

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 22, 2019
Time of Incident:	1:00 a.m.
Location of Incident:	6464 N. Clark St. (24th District Police Station)
Date of COPA Notification:	March 22, 2019
Time of COPA Notification:	11:43 a.m.

In the early morning hours of March 22, 2019, Mr. [REDACTED] [REDACTED] alleges he was inside the 24th District Police Station, after making a stolen auto report on a previous day. Mr. [REDACTED] alleges he became involved in a verbal and physical altercation with an officer working at the district station, who stabbed him in his right hand with a pen.

**II. INVOLVED PARTIES**

Involved Officer #1: Louis Moscovitz	Louis Moscovitz - Star# 18678 - Employee ID# [REDACTED] - Date of Appointment: December 5, 1994 - Police Officer - District 24 - White Male.
Involved Individual #1: [REDACTED]	[REDACTED] [REDACTED] - Birthdate: [REDACTED], 1082 - Hispanic Male.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Louis Moscovitz	It is alleged that on or about March 22, 2019 at approximately, 1:00 a.m. at or near the 24th District Police Station, 6464 N. Clark Street:  1. The accused forcefully pulled [REDACTED] arm under a glass partition without justification, causing [REDACTED] face to collide with the glass partition.  2. The accused stabbed [REDACTED] in his right hand with a pen.	NOT SUSTAINED          UNFOUNDED

	<p>3. The accused punched ██████ in his right hand without justification.</p>	<p>NOT SUSTAINED</p>
	<p>4. The accused punched ██████ in his right arm without justification.</p>	<p>NOT SUSTAINED</p>
	<p>5. The accused directed words to the effect of “you fucking Arab” at ██████</p>	<p>NOT SUSTAINED</p>
	<p>6. The accused directed words to the effect of “I’m gonna kill you, mother fucker” at ██████</p>	<p>NOT SUSTAINED</p>

**IV. APPLICABLE RULES AND LAWS**

Rules of Conduct

- **Rule 01:** Prohibits violation of any law or ordinance.
- **Rule 02:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- **Rule 03:** Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
- **Rule 08:** Disrespect to or maltreatment of any person, while on or off duty.
- **Rule 09:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- **Rule 22:** Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

General Orders

1. G03-02 Use of Force

**INVESTIGATION**

The Civilian Officer of Police Accountability (COPA) investigated this incident. The following is a summary of the most relevant evidence, including interviews of the complainant, involved officers, documentary evidence, and video evidence.

### a. Interviews

**The Complainant, Hayaat ██████** was interviewed by COPA investigators on May 3, 2019. In his statement, Mr. ██████ said his vehicle was stolen on March 19, 2019, and he went to the 24th District Police Station to make a report. Mr. ██████ did not have the necessary documents to make the police report, so he stayed in the police station overnight and got the documents the next day. On March 20, 2019, Mr. ██████ reported his vehicle stolen.<sup>1</sup> Because Mr. ██████ did not have his house keys, which were in his car, Mr. ██████ stated he stayed overnight in the police station from March 19 to March 21, 2019. At around 1:00 a.m. on March 22, 2019, Mr. ██████ said he got into an argument with one of the desk officers in the district station. Mr. ██████ could not remember the name of the officer, but described him as a middle-aged, Caucasian male, with a Polish or Russian-sounding last name, something which sounded like “Polsinski.”

Mr. ██████ said he was on one side of a glass partition, and the desk officer was behind the counter on the other. Mr. ██████ said they got into a heated exchange in which both individuals were yelling and swearing at each other, with the desk officer calling him a “fucking Arab.” Mr. ██████ said the officer grabbed his arm and pulled it under the glass partition, punching him in his right hand and arm, and taking a pen and stabbing him in his right-hand multiple times. Mr. ██████ said his hand was bleeding and that he asked the officer to stop. Mr. ██████ said there were a number of other officers present who saw what happened and did nothing to intervene or stop the attack. Mr. ██████ said one of the officers threw Mr. ██████ bag out of the station and the group of officers followed Mr. ██████ outside and encircled him in a threatening manner. Mr. ██████ said the officers were chastising him until he finally left.<sup>2</sup>

**Accused Officer Louis Moscovitz<sup>3</sup>** was interviewed by COPA investigators on January 24, 2020. In his statement, Officer Moscovitz said he was working at the time of the alleged incident. Officer Moscovitz said he is a desk officer at the 24<sup>th</sup> District Police Station, where he has worked for the past 25 years. Officer Moscovitz was shown a photo ID of Mr. ██████ and said he had never seen the individual before and did not recognize him. Officer Moscovitz further stated that prior to the interview, he pulled-up the rap sheet for ██████ (also known as ██████) to determine if he knew the individual or had contact with him in the past. Officer Moscovitz was able to confirm through the rap sheet that he did not know Mr. ██████ and had no previous contact with him.

Officer Moscovitz said he was working on the night in question from 10:00 p.m. until 6:00 a.m., but he had no incident with any citizen and did not witness or hear of any incident with another officer that night or in the previous nights. Officer Moscovitz said sometimes individuals do stay in the station overnight if they are homeless, and that Catholic Charities comes to the station to help the homeless on occasion. However, Officer Moscovitz did not recall Mr. ██████ staying in the Police Station overnight, nor did any other officer communicate to him that someone had spent the past three nights in the station. Officer Moscovitz stated that to his knowledge, there was no disturbance or incident of the kind alleged by Mr. ██████ on March 22, 2019.<sup>4</sup>

---

<sup>1</sup> Attachment 10

<sup>2</sup> Attachments 12 and 13.

<sup>3</sup> Based on the description of the officer, duties at the time and date and time of the incident, COPA concluded the Officer Moscovitz was the accused officer in this case.

<sup>4</sup> Attachment 19

### b. Documentary Evidence

**Medical Records** from Swedish Covenant Hospital document that Mr. ██████ went to the emergency department on the evening of March 22, 2019. The reports document Mr. ██████ complained of dizziness, nausea, diarrhea, and soreness to his right hand, shoulder and neck. The reports note that Mr. ██████ had several small marks to the web of his right hand, between his thumb and forefinger, but no broken skin. The hospital records also note that Mr. ██████ told an ER attendant that he was struck in the head by a CPD desk officer; however, Mr. ██████ never asserted this in his statement to COPA. Mr. ██████ was discharged with instructions to ice the affected areas and take over-the-counter pain relievers as needed.<sup>5</sup>

**COPA Investigative Report** by Investigator Linda Wyant documents that a review of the 24th District Police Station revealed there are no cameras inside the station in the public areas or outside of the station.<sup>6</sup>

## V. 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 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.

---

<sup>5</sup> Attachment 16.

<sup>6</sup> Attachment 14.

**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.

## VI. ANALYSIS

COPA recommends a finding of **Not Sustained for Allegation #1** against **Officer Louis Moscovitz #18678**. It is highly unlikely Officer Moscovitz used any force against the complainant; however, there is insufficient evidence to come to an exonerated finding, which requires clear and convincing evidence.

Rules 8 and 9 forbid officers from engaging in any unjustified verbal or physical altercation with an individual and forbid maltreatment of any person. In this case, Mr. ██████ alleges he was forcefully grabbed by his right arm for no apparent reason, and this caused him to hit his head on the glass partition separating him from the officer.

In his statement, Officer Moscovitz said he had never seen the individual identified as Mr. ██████ before, and there was no incident on March 22, 2019, while Officer Moscovitz was working. Officer Moscovitz said he would never engage in such conduct and denied ever encountering Mr. ██████ or anyone else on the date of the incident in which there was a heated exchange. Officer Moscovitz also said he did not witness or hear of any other incident at the station that day, or in the preceding days. Weighing Mr. ██████ statement, inconsistencies within his statement, the lack of a positive identification of Officer Moscovitz, and the lack of medical evidence to support Mr. ██████ allegations, against the credibility of Officer Moscovitz's statement, COPA finds there is a lack of evidence to support Mr. ██████ allegation, and therefore recommends a finding of Not Sustained for Allegation No.1.

COPA recommends a finding of **Unfounded for Allegation #2** against **Officer Louis Moscovitz #18678**. Based on Mr. ██████ statement, Officer Moscovitz's statement, and the medical records from Swedish Covenant hospital, COPA finds Officer Moscovitz did not stab Mr. ██████ in his hand.

Rules 1, 8 and 9 forbid officers from violating any law, engaging in any unjustified verbal or physical altercation with an individual, and forbid maltreatment of any person. In this case, Mr. ██████ alleges he was stabbed in his right hand with a pen by Officer Moscovitz so severely that his hand bled.

In his statement, Officer Moscovitz maintained that he had never seen Mr. ██████ before and did not recognize him. He also said he had no unusual encounter with anyone on the date of the alleged incident and denied stabbing anyone with a pen. Mr. ██████ medical records from Swedish Covenant Hospital do not support a finding that he was stabbed in his hand. The medical records note that Mr. ██████ had no broken skin to his right hand and only minor marks on his hand. It's unclear what those marks are, but if Mr. ██████ had been "stabbed" and bleeding as he claimed in

his statement, there would have been obvious major injury to his right hand, including broken skin, a wound or wounds, and possibly damage to his ligaments and tendons. There is an absence of evidence to support Mr. ██████ claim he was stabbed in the hand. Further, Officer Moscovitz denies this occurred. Weighing the credibility of each individuals' statement, COPA finds Mr. ██████ allegation here to be false. Therefore, COPA recommends a finding of Unfounded for Allegation No. 2.

COPA recommends a finding of **Not Sustained for Allegation #3** against **Officer Louis Moscovitz #18678**. It is highly unlikely Officer Moscovitz punched Mr. ██████ in his right hand.

Rules 1, 8 and 9 forbid officers from violating any law, engaging in any unjustified verbal or physical altercation with an individual, and forbid maltreatment of any person. In this case, Mr. ██████ alleges he was punched in his right hand by Officer Moscovitz.

In his statement, Officer Moscovitz said he had never seen Mr. ██████ before and that no such incident occurred on March 22, 2019. Mr. ██████ gave no reason as to what started the alleged exchange between him and the desk officer, and there was no positive identification of Officer Moscovitz as the alleged offending officer. Mr. ██████ gave a general description of the individual and could not provide a specific name. COPA finds there is a lack of evidence to support Mr. ██████ allegation, and therefore recommends a finding of Not Sustained for Allegation No.3.

COPA recommends a finding of **Not Sustained for Allegation #4** against **Officer Louis Moscovitz #18678**. It is highly unlikely Officer Moscovitz punched Mr. ██████ in his right arm; however, there is insufficient evidence to come to an exonerated finding, which requires clear and convincing evidence.

Rules 1, 8 and 9 forbid officers from violating any law, engaging in any unjustified verbal or physical altercation with an individual, and forbid maltreatment of any person. In this case, Mr. ██████ alleges he was punched in his right arm by Officer Moscovitz. Mr. ██████ said that when he was punched in his right hand, he was also punched in his right arm, as a continuous battery by the officer. For the same reasons that COPA finds insufficient evidence that Mr. ██████ was punched in his hand, we also find a lack of evidence to support that Mr. ██████ was punched in his arm. COPA recommends a finding of Not Sustained for Allegation No. 4.

COPA recommends a finding of **Not Sustained for Allegation #5** against **Officer Louis Moscovitz #18678**. There is insufficient evidence to conclude whether Officer Moscovitz used racist language towards Mr. ██████

Rules 2, 3, 8 and 9 prohibit conduct which impedes the Department's efforts to achieve its policy, failure to promote the Department's policy, disrespect to any person, and unjustified verbal altercations and with any person. Here, Mr. ██████ alleges there was a heated verbal exchange between himself and the officer. Mr. ██████ said he swore at the officer, but that the officer said "you fucking Arab" in the course of the exchange.

In his statement, Officer Moscovitz said he had never seen Mr. ██████ before, that no such incident occurred, and that he would never direct derogatory language at a member of the public. Officer

Moscovitz said he has never conducted his career as a police officer that way. Mr. [REDACTED] gave no reason as to what started the alleged exchange between him and the desk officer, and there was no positive identification of Officer Moscovitz as the alleged offending officer. Additionally, there is no audio or video of the alleged incident. COPA finds there is a lack of evidence to support Mr. [REDACTED] allegation, and therefore recommends a finding of Not Sustained for Allegation No.5.

COPA recommends a finding of **Not Sustained for Allegation #6 against Officer Louis Moscovitz #18678.** There is insufficient evidence to conclude whether Officer Moscovitz threatened and directed profanity at Mr. [REDACTED]

Rules 1, 8 and 9 forbid officers from violating any law, engaging in any unjustified verbal altercation with an individual, and forbid maltreatment of any person. In this case, Mr. [REDACTED] alleges he was threatened by Officer Moscovitz, claiming Officer Moscovitz said “I’m gonna kill you, mother fucker.” In his statement, Officer Moscovitz denied ever saying this to anyone and said he did not know Mr. [REDACTED] and did not see him in the station on any of his shifts between March 19 and March 22, 2019. Officer Moscovitz denied ever having an interaction with Mr. [REDACTED] or that there was a disturbance of any kind on the date of the alleged incident.

Mr. [REDACTED] gave no reason as to what started the alleged exchange between him and the desk officer, and there was no positive identification of Officer Moscovitz as the alleged offending officer. Additionally, there is no audio or video of the alleged incident. COPA finds there is a lack of evidence to support Mr. [REDACTED] allegation, and therefore recommends a finding of Not Sustained for Allegation No.5.

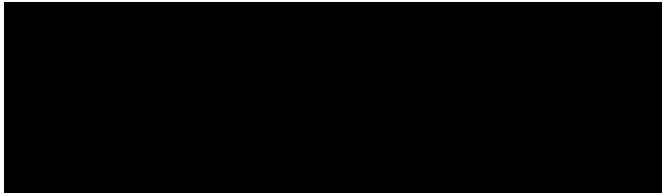
**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer Louis Moscovitz	<p>It is alleged that on or about March 22, 2019 at approximately, 1:00 a.m. at or near the 24th District Police Station, 6464 N. Clark Street:</p> <ol style="list-style-type: none"> <li>1. The accused forcefully pulled [REDACTED] arm under a glass partition without justification, causing [REDACTED] face to collide with the glass partition.</li> <li>2. The accused stabbed [REDACTED] in his right hand with a pen.</li> <li>3. The accused punched [REDACTED] in his right hand without justification.</li> <li>4. The accused punched [REDACTED] in his right arm without justification.</li> </ol>	<p>NOT SUSTAINED</p> <p>UNFOUNDED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>

	<p>5. The accused directed words to the effect of “you fucking Arab” at [REDACTED]</p> <p>6. The accused directed words to the effect of “I’m gonna kill you, mother fucker” at [REDACTED]</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p>
--	--	---

Approved:



Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

6-22-2020

\_\_\_\_\_  
Date



**Appendix A**

Assigned Investigative Staff

---

<b>Squad#:</b>	06
<b>Investigator:</b>	Linda Wyant
<b>Supervising Investigator:</b>	Elaine Tarver
<b>Deputy Chief Administrator:</b>	Angela-Hearts-Glass