



Log # 2023-0005962

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY²

On December 23, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD) reporting alleged misconduct by a CPD member.³ Sergeant David Rodriguez (Sgt. Rodriguez) related that on December 23, 2023, at approximately 4:00 p.m., a large group of pro-Palestinian protesters stopped their vehicles and obstructed traffic during an unauthorized protest at or near 5600 N. Mannheim Rd.⁴ CPD members from Unit 050, Illinois State Police (ISP), and surrounding suburban police departments worked to contain the group of over 150 protestors and 50 vehicles from stopping airport operations.⁵ Upon arrival Officer Zoran Miucin (Officer Miucin) was ordered to write parking citations and order tows for the illegally parked vehicles. As a protestor approached Officer Miucin, he held out his hand and made a statement in Arabic. Soon after, ██████████ approached Sgt. Rodriguez and alleged that Officer Miucin called him and his fellow protestors “animals”.⁶

In addition to ██████████ allegation that Officer Miucin directed bias-based verbal abuse to him, COPA also served allegations that Officer Miucin failed to activate his body worn camera (BWC) and failed to use de-escalation techniques. Following its investigation, COPA reached sustained findings for all allegations.

II. SUMMARY OF EVIDENCE⁷

On December 23, 2023, a protest in support of Palestine took place near O’Hare Airport. According to OEMC records, people were fighting on the expressway near the airport exit.⁸ ISP

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 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. 3. Note: COPA received 17 additional complaints related to this incident. Because those complaints were duplicates of this investigation, COPA incorporated them into this log number and closed the duplicate complaints.

⁴ Att. 1, pg. 3.

⁵ Att. 1, pg. 3.

⁶ Att. 1, pg. 3.

⁷ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including the complainant’s interview, third-party video, officer interview, police reports including the initiation report, CPD case reports, the OEMC Event Queries, BWC videos and a translation from the English Arabic Student’s Dictionary online resource.

⁸ Att. 8, pg. 4.

requested traffic assistance with the protest caravan.⁹ ISP troopers and CPD officers responded to the incident, where protestors were blocking traffic with pro-Palestinian flags and signs.¹⁰

Officer Miucin was ordered to write citations for traffic violators and request tows for vehicles obstructing the flow of traffic. Officer Miucin was writing citations when a member of the protest group (█████) approached him. Third-party cellphone video captured Officer Miucin as he stepped away from █████ and told him not to approach him.¹¹ Officer Miucin described █████ as walking up to him aggressively and raising his right arm toward Officer Miucin's face.¹² Officer Miucin asked █████ to move back, but █████ did not comply.¹³ The third-party cellphone video also captured Officer Miucin as he uttered words to the effect of "Please step back, yalla hayawan, do not approach me".¹⁴ █████ and other members of the group immediately responded, telling Officer Miucin not to call █████ a "hayawan", and explaining that "hayawan" means animal.¹⁵

Sgt. Rodriguez arrived on scene not long after Officer Miucin's interaction with protestors. An ISP Trooper approached Sgt. Rodriguez and asked him to get "the other CPD guy" out of the area, because he was making the situation worse.¹⁶ When Sgt. Rodriguez asked how, the ISP Trooper replied, "By calling them animals".¹⁷ █████ then approached and reported the incident to Sgt. Rodriguez, explaining in English that Officer Miucin had called them animals.¹⁸ Sgt. Rodriguez's BWC also captured protestors blocking the highway and chanting in English with a banner written in English.¹⁹

In his statement with COPA █████ stated that Officer Miucin stated, "hayawan" in Arabic, which translates to English as "you are an animal".²⁰ He described it as a derogatory cultural slur used against Palestinians during the current Palestinian and Israeli conflict.²¹ █████ added that Officer Miucin's statement made him feel unsafe because he was dealing with someone racist.²² He further explained that during the caravan protest, he spoke to the state police when Officer Miucin arrived and started talking.²³ █████ spoke English telling the CPD officer that he was not talking to him and to leave him alone.

⁹ Att. 8, pg. 11.

¹⁰ Att. 8, pg. 10.

¹¹ Att. 6 at 0:18.

¹² Att. 33, pg. 23, lns. 1-2.

¹³ Att. 33, pg. 23, lns. 9-11.

¹⁴ Att. 6 at 0:10.

¹⁵ Att. 6 at 0:22.

¹⁶ Att. 27 at 3:39 to 3:44.

¹⁷ Att. 27 at 3:44 to 3:47.

¹⁸ Att. 27, at 4:00 to 4:10.

¹⁹ Att. 27, at 9:00 to 9:10.

²⁰ Att. 25, pg. 8, lns. 14-16.

