



Log # 2020-3820

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 27, 2020, the Civilian Office of Police Accountability (COPA) received an email complaint from ██████████ (██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD)).² ██████████ alleged that on May 30, 2020, a CPD officer struck her as she tried to make a video recording of an arrest.³ Upon preliminary review of the evidence, COPA served allegations that Officer Lawrence W. Kerr (Officer Kerr) interfered with ██████████ attempt to make a video recording of law enforcement activity and that Officer Kerr used excessive force in that he struck ██████████ without justification. COPA also served allegations that Officer Kerr had failed to wear his CPD star in view to the public, that he failed to submit a required report, and that he carried an unauthorized equipment item. Following its investigation, COPA reached sustained findings regarding Officer Kerr's use of force, failure to wear his CPD star in view to the public, and failure to submit a required report.

II. SUMMARY OF EVIDENCE⁴

In the wake of George Floyd's death at the hands of police officers in Minneapolis, Minnesota, on May 25, 2020, 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.⁵ The incident giving rise to this investigation involved one of those encounters.

At about 7:36 pm on May 30, 2020, ██████████ was standing near 510 N State St. in Chicago, where a group of CPD officers were making an arrest in the street.⁶ The accused, Officer Kerr, was then on duty, in uniform, and assigned to a unit that had been charged with responding to the civil unrest.⁷ ██████████ alleged that Officer Kerr made forcible contact with her, striking her in the face with a shield that he was carrying, causing ██████████ to sustain a facial injury and to fall

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² Att. 1.

³ Att. 1. 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.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including video footage, civilian interviews, and CPD-member interviews.

⁵ That unrest and CPD's response to it is addressed in a July 20, 2021 filing submitted by Independent Monitor Margaret A. Hickey in *State of Illinois v. City of Chicago*, Case No. 17-cv-6260 (N.D. Ill.), which is Att. 44.

⁶ Att. 6, pg. 4, ln. 13, to pg. 8, ln. 14; Att. 20; Att. 31.

⁷ Att. 38, pg. 11, lns. 9 to 15.

backward.⁸ ██████ further alleged that Officer Kerr did so because she was video-recording police activity.⁹

COPA obtained a video recording, made by a bystander, which depicts Officer Kerr and ██████ at the moment in question.¹⁰ See Figure 1 below, which is a screenshot taken from that video recording.



Figure 1: Screenshot taken from Att. 3, third-party video footage at 2:51, showing Officer Kerr approaching ██████

That video footage does not show that ██████ was recording at the time; nor does it depict contact between Officer Kerr and ██████¹¹ However, it does show ██████ disappearing from frame as Officer Kerr appears to approach her closely.¹²

██████ began a video recording of her own moments later, using her cellphone.¹³ Her recording depicts Officer Kerr standing in the street with a baton in his right hand and what appears to be an acrylic protective shield in his left hand; it also shows that Officer Kerr was not displaying a CPD star on his chest.¹⁴ See Figure 2 below, which is a screenshot taken from ██████ video. In ██████ video, ██████ can be heard shouting, alleging that Officer Kerr had struck her in the

⁸ Att. 6, pg. 4, ln. 13, to pg. 8, ln. 14; Att. 20; Att. 31.

⁹ Att. 6, pg. 14, lns. 1 to 18.

¹⁰ Att. 3, 2:51 and immediately following.

¹¹ Att. 3, 2:51 and immediately following.

¹² Att. 3, 2:51 and immediately following.

¹³ Att. 6, pg. 12, lns 4 to 17. Att. 4 is a copy of that video.

¹⁴ Att. 4, at 0:22.

face without reason.¹⁵ Officer Kerr appears to be standing close enough to ██████ to have permitted him to hear those accusations.¹⁶



Figure 2 Screenshot taken from Att. 4, video footage at 0:22, showing Officer Kerr without a CPD star and with what appears to be an acrylic protective shield.

