

Log # 2022 - 0002547

### FINAL SUMMARY REPORT<sup>1</sup>

#### I. EXECUTIVE SUMMARY

On June 20, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report<sup>2</sup> from Sergeant Steve Pulia reporting alleged misconduct by a member of the Chicago Police Department (CPD). The complainant, alleged that on June 20, 2022, Officer August Moss used his fingers and hands to poke in his chest area and pushed backwards during a dispute. Upon review of the evidence, COPA served additional allegations that Officer Moss arrested without justification. Following its investigation, COPA reached Not Sustained and Exonerated findings.

#### II. SUMMARY OF EVIDENCE<sup>5</sup>

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<sup>&</sup>lt;sup>1</sup> 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.

<sup>&</sup>lt;sup>2</sup> Att. 6.

<sup>&</sup>lt;sup>3</sup> 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.

<sup>&</sup>lt;sup>4</sup> Att. 30, this case was reopened at the recommendation of the Office of the Inspector General.

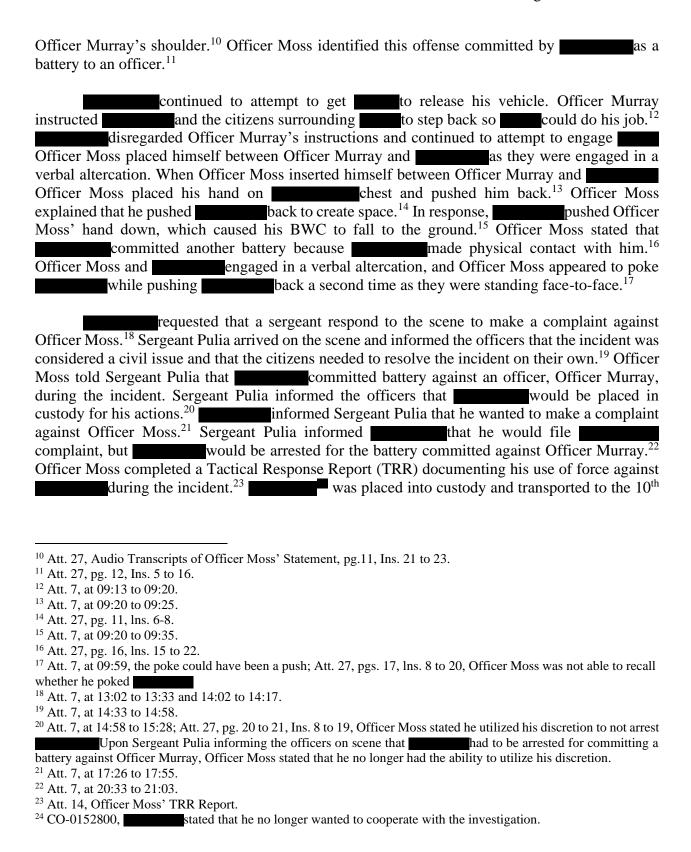
<sup>&</sup>lt;sup>5</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including police reports, body worn cameras (BWCs), and officers' interviews.

<sup>&</sup>lt;sup>6</sup> Att. 1, Case Incident Report.

<sup>&</sup>lt;sup>7</sup> Att. 7, BWC of Officer Murray, at 08:37 to 09:02.

<sup>&</sup>lt;sup>8</sup> Att. 7, at 08:59, there was a sound heard that indicated made some sort of contact with Officer Murray.

<sup>&</sup>lt;sup>9</sup> Att. 24, Audio Interview of Officer Murray Statement, at 8:10.



District for processing.<sup>25</sup> was charged with Battery, but the chargers were Stricken Off with Leave to Reinstate.<sup>26</sup>

#### III. ALLEGATIONS

#### **Officer August Moss:**

- 1. Poked at or near his chest area without justification.
  - Not Sustained
- 2. Pushed without justification.
  - Exonerated
- 3. Arrested without justification.
  - Exonerated

#### IV. CREDIBILITY ASSESSMENT

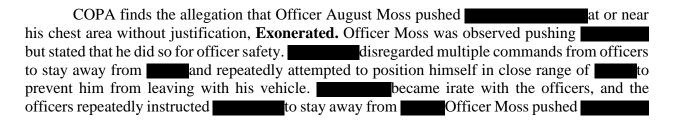
This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

#### V. ANALYSIS<sup>27</sup>

## a. Poking Allegation

COPA finds the allegation that Officer August Moss poked at or near his chest area without justification, **Not Sustained**. Officer Moss was not able to recall poking and the BWC was not clear if he was poking or attempting to push back. no longer wished to cooperate with the investigation. Based on the available information, there is insufficient evidence to prove/disprove the allegations. Therefore, the allegation is Not Sustained.

#### **b.** Pushing Allegation



<sup>&</sup>lt;sup>25</sup> Att. 1.

<sup>26</sup> Att. 31, Court outcome, the charges were dismissed, and the state has the option to bring the case back up again. If they do not within 120-160 days, the cases are considered dismissed.

<sup>&</sup>lt;sup>27</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

was uncooperative and refused to li around and they were also irate alo	sten to verbal directions. There was also a crowd ong with Officer Moss used minimal was not injured during the incident. Based in is Exonerated.
C. Arrested without justification.	
justification, <b>Exonerated.</b> The officers warned away from who was doing his job. made some sort of contact with Officer Murra Officer Moss wanted to use officer's discressergeant Paulia instructed officers.	August Moss arrested without decomposition who was irate, several times to step was irate, and BWC documented that he ay and pushed Officer Moss' hand down. While tion and resolve the incident without arresting sto arrest for Battery. In oon. Based on clear and convincing evidence, this
Approved:	
	1-23-24
LaKenya White Director of Investigations	Date

# Appendix A

Case Details	
Date/Time/Location of Incident:	June 20, 2022 / 5:00 pm / 1631 S Central Park Avenue
Date/Time of COPA Notification:	June 20, 2022 / 7:01 pm.
Involved Member #1:	Officer August Moss, Star #10908, Employee ID # DOA: July 27, 2018, Unit: 010, Male, White.
Involved Individual #1:	Male, Black.
Applicable Rules	
	et which impedes the Department's efforts to achieve its
policy and goals or brings dis <b>Rule 3:</b> Any failure to promo	•
accomplish its goals.	te the Department's efforts to implement its policy or
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	rder or directive, whether written or oral.
Rule 8: Disrespect to or maltr	reatment of any person, while on or off duty.
Rule 9: Engaging in any unju	stified verbal or physical altercation with any person, while
on or off duty.	
Rule 10: Inattention to duty.	
Rule 14: Making a false repo	rt, written or oral.
Rule 38: Unlawful or unnece	ssary use or display of a weapon.
Rule _: [Insert text of any add	litional rule(s) violated]

# **Applicable Policies and Laws**

• G03-02-01: Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

### Appendix B

## **Definition of COPA's Findings and Standards of Proof**

For each Allegation, COPA must make one of the following findings:

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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.<sup>28</sup> 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."<sup>29</sup>

<sup>&</sup>lt;sup>28</sup> 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).

<sup>&</sup>lt;sup>29</sup> People v. Coan, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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		