

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 31, 2020 / 10:28 am / 2447-81 W. 63rd Street, Chicago, IL 60629.
Date/Time of COPA Notification:	June 22, 2020 / 2:59 pm.
Involved Officer #1:	Officer Michael Mayhew / Star #14138 / Employee ID # [REDACTED] / DOA: August 4, 1997 / Unit: 008 / DOB: [REDACTED], 1966 / Male / White.
Involved Individual #1:	Unidentified.
Case Type:	01B – Verbal Abuse.

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Michael Mayhew	1. Stating, in the direction of an individual or individuals, words to the effect of “Get the fuck out of here this is my neighborhood bitch. We run this neighborhood bitch ... Yeah, they’re fucking animals what do you want. We need a carpet bomb over here. Shut the fuck up I’ll bust your goddamn head.”	Sustained / Separation.
	2. Stating, in the direction of an individual or individuals, words to the effect of “Next one that comes out [of the store] is getting fucking wooden shampoo,” and “come on bitch.”	Sustained / Separation.
	3. Stating, in the direction of an individual or individuals, words to the effect of “Come on bitches. You better run, you better run boy.”	Sustained / Separation.
	4. Stating, in the direction of an individual or individuals, words to the effect of “Ain’t no motherfucking cameras back here.”	Sustained / Separation.
	5. Stating, in the direction of an individual or individuals, words to the effect of “I got your name boy, I’m coming for you.	Sustained / Separation.
	6. Displaying a baton and hitting the protective fencing of a store in the direction of an individual without justification.	Sustained / Separation.

II. BACKGROUND

In the wake of George Floyd's death at the hands of police officers in Minneapolis, Minnesota on May 26, 2020, large scale protests and demonstrations erupted around our nation calling for police reform. Chicago experienced a period of significant civil unrest which resulted in thousands of police and civilian encounters, many of which were fraught with emotion and hostility. Many of these encounters were captured on videos that went viral on social media platforms and were circulated around the world. While these videos were vital pieces of evidence, they often failed to positively identify the involved officer or civilian. Significant investigative resources were expended to obtain such information and move these cases to conclusion.

This investigation into the misconduct of the involved Department members began as an unrelated investigation into Log 2020-2595. When COPA investigators reviewed Officer Mayhew's body worn camera (BWC) video from that incident, they observed the conduct addressed in this investigation. COPA determined Officer Mayhew's actions were within its jurisdiction and the agency would serve as the complainant for this log number.¹ The following is a summary of the evidence COPA obtained and the ultimate outcome of this investigation.

III. SUMMARY OF EVIDENCE

On May 31, 2020, Officer Matthew Mayhew, armed with his baton, directed a significant number of profanities, racially charged words, and threats of violence towards unidentified member(s) of the public engaged in suspected looting. Officer Mayhew's first volley of verbal abuse occurred while he was on the public way attempting to gain control of a suspected looter. During his first volley of verbal abuse, Officer Mayhew approached the unidentified male and yelled, "Get the fuck out of here, this is my neighborhood bitch. We run this bitch."² He then referred to members of the public as "fucking animals"³ and stated, "We need a carpet bomb over here."⁴ Officer Mayhew also threatened to "bust"⁵ the unidentified male's "goddamn head"⁶ if he did not "shut the fuck up."⁷

Officer Mayhew's second volley of verbal abuse occurred while he was interacting with members of the public who had forcibly entered Villa Shoe Store at 2447 W. 63rd Street. During his second volley of verbal abuse, Officer Mayhew struck the store's security gate with his baton as he yelled, "Next one that comes out [of the store] is getting a fucking wooden shampoo."⁸ He immediately followed the threat by taunting the members of the public to leave the store, stating,

¹ Att. 7; CMS Note CO-0090333.

² Att. 1 at 02:04.

³ *Id.*, at 02:10.

⁴ *Id.*, at 02:13.

⁵ *Id.*, at 02:15.

⁶ *Id.*, at 02:16.

⁷ *Id.*, at 02:17.

⁸ *Id.*, at 03:01. A "wood shampoo" is a slang term for striking someone on the head with a wooden bat or baton. See https://en.wiktionary.org/wiki/wood_shampoo. For Officer Mayhew's definition of the term, see Att. 11, pg. 42, lines 4-23.

“come on bitch.”⁹ When no one exited the store, Officer Mayhew pushed the security gate open and located a Black male inside the business. Officer Mayhew yelled, “Come on bitches. You better run, you better run boy!”¹⁰ as the male fled from Officer Mayhew and the store. Officer Mayhew then made his way into the rear of the store, where he exclaimed, “Ain’t no mother fucking cameras back here!”¹¹ After loudly remarking about the lack of cameras, Officer Mayhew attempted to detain several Black males; however, they jumped over the security fence behind the store and made good their escape. As they fled, Officer Mayhew yelled, “I got your name now boy! I’m coming for you!”¹²

During Officer Mayhew’s statement to COPA, he asserted his actions were necessary and did not violate Department policy, in part because the Department had never confronted an event like the mass civil unrest.¹³ Further, Officer Mayhew attempted to justify his actions by explaining his language was a necessary “scare tactic” to gain control of the situation.¹⁴ He also justified his decision to strike the security gate with his baton as part of his “scare tactics.”¹⁵ However, Officer Mayhew acknowledged that at no time has the Department ever trained him to use “scare tactics” as a control technique.¹⁶ Finally, Officer Mayhew asserted he has never before used similar language while speaking to citizens in his capacity as a law enforcement officer.¹⁷

IV. 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.

⁹ *Id.*, at 03:02.