²¹ Att. 25, pg. 8, lns. 21-24 and pg. 9, lns. 1-5.

²² Att. 25, pg. 10, lns. 9-13.

²³ Att. 25, pg. 7 lns. 14-15.

In Officer Miucin's statement with COPA, he stated that he made a mistake when he spoke to ██████ in Arabic.²⁴ Officer Miucin explained that he spoke in Arabic to ██████ after he overheard him speaking Arabic and saw Palestinian flags, although ██████ spoke English directly to him.²⁵ He stated that he meant to use the phrase "yalla imshi" that he interpreted as "let's go".²⁶ Officer Miucin stated his intent was to speak in Arabic to the protestors to establish a rapport and de-escalate the situation.²⁷ He insisted that his intention was to persuade members of the crowd to clear the highway.²⁸

Officer Miucin also explained that he speaks multiple languages and is accustomed to hearing the Palestinian dialect and can communicate slightly in the Arabic language.²⁹ Officer Miucin stated that he is accustomed to being around people who speak the Palestinian dialect in addition to hearing it spoken by a woman of Palestinian ethnicity with whom he has had a four-year personal relationship.³⁰ As an example, Officer Miucin stated he can use simple words (such as "hello" and "how are you") and has used the phrase "yalla imshi" numerous times in the past during conversations with Arabic speakers.³¹ Officer Miucin stated he did not understand what "hayawan" meant at the time he used the term.³² He explained "yalla imshi means let's go and imshi is let's go".³³ He further explained that he was confused by the words, that he's not fluent and didn't know that "hayawan" meant animal.³⁴

Officer Miucin discovered his BWC and BWC holder were missing as he was driven toward his Department vehicle.³⁵ Officer Miucin reported his lost BWC to Sgt. Rodriguez and Sgt. Frank Perry.³⁶ Officer Miucin contacted the Office of Emergency Management and Communications (OEMC) at 7:05 p.m. on December 23, 2023 to report a lost property event that occurred at approximately 4:00 p.m.³⁷ In his interview with COPA, Officer Miucin stated he placed his BWC on his uniform.³⁸ He could not recall if he left the district wearing the BWC.³⁹ Additionally, he could not recall if he arrived to the scene wearing his BWC attached to his uniform.⁴⁰ Nor could he recall if he activated his BWC.⁴¹ Officer Miucin referred to the third-party video where he claims to have told ██████ that he was "being audio and video recorded", and offered

²⁴ Att. 33, pg. 10, lns. 3-5.

²⁵ Att. 33, pg. 17, lns. 5-7.

²⁶ Att. 33, pg. 9, lns. 23-24.

²⁷ Att. 33, pg. 28, lns. 6 – 10.

²⁸ Att. 33, pg. 17, ln. 18.

²⁹ Att. 33, pg. 8, ln. 20 and Att. 33, pg. 9, lns. 19-21.

³⁰ Att. 33, pg. 28, lns. 20-23.

³¹ Att. 33, pg. 14, ln. 8 and Att. 33, pg. 29, lns. 14-19.

³² Att. 33, pg. 37, lns. 4-6.

³³ Att. 33, pg. 30, lns. 2-14.

³⁴ Att. 33, pg. 34, lns. 11-12 and Att. 33, pg. 35, lns. 8-9.

³⁵ Att. 33, pg. 21, lns. 10-12.

³⁶ Att. 33, pg. 21, lns. 19-22.

³⁷ Att. 8, pg. 2.

³⁸ Att. 33, pg. 20, lns. 7-10.

³⁹ Att. 33, pr. 19, lns. 19-21.

⁴⁰ Att. 33, pg. 20, ln. 13-16.

⁴¹ Att. 33, pg. 20, lns. 17-19.

this as evidence that he believed he was wearing his BWC.⁴² Officer Miucin is captured on video without his BWC attached to his uniform at the scene.⁴³

Officer Miucin described his actions as inclusive of de-escalation techniques. In his statement to COPA, he stated that he likes to keep an arm's length away from everybody.⁴⁴ Officer Miucin stated that he stepped back, walked away, and used time as de-escalation techniques.⁴⁵ He referred to his action of stretching his arm to create distance from [REDACTED] and multiple verbal commands to step back and to leave the area.⁴⁶

III. ALLEGATIONS

Officer Zoran Miucin:

1. Directing bias-based verbal abuse toward [REDACTED] by words to the effect of “yalla hayawani” in Arabic, translated to English as “let’s go animal”.
 - Sustained, in violation of Rules 2, 3, 6 and 8.
2. Failing to activate his assigned body worn camera.
 - Sustained, in violation of Rules 2, 3, 5, 6 and 10.
3. Failing to use de-escalation techniques in violation of G03-02.
 - Sustained, in violation of Rules 2, 3, 5, 6, 9 and 10.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual’s truthfulness and 2) the reliability of the individual’s account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual’s ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In this case, COPA finds that Officer Miucin minimized much of his behavior, which lessened his credibility. Although he felt confident enough in his language ability to speak Arabic during the protest, he later told COPA that he was not familiar with the word “hayawan” and did not know what it meant. He also claimed that he was certain he was wearing his BWC, yet also stated that he could not recall leaving the district with it, whether he was wearing it on scene or even if he activated it. Interestingly, Officer Miucin acted on his missing BWC only after he inflamed the protest where a bystander stood nearby recording him with a cellphone. By contrast, COPA finds that [REDACTED] was forthcoming, and his statement was corroborated by the video evidence.

⁴² Att. 33, pg. 20, Ins. 20-22.

⁴³ Att. 30.

⁴⁴ Att. 33, pg. 32, Ins. 14-15.

⁴⁵ Att. 33, pg. 23, Ins. 20-24 and pg. 24, ln. 1.

⁴⁶ Att. 31.

V. ANALYSIS⁴⁷

a. Directing bias-based verbal abuse.

COPA finds allegation #1, that Officer Miucin directed bias-based verbal abuse toward ██████ when he stated “yalla hayawan” in Arabic, translated to English as “let’s go, animal”, is **sustained**. CPD policy requires members to interact with all members of the public in an unbiased, and fair manner, treat all persons with dignity, and act, speak and conduct themselves in a courteous, respectful, and professional manner.⁴⁸ Department members will not use language or take action intended to taunt or denigrate an individual, including using racist or derogatory language.⁴⁹ Verbal abuse by an officer is also a violation of CPD policy and rules of conduct. CPD Rule 8 expressly prohibits disrespect to or maltreatment of any person, while on or off duty.⁵⁰

Here, it is undisputed that Officer Miucin directed the phrase “yalla hayawan”, meaning “let’s go, animal”, to ██████ as it is captured on third-party video. Even if Officer Miucin was not fluent in Arabic and did not understand precisely what he was saying, it does not change the fact that he chose to say it. In doing so, COPA finds that he directed derogatory language at ██████ COPA also finds that, by directing this derogatory language in Arabic to a Palestinian person, Officer Miucin used bias-based language. COPA also notes that the third-party video shows ██████ and other protestors immediately taking umbrage at Officer Miucin’s statement, demonstrating the offensive nature of what he said. It is also unclear why it was necessary or advisable for Officer Miucin to speak to the protestors in Arabic when they had spoken to him in English, and he was not fluent in Arabic. Given this evidence, COPA finds that allegation #1 is sustained by a preponderance of the evidence, in violation of Rules 2, 3, 6 and 8.

b. Failing to activate BWC.

COPA finds allegation #2, that Officer Miucin failed to activate his BWC, is **sustained**. The decision to electronically record a law enforcement-related encounter is mandatory, except where specifically indicated. The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities, including traffic control and any encounter with the public that becomes adversarial after the initial contact.⁵¹ Operational procedures require members to securely attach the BWC to the front of the member’s person consistent with training and ensure the BWC is on buffering mode prior to leaving the station.⁵²

⁴⁷ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

⁴⁸ Att. 15, General Order G02-04(B)(1), Prohibitions Regarding Racial Profiling and Other Bias-Based Policing, (effective 01 February 2023 – current).

⁴⁹ Att. 15, General Order G02-04(B)(2).

⁵⁰ Att. 14, Rules, and Regulations of the Chicago Police Department (effective 16 April 2015 to current).

⁵¹ Att. 22, Special Order S03-14 III (A)(2) Body Worn Cameras (effective 30 April 2018 – 29 December 2023).

⁵² Att. 22, Special Order S03-14 V (A).

During this incident, Officer Miucin not only failed to activate his BWC, but he also wasn't wearing one. According to CPD policy, Officer Miucin was required to secure his BWC prior to leaving the station and to electronically record any law enforcement-related activity. Given that Officer Miucin was engaged in a law enforcement-related activity when he was on-duty and writing citations, but failed to wear or activate his BWC, COPA finds by a preponderance of the evidence that Allegation #2 is sustained, in violation of violation of Rules 2, 3, 5, 6 and 10.

Allegation #3 Failure to use de-escalation techniques.

COPA finds allegation #3, that Officer Miucin failed to use de-escalation techniques in violation of G03-02, is **sustained**. CPD members are required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place a person or a Department member in immediate risk of harm, or de-escalation techniques would be clearly ineffective under the circumstances at the time.⁵³ De-escalation techniques will include continually assessing the situation and considering individualized factors. All Department members will treat all persons with courtesy and dignity which is inherently due every person and will act, speak, and conduct themselves in a courteous, respectful, and professional manner.⁵⁴ Department members will not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner.⁵⁵ Additionally, Department members will refrain from using language or taking action intended to taunt or denigrate an individual, including using racist or derogatory language.⁵⁶ The Department prohibits members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.⁵⁷

In this instance, the evidence demonstrates that Officer Miucin failed to use de-escalation techniques. While it is true that he used his arm to create distance between himself and ██████ COPA finds that this did not amount to using de-escalation techniques. Indeed, CPD policy requires officers to continually assess the situation and consider individualized factors. There was no indication that there was a language barrier or a necessity for Officer Miucin to address the protesters in Arabic. Officer Miucin's use of the term "yalla hayawan" (let's go animal) was insulting and inflammatory language that only served to escalate the situation. COPA notes that after Officer Miucin's comment, the crowd became irate and approached him. ██████ and other protestors demanded that Officer Miucin stop using the term "hayawan" to insult them. After explaining the meaning of the term, ██████ reported the incident to ISP Troopers and Sgt. Rodriguez. In addition, Officer Miucin's actions were so inflammatory, an outside law enforcement agency (ISP) requested that Officer Miucin immediately leave because he was making the situation worse.

⁵³ Att. 23, General Order G03-02, De-escalation, Response to Resistance, and Use of Force (effective 28 June 2023 to current).

⁵⁴ Att. 15, General Order G02-04 II (B)(1)(c).

⁵⁵ Att. 16, General Order G02-01, III (B)(4).

⁵⁶ Att. 16, General Order G02-01, III (B)(4).

⁵⁷ Att. 14, pg. 7, Rule 9.

For these reasons, COPA finds by a preponderance of the evidence that Officer Miucin failed to use de-escalation techniques in violation of G03-02, and allegation #3 is sustained, in violation of Rules 2, 3, 5, 6, 9 and 10.

VI. DISCIPLINARY RECOMMENDATION

Officer Zoran Miucin

i. Complimentary and Disciplinary History⁵⁸

Officer Miucin's complimentary history is comprised of 66 awards, the highlights of which include two Department Commendations. His disciplinary history includes a sustained finding for failing to activate his BWC in a 2021 case, resulting in a violation noted. He also received a SPAR for an August 2022 preventable accident, resulting in a reprimand.

ii. Recommended Discipline

COPA has found that Officer Miucin violated Rules 2, 3, 5, 6, 8, 9 and 10 when he directed bias-based verbal abuse at [REDACTED] failed to activate his BWC and failed to use de-escalation techniques. Here, Officer Miucin inflamed an already tense situation by directing bias-based verbal abuse during a protest. He also brought discredit to CPD when an ISP Trooper had to request that he leave an already tense scene due to his inflammatory conduct. COPA also finds it concerning that Officer Miucin has a previous sustained finding for failing to activate his BWC, which demonstrates a continuing lack of transparency on his part, and which necessitates progressive discipline. In light of his complimentary and disciplinary histories, COPA recommends a penalty of a **30-day suspension** and **retraining** on professionalism as well as CPD's BWC and De-escalation policies.

Approved:

[REDACTED]

May 31, 2024

Steffany Hreno
Director of Investigations

Date

⁵⁸ Att. 34.

Appendix ACase Details

Date/Time/Location of Incident:	December 23, 2023 / 4:00 p.m. / 5600 N. Mannheim Rd., Chicago IL 60666 / near Chicago O'Hare International Airport
Date/Time of COPA Notification:	December 23, 2023 / 11:22 p.m.
Involved Member #1:	Zoran Miucin / Star #18966, / Employee ID # [REDACTED] / Date of Appointment: February 6, 1995 / Unit of Assignment 050 / Male / White
Involved Individual #1:	[REDACTED] / Male / Middle Eastern

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.

Applicable Policies and Laws

- General Order G02-01, Human Rights and Human Resources (effective 05 October 2017).
- General Order G02-04, Prohibitions Regarding Racial Profiling and Other Bias-Based Policing, (effective 01 February 2023).
- General Order G03-02, De-escalation, Response to Resistance, and Use of Force (effective 28 June 2023).
- Special Order S03-14, Body Worn Cameras (effective 30 April 2018 – 29 December 2023).

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.⁵⁹ 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.”⁶⁰

⁵⁹ 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).

⁶⁰ *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