

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	May 30, 2020
Time of Incident:	7:35 P.M.
Location of Incident:	401 N. State Street
Date of COPA Notification:	June 1, 2020
Time of COPA Notification:	4:45 P.M.

It is reported that during the George Floyd protest, Officer Mudd, who was part of a protest detail, violently and repeatedly pushed [REDACTED] on the chest and arms with his baton. Officer Mudd also pushed his baton upwards into [REDACTED] throat four or five times. [REDACTED] attempted to prevent an unknown officer from hitting and pulling the hair of a protester, at which time, another unknown officer struck [REDACTED] on the back of the knee with the baton. Also, during the protest, the protesters chanted, "Who are you protecting?" and an unknown sergeant<sup>1</sup> responded, "not you." [REDACTED] heard protesters instructing one another to kneel, and an unknown officer replied, "Good, finally, that will make easier targets." [REDACTED] further reported that she observed Officer Kenneth Brink grab an unknown, male/black, protester by the hair and struck him with a baton. [REDACTED] sister, [REDACTED] was struck on the arms with a baton and pepper sprayed by an unknown officer. COPA finds the allegations are Not Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	MUDD, Marcus, #14390, [REDACTED], DOA December 5, 2005, PO, 014 <sup>th</sup> District, DOB [REDACTED], 1979, male, white
Involved Officer #2:	BRINK, Kenneth, #17865, [REDACTED], DOA July 15, 2013, PO, 006 <sup>th</sup> District, DOB November 28, 1981, male, white
Involved Officer #3:	Unknown Department Members
Involved Individual #1:	[REDACTED], [REDACTED], 1996, female, white
Involved Individual #2:	[REDACTED] A [REDACTED], 1998, female, white

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer MUDD, Marcus	1. Repeatedly pushed [REDACTED] on her chest and arms with a baton.	Not Sustained

<sup>1</sup> COPA was unable to identify this alleged sergeant.

	2. Pushed his baton upwards into [REDACTED] throat.	Not Sustained
Officer BRINK, Kenneth	1. Grabbed an unknown male/black protester by the hair; and 2. Struck an unknown male/black protester with a baton	Not Sustained  Not Sustained

**IV. APPLICABLE RULES AND LAWS**

---

Rules

- 1. Rule 2 – Any action or conduct which impedes the Department's effort to achieve its policy and goals or brings discredit upon the Department.
- 2. Rule 8 – Disrespect to or maltreatment of any person while on or off duty.
- 3. Rule 9 – Engaging in any unjustified verbal or physical altercation with any person while on or off duty.

---

General Orders

- 1.G03-02-01 – Force Options
  - 2.G03-02-07 – Baton Use Incidents
  - 3.U04-02-02 – Control Devices and Instruments
-

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

COPA interviewed the **complainant**, [REDACTED], on June 10, 2020. [REDACTED] stated that on May 30, 2020, she and her [REDACTED], [REDACTED] attended a protest, related to the George Floyd murder, in the vicinity of 401 N. State Street. [REDACTED] described the protest as peaceful, but the officers pushed the protesters backward with their batons. During this time, Officer Mudd and several other officers were using their batons to push protesters in the direction of north on State Street. The officers were yelling, "move back," and Officer Mudd held both ends of his baton and pushed [REDACTED] and the other protesters back. According to [REDACTED] Officer Mudd intentionally pushed her across her shoulder, chest, and throat area approximately four to five times. [REDACTED] could not move back because of the number of people that were behind her.

The officers continued to push the protesters back, during which time, an unknown officer pepper-sprayed [REDACTED]. As [REDACTED] and [REDACTED] were leaving the area, they observed Officer Brink holding the hair of an unknown male/black protester and striking him with a baton. [REDACTED] ran to the unknown, male/black to intervene, during which time another officer (Unknown) struck [REDACTED] on the back of the knee with a baton. [REDACTED] further reported that when a protester was yelling, "who are you protecting," an unknown male/white sergeant replied, "not you." [REDACTED] indicated she heard another protester tell the protesters to kneel, at which time an unknown officer stated, "good, now they will make easier targets." [REDACTED] sustained abrasions and bruises to the arms and legs, but did not seek any medical treatment.

COPA interviewed the **complainant/witness**, [REDACTED] [REDACTED], on June 10, 2020. [REDACTED] related, in essence, the same information as to her sister, [REDACTED] stated that she heard someone say to get on their knees during the protest, at which time she heard an unknown officer say that would make them an easier target. [REDACTED] heard a sergeant yell "hold the line", and the officers pushed the protesters back. [REDACTED] said she was struck on the arms with the batons, and [REDACTED] was shoved on the back and struck on the arms, upper body, and throat area with batons. [REDACTED] further related that an officer discharged OC spray, which irritated her eyes and caused her not to see. She cleaned her eyes and observed an officer shove, [REDACTED] observed an officer holding a male/black by the sweatshirt and hair. [REDACTED] indicated that the male/black punched the officer and caused his helmet to fall off. [REDACTED] observed another officer strike [REDACTED] across the back of the knee. [REDACTED] said she heard a sergeant tell the protesters that the officers were not there for them. [REDACTED] stated that [REDACTED] sustained multiple bruises to her arms and hands.

---

<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.

<sup>3</sup> Att 12

<sup>4</sup> Att 25

COPA interviewed the **accused, Officer Mudd**<sup>5</sup>, on January 28, 2022. Officer Mudd stated that he was detailed to the location of 401 N. State for the protest. Officer Mudd stated that he did not recall coming into contact with [REDACTED]. Officer Mudd indicated that he came into contact with several people of different races and genders. Officer Mudd stated that he had his baton in his hands when ordered to advance forward to move the protesters back. Officer Mudd was unaware of causing injury during his contact with them.

COPA interviewed the **accused, Officer Brink**<sup>6</sup>, on March 9, 2022. Officer Brink said he was working on May 30, 2020, and detailed to guard Trump Tower for the protest. Officer Brink denied the allegations made against him. Officer Brink said he never struck anyone with his baton. He stated that he encountered a male/black with a dreadlock hairstyle and indicated that he pulled the male/black by the shirt and possibly pulled his hair, but he was unsure. Officer Brink was quite sure that he did not strike the male/black with his baton. Officer Brink failed to arrest the male/black due to his ability to elude the officers. Officer Brink did not know the specific date of the incident.

### **b. Digital Evidence**

The video provided by [REDACTED] depicted several officers, including Officer Mudd, wearing police helmets and holding batons with both hands. At the 00:11 mark, someone stated, "serve and protect who," and someone (possibly a sergeant) replied, "not you." At the 00:23 mark, the officers moved toward [REDACTED]. The camera's view was obstructed during this time, and the officers stated, "please move back." The video depicts someone yelling, "then why are you pushing." The video does not show the allegations alleged by Rachel and [REDACTED].

The **photographs provided by [REDACTED]** depicted a bruise and abrasions to her right arm, left arm, right hand, and leg.

The **photograph provided by [REDACTED]** depicted a picture of Officer Mudd.

The **POD**<sup>9</sup> for the following locations: 4 E. Hubbard Street, 401 N. State Street, and 449 N. State Street (POD's 3337W, 6532, 6236) did not specifically capture the incident involving Rachael and [REDACTED].

## **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;

---

<sup>5</sup> Att 31

<sup>6</sup> Att 28

<sup>7</sup> Att 5

<sup>8</sup> Att 7

<sup>9</sup> Atts 19, 20, 21

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 reviewed complied with Department policy. *See Avery v. State Farm Mutual 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 conduct complied with Department policy than that it did not, 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 Marcus Mudd #14390

COPA makes a finding of **Not Sustained** for allegations #1 – 2, in that Officer Mudd repeatedly pushed ██████████ on the chest and arms with a baton and pushed his baton upwards into ██████████ throat. Officer Mudd did not recall coming into contact with ██████████. Officer Mudd denied the allegations made against him. The video footage provided by ██████████ did not depict the actions alleged by ██████████. The POD videos in the area did not show the incident. ██████████ sustained bruises and abrasions to her arms and legs, but did not seek medical treatment. There is insufficient evidence to prove the allegations alleged by a preponderance of the evidence. Thus, the allegations are Not Sustained.

### Officer Kenneth Brink #14390

COPA makes a finding of **Not Sustained** for allegations #1 – 2, in that Officer Brink grabbed an unknown male/black protester by the hair and struck an unknown male/black protester with a baton. Officer Brink stated that he encountered an unknown male/black protester and admitted pulling him by the shirt and possibly the hair. Officer Brink denied striking the unknown male/black with a baton. Officer Brink did not know precisely the date, time, and location of the contact with the unknown male/black. There was no other evidence to support the allegations. There is insufficient evidence to prove the allegations alleged by a preponderance of the evidence. Thus, the allegations are Not Sustained.

Approved:

 \_\_\_\_\_

Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

4/29/22

\_\_\_\_\_  
Date