¹⁰ *Id.*, at 03:08. COPA notes that Officer Mayhew’s pronunciation of “boy” is consistent with a historically racially charged pronunciation.

¹¹ *Id.*, at 03:40.

¹² *Id.*, at 03:56.

¹³ Att. 11, pgs. 17 to 19.

¹⁴ *Id.*, pg. 17, line 14; *see also* pg. 21, line 2 – pg. 22, line 17. COPA notes that while attempting to justify his verbal abuse, Officer Mayhew flippantly laughed about his choice of language. *See* Att. 9 at 18:00 and 19:24.

¹⁵ Att. 11, pg. 26, lines 2-7.

¹⁶ *Id.*, pgs. 21 and 22.

¹⁷ *Id.*, pg. 13, line 24 – pg. 14, line 9.

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.¹⁸ 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. 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.”¹⁹

V. ANALYSIS AND CONCLUSION

COPA finds that Allegations #1 to 5 against Officer Mayhew are sustained. Department members are prohibited from engaging in “any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”²⁰ Additionally, Department members are required to “treat all persons with the courtesy and dignity which is inherently due every person as a human being,” and to “speak and conduct themselves in a professional manner... and maintain a courteous, professional attitude in all contacts with the public.”²¹ Finally, Department policy prohibits “[d]isrespect to or maltreatment of any person, while on or off duty.”²²

Here, the BWC footage showing Officer Mayhew in full uniform and engaged in his official capacity as a Department member while directing profanities, racially charged language, and threats of violence toward member(s) of the public is irrefutable and speaks for itself. Despite his assertions to the contrary, Officer Mayhew’s language in no way assisted in gaining control over an already volatile environment and, in fact, arguably increased the volatility of the environment. It is unquestionable that Officer Mayhew’s language failed to adhere to Department policy requiring members to “treat all persons with courtesy and dignity” and “speak... in a professional manner.” Additionally, since Officer Mayhew was readily identifiable as a Department member to anyone present during the incident, there is no doubt his actions brought “discredit upon the Department,” as well as the broader law enforcement profession. For these reasons, COPA finds that Officer Mayhew’s verbal abuse violated Rules 2, 6, and 8, and Allegations #1 to 5 are **sustained**.

COPA finds that Allegation #6 against Officer Mayhew is also sustained. Department policy prohibits the “unlawful or unnecessary use or display of a weapon.”²³ Here, the BWC footage clearly shows that, as Officer Mayhew hurled verbal abuse at unidentified member(s) of the public, he used his baton to strike a security gate to increase the attention he drew. Officer

¹⁸ 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).

¹⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

²⁰ Article V, Rule 2 of the Rules and Regulations of the Chicago Police Department.

²¹ G02-01 III (B); G02-04 II (C).

²² Article V, Rule 8 of the Rules and Regulations of the Chicago Police Department.

²³ Article V, Rule 38 of the Rules and Regulations of the Chicago Police Department.

Mayhew’s baton use, combined with his threats to “bust” the “goddamn heads” of members of the public or give them a “wood shampoo,” only served to escalate the interaction, which is logically contrary to the reasons for display or use of a baton. For these reasons, Allegation #6 is **sustained** as a violation of Rule 38.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Michael Mayhew

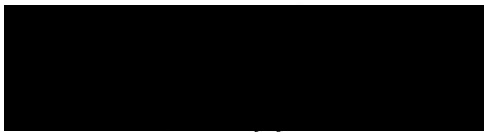
i. Complimentary and Disciplinary History

Officer Mayhew’s history includes 147 Honorable Mention and a 5-day suspension for profane and racial language while improperly displaying a weapon.²⁴

ii. Recommended Penalty

Here, the evidence of Officer Mayhew’s misconduct is irrefutable. In addition to the inherently derogatory nature of Officer Mayhew’s profanity, racially charged language, and threats, the context in which he used this language is even more concerning and egregious. Officer Mayhew’s actions were viewed by numerous members of the public, thereby bringing discredit to the Department and the broader law enforcement profession. Moreover, Officer Mayhew’s comments significantly undermined the public’s trust in his ability to support the stated mission of the Chicago Police Department. Additionally, Officer Mayhew’s seemingly effortless decision to use verbally abusive language while engaged in enforcement action raises serious questions about his ability to enforce the law in an unbiased and impartial manner. The officer’s attempts to justify his actions as “scare tactics” only amplify COPA’s concerns about his ability to enforce the law in a professional manner. Finally, despite his insistence to the contrary, this was not the first instance in which Officer Mayhew directed profane and racially charged language at members of the public while improperly displaying a weapon. It is for these reasons that COPA recommends that Officer Mayhew be **SEPARATED** from the Department.

Approved:

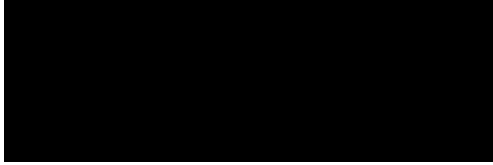


7/26/2021

*Deputy Chief Administrator
Matthew Haynam*

Date

²⁴ See Att. 12, pg. 3 and 1088677.



7/26/2021

*Interim Chief Administrator
Andrea Kersten*

Date

Appendix A

Assigned Investigative Staff

Squad#:	0
Investigator:	David Barr / Garrett Schaaf
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam