



Log # 2022-0003082

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On July 24, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Chicago Police Department (CPD) Sergeant Walter Shepler reporting alleged misconduct by a member of CPD.¹ The report indicated that ██████ alleged on July 24, 2022, Lieutenant (Lt.) Ronald Kimble told him he could not record while in the lobby of the Fifth District, slapped his phone out of his hand as he was recording, and arrested him without justification.² Upon review of the evidence, COPA served no additional allegations. Following its investigation, COPA reached sustained findings regarding the allegations of failing to allow ██████ to video record while in a public place, improperly arresting ██████ and instructing other department members to prevent recording while in a public place. After a review of a legal notification from CPD's Legal Affairs Division, Lt. Tracey Davies released ██████ without charges, because probable cause did not exist based on the details submitted in the Arrest Report.³

II. SUMMARY OF EVIDENCE

COPA received cellphone video of the incident from ██████. Video shows ██████ in a public lobby area of the Fifth District, filming officers behind the desk. Lt. Kimble appeared from a back-office area and immediately entered the lobby and confronted ██████. Lt. Kimble told ██████ "Out of my station, goodbye. You can't film in here."⁴ A brief struggle ensued, and the cellphone appeared to change possession from ██████ hand to Lt. Kimble's hand. The cellphone did not ever appear to hit the ground or fly across the room. ██████ was detained during which time he repeatedly asked for his phone back. ██████ told Lt. Kimble he had a 1st Amendment right to film in a public area to which Lt. Kimble stated he could not film in the Fifth District Lobby. Both parties appeared to walk outside the lobby and the verbal altercation continued. Lt. Kimble then made the decision to have ██████ arrested. Lt. Kimble, who was still in possession of ██████ phone, then walked back in the lobby and informed front desk officers that no one was to film in the Fifth District lobby, and they should notify him immediately if anyone films in the lobby.⁵

¹ Att. 4.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ Att. 1, pg. 5.

⁴ Att. 5 at 01:26 to 2:03.

⁵ Att. 6 at 00:45 to 01:01.

III. ALLEGATIONS

Lieutenant. Ronald Kimble:

1. Failing to allow ██████████ to video record while in a public place, in violation of General Order G02-02.
 - Sustained, Violation of Rules 2, 6, 8, and 9.
2. Improperly arresting ██████████ without justification.
 - Sustained, Violation of Rules 2, 6, 8, and 9.
3. Using excessive force by slapping ██████████ phone out of his hand while filming in a public place, in violation of General Order G03-02.
 - Not Sustained.
4. Instructing other department members to prevent recording while in a public place, in violation of General Order G08-05.
 - Sustained, Violation of Rules 2, 6, 8, and 9.

IV. CREDIBILITY ASSESSMENT

Lt. Kimble and ██████████ were interviewed by COPA, and their versions of events sometimes differed. ██████████ stated Lt. Kimble slapped his wrist which made the phone fly out of his hand, and then fly across the room.⁶ Lt. Kimble stated he grabbed ██████████ hand to escort him out of the lobby and ██████████ dropped the phone. Lt. Kimble attempted to give the phone back but ██████████ refused to take it.⁷ Cellphone video of the incident shows the phone did not appear to ever hit the ground. The phone appeared to transfer possession from ██████████ to Lt. Kimble but never actually hit the ground or flew across the room.⁸ COPA cannot determine what exactly occurred here.

V. ANALYSIS⁹

1. Denial of First Amendment Rights.

COPA finds Allegation 1 against Lt. Kimble, that he failed to allow ██████████ to record in a public place, to be sustained. CPD policy states “Department members will not hinder or prevent members of the public from recording Department members who are in the performance of their law enforcement duties in a public place or when the member has no reasonable expectation of privacy consistent with the Illinois Compiled Statutes (720 ILCS 5/14-2(e)).”¹⁰ In his interview with COPA, Lt. Kimble acknowledged the lobby of the Fifth District is a public area and officers do not have an expectation of privacy in the performance of their duties in a public area.¹¹ However, Lt. Kimble based his decision to not allow ██████████ to film in the lobby on a note under

⁶ Att. 18, p. 7, lns. 3 to 7.

⁷ Att. 18, p. 7, lns. 18 to 23.

⁸ Att. 5 at 01:31 to 02:03.

⁹ For a definition of COPA’s findings and standards of proof, see Appendix B.

¹⁰ Att. 12, G02-02(4)(B)(4), First Amendment Rights (effective April 13, 2021 to present).

¹¹ Att. 18, p. 9, lns. 2-4, lns. 17-22.

G02-02(4)(B)(4) which reads, “Department members may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order (ILCS 720 ILCS 5/14-2(e)).” Lt. Kimble stated there were confidential investigations occurring in the Fifth District and many undercover officers use the lobby. Thus, in the interest of not compromising those investigations, Lt. Kimble believed he could restrict [REDACTED] from filming in the lobby. Lt. Kimble also stated two juvenile arrestees were in the lobby, and they could not be filmed.¹²

While there are exceptions which can prevent a member of the public from filming in the lobby,¹³ COPA contends the explanations offered by Lt. Kimble did fall within the listed exceptions. In addition, while CPD Policy provides restrictions on things when juveniles are involved, it does not designate any restriction on filming a juvenile in a public area.¹⁴

For those reasons, Lt. Kimble’s decision to disallow any recording in the lobby of the 5th District interfered with [REDACTED] First Amendment rights. Therefore, **Allegation 1 is sustained** for violating CPD policy and Rules 2, 6, 8, and 9.

