvenile detention center. On the other hand, [REDACTED] said Officer Burnett told him he would send him to juvenile and asked [REDACTED] if he wanted to go while showing his badge. [REDACTED] told this to the school psychologist, included it in his written statement authored on the date of the incident, and reiterated it to COPA.

[REDACTED] stated she heard Officer Burnett telling [REDACTED] he has one more year until he could be sent to a juvenile detention center, and that he possessed reports to provide the juvenile detention center. Officer Burnett also told [REDACTED] that [REDACTED] could go to juvenile while showing his badge, and later told the principal [REDACTED] could be arrested and sent to juvenile. Based on the consistency of [REDACTED] version of events and corroboration by [REDACTED] it is more likely than not that Officer Burnett threatened [REDACTED]. For the foregoing reasons, COPA recommends a finding of Sustained for Allegation #3.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Marques Burnett #10587

i. Complimentary and Disciplinary History

1. Officer Burnett has the following complimentary history: Honorable Mention: 2
2. Officer Burnett has the following disciplinary history: Preventable Accident: No disciplinary action taken

ii. Recommended Penalty, by Allegation

1. COPA recommends a penalty of 3 Day Suspension for Allegation No. 1.
2. COPA recommends a COPA recommends a penalty of 3 Day Suspension for Allegation No. 2.
3. COPA recommends a penalty of 3 Day Suspension for Allegation No. 3.

VIII. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|--------------------------------|---|-----------------------------|
| Officer Marques Burnett #10587 | 1. Engaged in an unjustified verbal altercation with [REDACTED] in violation of Rules 2, 3, 8, and 9 | Sustained/ 3 Day Suspension |
| | 2. Used his official position for personal gain or influence when he showed [REDACTED] his badge, in violation of Rules 2, 3, and 4 | Sustained/ 3 Day Suspension |
| | 3. Threatened [REDACTED] by stating he would send him to a juvenile detention center, in violation of Rules 2, 3, 8, and 9 | Sustained/ 3 Day Suspension |

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date 2-15-19

Appendix A

Assigned Investigative Staff

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| Squad#: | 10 |
| Investigator: | Anish Shah |
| Supervising Investigator: | Erica Sangster |
| Deputy Chief Administrator: | Angela Hearts-Glass |