Upon reviewing the video recordings, COPA determined that the evidence merited a misconduct investigation, and COPA accordingly interviewed Officer Kerr on July 21, 2021.¹⁷ During that interview, Officer Kerr claimed to have no memory of his encounter with ██████¹⁸ Officer Kerr acknowledged that ██████ video recording depicted him, and he further acknowledged that he was not wearing a CPD star at the time.¹⁹ According to Officer Kerr, he had put his CPD star in one of his pockets earlier in the day.²⁰ He explained, “Earlier in the day, while we were engaging with civil unrest crowds, there were people trying to rip our equipment off our vests and our belt, our body” and that he put his star in a pocket so that he would not lose it.²¹ Officer Kerr also acknowledged that ██████ video depicted him carrying a protective shield, which he said had been issued to him earlier in the day “to hold back the crowd.”²² Officer Kerr said that he could not remember who had issued the shield to him,²³ but he remembered being issued a similar shield during previous protest events and using a similar shield during CPD training exercises.²⁴ Officer Kerr also acknowledged that he did not submit a Tactical Response

¹⁵ Att. 4, at 0:19 and following.

¹⁶ See Att. 4, at 0:19 and following.

¹⁷ Att. 38 is a transcript of that interview.

¹⁸ See Att. 38, pg. 20, ln. 7, to pg. 21, ln. 10.

¹⁹ See Att. 38, pg. 16, ln. 14, to pg. 18, ln. 20.

²⁰ See Att. 38, pg. 18, ln. 5.

²¹ See Att. 38, pg. 18, lns. 1 to 12.

²² Att. 38, pg. 25, ln. 16, to pg. 26, ln. 8.

²³ Att. 38, pg. 25, ln. 12.

²⁴ Att. 38, pgs. 27 to 28.

Report (TRR) in connection with any event on May 3, 2020.²⁵ When asked why he had not submitted a TRR, Officer Kerr answered, “[T]he entire city that day was on a blanket TRR and I don’t see any evidence of me manhandling or pushing anybody down or making contact with anybody to do a separate TRR from the blanket TRR that the entire Chicago Police Department had on that day.”²⁶

III. ALLEGATIONS

Officer Lawrence W. Kerr:

1. Interfered with [REDACTED] attempt to make a video recording of law enforcement activity in order to prevent her from exercising her right to make such a recording.
 - Not Sustained
2. Used excessive force against [REDACTED] in that he struck and/or pushed her without justification and/or with more force than was reasonable, necessary, and/or proportional to the threat, actions, and/or level of resistance offered by [REDACTED].
 - Sustained, Rules 2, 3, 6, 8, and 9
3. Failed to wear his star on his outer-most garment and in view to the public as required by CPD Directive U4-01 Uniform and Appearance Standards (effective March 11, 2020), Section II.A.3.
 - Sustained, Rules 2, 3, 5, 6, and 12
4. Carried an equipment item that was not authorized by the CPD, specifically, a protective shield or a substantially similar item, in violation of CPD Directive U4-01 Uniform and Appearance Standards (effective March 11, 2020), Section II.A.1.
 - Not Sustained
5. Failed to submit a Tactical Response Report or a Mass Arrest Card after having been involved in a reportable use of force incident that occurred at or near the above time and place, as required by CPD General Order G03-02-02 (effective February 29, 2020) and/or CPD Special Order S06-06 (effective September 27, 2018).
 - Sustained, Rules 2, 3, 5, and 6

IV. CREDIBILITY ASSESSMENT

COPA’s investigation did not reveal evidence calling into question the credibility of any individuals (sworn or non-sworn) who provided statements regarding the incident.

²⁵ Att. 38, pg. 2, ln. 9.

²⁶ Att. 38, pg. 37, ln. 16, to pg. 38, ln. 5.

V. ANALYSIS²⁷

COPA finds Allegation #1 against Officer Kerr, that he interfered with ██████ attempt to make a video recording of law enforcement activity in order to prevent her from exercising her right to make such a recording, is **Not Sustained**. The relevant CPD directive provides, in part:

According to law, no officer may hinder or prevent any non-officer from recording a law enforcement officer who is performing his or her duties in a public place or when the officer has no reasonable expectation of privacy. . . . However, a member may take reasonable actions to enforce the law and perform their duties.²⁸

There is insufficient evidence to prove a violation of that directive by a preponderance of the evidence. The bystander’s video recording does not support ██████ claim that she was attempting to make a video recording at the time that Officer Kerr approached her, as no recording device is visible in her hands, nor does it support an inference that Officer Kerr acted as he did with the intent to hinder or prevent her from recording. ██████ own recording does not begin until after her initial encounter with Officer Kerr. However, given that the bystander’s video recording was taken from a distance and that the camera’s view of ██████ is partially obstructed by other people, COPA cannot find by clear and convincing evidence that Officer Kerr did not interfere with an attempt by ██████ to record law enforcement activity.

COPA finds Allegation #2 against Officer Kerr, that he used excessive force against ██████ is **Sustained**. The relevant CPD directive provides:

Department members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.²⁹

The same directive defines “force” “as any physical contact by a Department member, either directly or through the use of equipment, to compel a subject’s compliance.”³⁰ COPA credits ██████ claim that Officer Kerr struck her with his shield, pushing her backwards. ██████ video recording demonstrates that bystanders made a prompt outcry, thereby supporting her claim. And though the bystander’s video recording does not directly depict physical contact between Officer Kerr and ██████ it does permit the inference that such contact occurred, in that ██████ appears to fall backwards just as Officer Kerr approaches. Nothing in that video recording suggests that any such contact would have been necessary to ensure the safety of a CPD member or a third person, to stop an attack, to make an arrest, or to control a subject. By striking ██████ with his shield without justification, Officer Kerr violated CPD policy and Rules 2, 3, 6, 8, and 9.

COPA also finds Allegation #3 against Officer Kerr, that he failed to display his CPD star as required by CPD directive, is **Sustained**. That directive provides, “All sworn . . . members are

²⁷ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

²⁸ Att. 45, S04-13 Body Worn Cameras (effective April 30, 2018, to the present), Section IV.C.

²⁹ Att. 46, G03-02 Use of Force (effective February 29, 2020, to December 30, 2020), Section III.B.

³⁰ Att. 46, G03-02 Use of Force (effective February 29, 2020, to December 30, 2020), Section III.A.

required to . . . wear the prescribed star, name tag, unit designator, and rank insignia on their outermost garment and in view to the public.”³¹ During his interview, Officer Kerr admitted to not wearing his star at the time of the incident under investigation. COPA finds Officer Kerr’s stated excuse, that he was seeking to prevent the star’s loss, to be inadequate. Officer Kerr’s failure to display his CPD star properly violated CPD policy and Rules 2, 3, 5, 6, and 12.

COPA further finds Allegation #4 against Officer Kerr, that he carried an unauthorized equipment item, a protective shield, is **Not Sustained**. The applicable directive provides, “All sworn . . . members are required to . . . wear or carry only prescribed items authorized by the Department while on duty.”³² COPA could not find any CPD directive authorizing the use of a protective shield. However, Sergeant Daniel Goosherst told COPA that the item was a “riot control shield,” and that they were typically issued when a riot occurs.³³ Officer Kerr told COPA that he was issued the shield on the morning of these events, that he had previously been trained on using a similar shield, and that he returned the shield to his supervisor at the end of the day. COPA has not found any evidence to contradict Officer Kerr’s account. Given that the shield appears to be meant for defensive purposes,³⁴ and given the civil unrest that occurred on the day of this incident, it was reasonable for Officer Kerr to accept the shield when it was issued to him. Because accepting and carrying the shield was reasonable – while not explicitly authorized by a CPD directive – it would be inappropriate to discipline Officer Kerr for carrying it. It would also not be appropriate to make a finding of Exonerated, which requires clear and convincing evidence that Officer Kerr’s conduct was proper, leaving **Not Sustained** as the only appropriate finding.