2. Improper Arrest.

Allegation 2, that Lt. Kimble improperly arrested [REDACTED] is sustained. [REDACTED] was arrested on one count of Disorderly Conduct with Lt. Kimble listed as the victim.¹⁵ The arresting officers did not witness the incident but arrested [REDACTED] based on information from Lt. Kimble that [REDACTED] was filming as undercover officers exited roll call, juvenile arrestees were in the station, and adult citizens were waiting for police assistance. While Lt. Davies did not witness the incident, she later reviewed the facts in the arrest report and made the decision to release [REDACTED] without charges. Lt. Davies based her decision on a legal notification from the CPD Legal Affairs Division. Lt. Davies provided COPA with a copy of the email from the Legal Affairs Division.¹⁶ The email initially stated that there was no expectation of privacy inside a police facility near the front desk. The email noted that there were exceptions such as the lockup or a restroom. While the memo acknowledged that an officer may take reasonable action to maintain safety and control, arrests in certain instances, is stated that arrests are disfavored and would require the officer to clearly sell out how the filming interfered with a civilian’s ability to report information to the police.

Because [REDACTED] had the right to film in the 5th District lobby, [REDACTED] arrest on that basis was improper and in violation of CPD Rules 2, 6, 8, and 9. Therefore, **Allegation 2 is sustained.**

¹² Att. 18, p.11, lns. 10 to 12.

¹³ Att. 12, G02-02(VI).

¹⁴ Att. 12, G02-02.

¹⁵ Att. 1.

¹⁶ Att. 23.

3. Excessive Force Allegation

Allegation 3 against Lt. Kimble, that he used excessive force by slapping ██████ phone out of his hand while filming in a public place, is not sustained. CPD defines force as *any* physical contact by a Department member, either directly or through the use of equipment, to compel a person's compliance.¹⁷ Different types of conduct are permissible depending upon the subject's actions. In his interview with COPA, ██████ stated Lt. Kimble came from behind the counter to the lobby area and told him he could not film in his police station. ██████ stated that Lt. Kimble slapped his wrist which caused the phone to fly out of his hands across the room. As ██████ attempted to pick up his phone, Lt. Kimble picked up the phone and ordered other officers to arrest ██████. In contrast, Lt. Kimble stated he did not knock the phone out of ██████ hand, but rather, it fell to the ground when he grabbed ██████ arm to escort him out of the building.¹⁸ Then, Lt. Kimble picked up the phone.

██████ cell phone video of this interaction does not really show which story is correct or closest to the truth. The cell phone video shows that Lt. Kimble confronted ██████ who was filming in the lobby, and a brief physical altercation ensued between the two parties. While it did not look like the phone fell to the ground or flew across the room, the video is not clear enough to make a determination about this allegation. For these reasons, **Allegation 3 is not sustained.**

4. Lt. Kimble improperly instructed other department members to prevent individuals from recording while in a public place.

COPA finds Allegation 4 against Lt. Kimble, that he instructed other department members to prevent recording while in a public place, is sustained. As discussed above, preventing individuals from filming inside the lobby of the 5th District is a violation of the individual's First Amendment rights.¹⁹ Cellphone video of the incident shows Lt. Kimble stated, "anybody standing at this desk, in this lobby filming, I am to know immediately. They are not to stand in here and film, I don't care what they quote or what they say. Are we clear?"²⁰ This statement was a violation of CPD Policy and Rules 2, 6, 8, and 9. Accordingly, **Allegation 4 is sustained.**

VI. DISCIPLINARY RECOMMENDATION

a. Lieutenant Ronald Kimble

i. Complimentary and Disciplinary History²¹

¹⁷ Att. 28, G03-02, De-Escalation, Response to Resistance, and Use of Force(III)(A) (effective April 15, 2021).

¹⁸ Att. 18, pg. 13 lns. 15-24.

¹⁹ Att. 12, G02-02(4)(B)(4).

²⁰ Att. 6 at 00:45 to 01:01

²¹ Att. 30.

Lt. Kimble has received a total of 187 various awards and one reprimand for discourteous police service.

ii. Recommended Discipline

COPA has found that Lt. Kimble violated Rules 2, 6, 8, and 9 by refusing to allow [REDACTED] to record in a public area, improperly arresting [REDACTED] and instructing other Department members to prevent recording in a public area. Lt. Kimble not only prevented a citizen from exercising his First Amendment rights, but he arrested that individual and instructed those under his charge to do the same. Furthermore, in his interview with COPA, he continued to insist that no one would be permitted to film while he was working.²² Therefore, COPA recommends a **15-day suspension**.

Approved:

[REDACTED]

Shorday Jackson
Deputy Chief Investigator

May 30, 2023

Date

²² Att. 18, pg. 16, lns. 23 to 24, pg. 17, lns. 1 to 2.

Appendix ACase Details

Date/Time/Location of Incident:	07/24/2022
Date/Time of COPA Notification:	04:20pm
Involved Member #1:	Ronald Kimble, Star #199, Employee ID# [REDACTED] Date of Appointment 03/26/1990, Rank Lieutenant, Unit of Assignment 005, DOB [REDACTED] 1962, Male, Black
Involved Individual #1:	[REDACTED] DOB 0[REDACTED] 1994, Male, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:**

Applicable Policies and Laws

- G02-02, First Amendment Rights (effective April 13, 2021 to present).
- G03-02, De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to present).

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.²³ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”²⁴

²³ 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 is found to be more probably true than not).

²⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation