

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 12, 2019
Time of Incident:	10:48 am
Location of Incident:	7030 S. Ashland Avenue
Date of COPA Notification:	May 24, 2019
Time of COPA Notification:	3:16 pm

██████████ related that on May 12, 2019, he drove to the Food 4 Less Grocery Store and parked his vehicle in the customer parking lot. While walking toward the store, Mr. ██████████ observed a squad car behind an illegally parked vehicle near the front entrance. Mr. ██████████ noticed that the illegally parked vehicle was being driven by an elderly female black. Mr. ██████████ observed the squad car being driven by a male black, now known as Officer Joseph Boston. As Mr. ██████████ was about to enter the store entrance, Mr. ██████████ shook his head and pointed his finger at Officer Boston. Mr. ██████████ did not say anything to Officer Boston and was only trying to make a statement, ‘Why you messing with her.’¹ After leaving the store, Mr. ██████████ observed Officer Boston drive down the parking lane where his vehicle was parked at. Mr. ██████████ related that Officer Boston drove past his parked vehicle and told him "I rob niggers like you."²

II. INVOLVED PARTIES

Involved Officer #1:	Joseph Boston, Star 13476, Employee ID# ██████████ DOA:01/13/98, Officer, Unit of Assignment 051, DOB: ██████████/76, Male, Black.
Involved Individual #1:	██████████ DOB: ██████████/84, Male, Black.

¹ Attachment #4, Video interview of ██████████ 3:50 minute.

² *Id.*, 4:45 minute.

drove past and stated, "I rob niggers like you."⁶ Mr. ██████ became upset and took out his cell phone and began to videotape. Mr. ██████ told Officer Boston to get out of his car and rob him, but Officer Boston never exited his squad car. Mr. Boston observed other squad cars arrive on the scene, but none of the responding officers exited their squad cars.

In the 1st **interview with COPA**⁷ on January 23, 2020, **Officer Joseph Boston**, related that on May 12, 2019, he was working alone and assigned to Beat #706H which covered the store mall. Officer Boston described the mall as being occupied by banks, restaurants, retail stores and a Food 4 Less Grocery Store. Officer Boston related that he patrols the mall parking lot for illegal parking and provides community interaction. Officer Boston was informed that a search for his Body Worn Camera (BWC) regarding this incident revealed negative results. However, Officer Boston was shown BWC⁸ of FTO Lavonda Green arriving on the scene. Officer Boston acknowledged hearing ██████ repeatedly yelling "*He told me he robs niggers like me.*"⁹ Officer Boston was also shown the In-Car Camera video¹⁰ of Beat 4211E (Officers Brian Bratton and Victor Ramirez) arriving in the parking lot and Mr. ██████ is observed yelling and appeared to be videotaping. Officer Boston related there have been many incidents that have occurred at the mall, but that he could not recall the incident involving Mr. ██████ Officer Boston was also shown a photo identification of Mr. ██████ and Officer Boston could not recognize Mr. ██████ Officer Boston was shown Event Query 1913205700¹¹ and acknowledged that he was working Beat #706H and did request assistance to his location. Officer Boston related there have been many occasions where he requested assistance but could not recall the incident and denied the allegation that he referred to Mr. ██████ as a "nigger" and threatened to rob him.

In the 2nd **interview with COPA**¹² on September 15, 2020, **Officer Joseph Boston** was shown a cell phone video¹³ that was taken by Mr. ██████ in the parking lot of the Food 4 Less Grocery Store. After viewing the video, Officer Boston related that he now vaguely remembered the incident. The video captured Mr. ██████ repeatedly yelling and accusing Officer Boston of stating to him, "*He said he robs niggers like me.*"¹⁴ The video captured Officer Boston's assigned squad car (vehicle number 9261) and two other squad cars. A squad car with vehicle number 9659, now known as Beat 4211E (Officers Brian Bratton and Victor Ramirez) are observed arriving on the scene and stops next to Officer Boston's squad car. The other squad car, Beat 735 (FTO Lavonda Green and PPO Samantha Dicerto) is captured next to Beat 4211E. Officer Boston related that he appears to be having a conversation with the other responding officers. Officer Boston was asked to explain his reason for requesting assistance. Officer Boston related that based on his training and experience, calling for an assist for more police presence can usually diffuse a situation. Officer Boston was asked to explain why he did not activate his BWC. Officer Boston believed that he was not required to activate his BWC because he did not engage Mr. ██████

⁶ *Id.*, 4:45 minute.