Finally, COPA finds Allegation #5 against Officer Kerr, that he failed to submit a TRR in connection with his encounter with ██████ is **Sustained**. The relevant CPD directive required the submission of a TRR by a CPD member if they were involved in a use-of-force incident involving a subject who had been injured or who had alleged an injury.³⁵ Based on the available video recordings and witness interviews, the evidence is sufficient to show that Officer Kerr had been put on notice that ██████ had been injured or that she was claiming to have been injured as a result of Officer Kerr’s contact with her. Officer Kerr therefore violated CPD policy and Rules 2, 3, 5, and 6.

³¹ Att. 48, U04-01 Uniform and Appearance Standards (effective March 11, 2020 to April 27, 2021), Section II.A.3.

³² Att. 48, U04-01 Uniform and Appearance Standards (effective March 11, 2020, to April 27, 2021), Section II.A.1.

³³ Att. 40, pg. 16, Ins. 8 to 9.

³⁴ Here, ██████ alleged that Officer Kerr struck her with the shield, but the shield is not intended to be used as a weapon.

³⁵ Att. 47, G03-02-02 Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020, to December 30, 2020), Section II.A.1.a.

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Lawrence Kerr

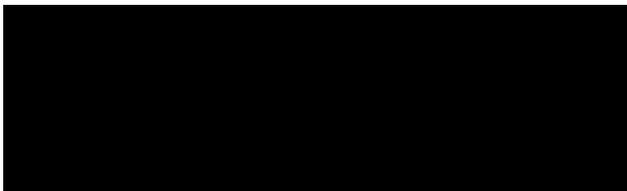
i. Complimentary and Disciplinary History³⁶

Officer Kerr has received the Superintendent's Award of Valor on two occasions. He has also received 1 Superintendent's Honorable Mention, 1 Superintendent's Award of Tactical Excellence, 15 Department Commendations, 3 Police Officer of the Month Awards, 1 Problem Solving Award, 1 Top Gun Award, 339 Honorable Mentions, 3 complimentary letters, and at least 18 other awards and commendations. Officer Kerr has no sustained disciplinary history within the past five years.

ii. Recommended Discipline

Here, COPA has found that Officer Kerr violated Rules 2, 3, 6, 8, and 9 by using excessive force against ██████ that Officer Kerr violated Rules 2, 3, 5, 6, and 12 by failing to display his CPD star, and that Officer Kerr violated Rules 2, 3, 5, and 6 by failing to complete a TRR. Officer Kerr told COPA that he did not remember his encounter with ██████ though he generally denied wrongdoing. The available video recordings, along with the complainant's statement, establish that Officer Kerr struck ██████ with his shield, causing her to fall backwards. Officer Kerr's actions were without justification, and he further aggravated his misconduct by failing to wear his star and by failing to complete a required report. Based on this information, combined with Officer Kerr's history, COPA recommends a minimum 30-day suspension.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

3-30-2023

Date

³⁶ Attachment 49.

Appendix ACase Details

Date/Time/Location of Incident:	May 30, 2020, approximately 7:36 p.m., at or near 510 N State St., Chicago, Illinois
Date/Time of COPA Notification:	August 14, 2020, approximately 11:53 a.m.
Involved Member #1:	Officer Lawrence W. Kerr, Star #4871, Employee ID # [REDACTED] Date of Appointment: March 25, 2002, Unit of Assignment: 025/716, Male, White
Involved Individual #1:	[REDACTED] Female, White

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 12:** Failure to wear the uniform as prescribed.

Applicable Policies and Laws

- G03-02 Use of Force (effective February 29, 2020, to December 30, 2020)
- G03-02-02 Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020, to December 30, 2020)
- S04-13 Body Worn Cameras (effective April 30, 2018, to the present)
- S06-06 Mass Arrest Procedures (effective September 27, 2018, to the present)
- U04-01 Uniform and Appearance Standards (effective March 11, 2020, to April 27, 2021)

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.³⁷ 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.”³⁸

³⁷ 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).

³⁸ *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