⁷ Attachment #42, 1st Audio interview transcription of Officer Joseph Boston.

⁸ Attachment #22, Body Worn Camera (BWC) video of FTO Lavonda Green.

⁹ *Id.*, 11:59 minute.

¹⁰ Attachment #21, In-car camera of Beat #4211E, Officers Brian Bratton and Victor Ramirez.

¹¹ Attachment #18, OEMC Event Query #1913205700.

¹² Attachment #43, 2nd Audio interview transcription of Officer Joseph Boston.

¹³ Attachment #11, Cell phone video provided by ██████

¹⁴ *Id.*, 00:28 minute.

Officer Boston related that during a roll call session, he was informed that if he did not exit his squad car and engage with anyone, he was not required to activate his BWC. Officer Boston was parked in the parking lot because his assigned beat covers the mall stores and parking lots. Officer Boston described the area he patrols as having many people with mental issues who only just talk. Officer Boston did not recall having a conversation with Mr. [REDACTED]. Officer Boston was shown Special Order 03-14, Body Worn Cameras (BWC) specifically Section III, Item A 1-2¹⁵ which states, *“The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated. 2. The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical.”* Officer Boston was asked if the order required that he exit his squad car in order for it to be consider an interaction with the public. Officer Boston related that the order did not but reiterated that he did not engage in any interaction with Mr. [REDACTED]. Therefore, Officer Boston denied the allegation that he failed to activate his BWC and comply with Special Order 03-14.

b. Digital Evidence

Cell phone video provided by [REDACTED] [REDACTED] captured him yelling at squad car number 9261 which was assigned to Officer Joseph Boston. Mr. [REDACTED] is heard repeatedly yelling at Officer Boston, *“He said he robs niggers like me.”*¹⁷ Another squad car with number 9659, now known as Beat 4211E (Officers Brian Bratton and Victor Ramirez) are captured arriving at the parking lot and stopping next to Officer Boston’s squad car. Also, another squad car believed to be Beat 735 (FTO Lavonda Green and PPO Dicerto Samantha) are captured arriving on the scene and stops next to Beat 4211E. The video showed that none of the officers exited their squad cars and had no interaction with Mr. [REDACTED]. About two minutes later, all the squad cars are observed driving away from the scene.

Body Worn Camera (BWC)¹⁸ of **Field Training Officer (FTO) Lavonda Green**, Star #6273, captured her activating her BWC on May 12, 2019. FTO Green was accompanied by Probationary Police Officer (PPO) Samantha Dicerto and were assigned Beat 735. FTO Green’s BWC captured them entering the parking lot of the Food 4 Less Grocery Store, at 7030 S. Ashland Ave. FTO Green was sitting on the passenger side and PPO Dicerto was driving. PPO Dicerto stopped next to another squad car that was already in the parking lot. FTO Green and PPO Dicerto did not exit their squad car and no conversation between the officers was captured. However, FTO Green’s BWC audio did captured [REDACTED] repeatedly yelling and stating *“He said he robs niggers like me.”*¹⁹ Mr. [REDACTED] is also heard mentioning seeing three squad cars on the scene and referred to the officers as cowards.

¹⁵ Attachment #35, Special Order 03-14, Body Worn Cameras, effective April 30, 2018.

¹⁶ Attachment #11, Cell phone video provided by [REDACTED]

¹⁷ *Id.*, 00:28 minute.

¹⁸ Attachment #22, Body Worn Camera (BWC) video of FTO Lavonda Green.

¹⁹ *Id.*, 11:59 minute.

A **Body Worn Camera (BWC) search**²⁰ revealed that Officer Boston failed to activate his BWC regarding the incident involving Mr. ██████ on May 12, 2019.

In-Car Camera video²¹ of Beat 4211E, was assigned to Officer Brian Bratton, Star #11388 and Officer Victor Ramirez, Star #1474. On May 12, 2019, at approximately 10:44 am, Officers Bratton and Ramirez are captured driving into the parking lot of the Food 4 Less Grocery Store, at 7030 S. Ashland Ave. The video captured a male black, now known as ██████ near a marked squad car with vehicle #9261. Mr. ██████ appears to be filming and gesturing at the officer inside, now known as Officer Joseph Boston. Officers Bratton and Ramirez are observed stopping next to Officer Boston's squad car and they appear to have a brief conversation while inside their squad cars. At about 10:46 am, Officers Bratton and Ramirez are observed driving away from the scene.

c. Documentary Evidence

OEMC Event Query Report #1913205700²² indicated that on May 12, 2019, at approximately 10:41 am, Officer Joseph Boston (Beat #706H) reported an on-view disturbance in the vicinity of 7000 S. Ashland Ave. Beat #735 (FTO Lavonda Green and Officer Dicerto Samantha) and Beat #4211E (Officers Brian Bratton and Victor Ramirez) also responded to the scene.

OEMC Unit Search for Beat #4211E²³ indicated that Officer Brian Bratton conducted a search of Mr. ██████ license plate number, and the report indicated his plates were valid.

VI. LEGAL STANDARD

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual*

²⁰ Attachment #45, **BWC Response**

²¹ Attachment #21, In-car camera of Beat #4211E (Officers Brian Bratton and Victor Ramirez)

²² Attachment #18, OEMC Event Query #1913205700.

²³ Attachment #33, OEMC Unit Search for Beat #4211E.

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, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

Officer Joseph Boston Allegation #1

In this instance, Officer Joseph Boston was assigned Beat 706H which covered the shopping mall stores and parking lots. ██████████ parked his vehicle in the parking lot and walked toward the Food 4 Less Grocery Store. Mr. ██████████ noticed that Officer Boston had stopped directly behind a vehicle being driven by an unknown elderly female black. As Mr. ██████████ walked toward the store entrance, he looked at Officer Boston and pointed his finger at him and shook his head. Mr. ██████████ did not say anything and was only trying to make a statement, "Why you messing with her."²⁴ After leaving the store, Officer Boston drove toward Mr. ██████████ direction and stated "I rob niggers like you."²⁵ Mr. ██████████ provided cell phone video that captured Officer Boston inside his squad car, but did not capture the alleged incident. At the time of the incident, Officer Boston was working alone, and Mr. ██████████ was also alone. Due to the lack of witnesses and evidence to either prove or disprove the allegation. **Allegation #1, against Officer Boston must be Not Sustained.**

Officer Joseph Boston Allegation #2

In his 2nd interview, Officer Boston was served with the allegation that he failed to record a law-enforcement-related activity, on his Body Worn Camera, in violation of Special Order 0314. In this interview, Officer Boston believed that he was not required to activate his BWC because he did not engage Mr. ██████████. Officer Boston was shown a cell phone video that was provided by Mr. ██████████. After viewing the video, Officer Boston related that he now vaguely remembered the incident. Officer Boston was shown Event Query 1913205700²⁶ and acknowledged that he was working Beat #706H and did request assistance to his location. A Body Worn Camera (BWC) search²⁷ revealed that Officer Boston did not activate his BWC, in violation of Special Order 0314, Body Worn Camera. Therefore, **Allegation #2, against Officer Boston must be Sustained.**

²⁴ *Id.*, 3:50 minute.

²⁵ *Id.*, 4:45 minute.

²⁶ Attachment #18, OEMC Event Query #1913205700.

²⁷ Attachment #45, Chicago Police Records search for ICC and BWC.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Joseph Boston

i. Complimentary and Disciplinary History

Officer Boston has received 64 various awards and no disciplinary in the last five years.

ii. Recommended Penalty, by Allegation

1. Allegation No. 2, Officer Boston failed to activate his Body Worn Camera (BWC). COPA recommends a penalty of **Reprimand**.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Joseph Boston.	1. It is alleged that on May 12, 2019, at approximately 10:48 am, in the vicinity of 7030 S. Ashland Ave., PO Joseph Boston stated to [REDACTED] "I rob niggers like you."	Not Sustained
	0. It is alleged that on May 12, 2019, at approximately 10:48 am, in the vicinity of 7030 S. Ashland Ave., PO Joseph Boston failed to entirely record a law-enforcement-related activity, in violation of Special Order 03-14, Body Worn Camera. In violation of Rule 6.	Sustained

Approved:

[REDACTED]

May 23, 2023

 Angela Hearts-Glass
 Deputy Chief Investigations

 Date