



Log # 2019-1832

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 25, 2019, ██████████ filed a complaint against Chicago Police Department (CPD) Field Training Officer (FTO) Andrew Kraut³ at the 24th District station. A CPD sergeant forwarded ██████████ complaint to the Civilian Office of Police Accountability (COPA), which began a full investigation. ██████████ alleged that on May 25, 2019, he called 911 to report a criminal trespass and burglary at his residence. FTO Kraut and Probationary Police Officers (PPOs) Shayne Wellington and Xu Meng responded to the call for service. However, upon their arrival, ██████████ alleged that FTO Kraut was verbally abusive, used unnecessary force, and detained and handcuffed him without justification.⁴ Upon review of the evidence, COPA served additional allegations that FTO Kraut searched ██████████ without justification, failed to investigate ██████████ burglary complaint, made false statements about the incident, and failed to properly mentor his PPOs. COPA was unable to reach ██████████ to obtain a sworn affidavit; as a result, on May 6, 2021, COPA secured an affidavit override and continued the investigation without ██████████ statement. Following its investigation, COPA reached sustained findings with respect to ten allegations against FTO Kraut, including that he made a willfully false statement to COPA investigators.

II. SUMMARY OF EVIDENCE⁵

On May 25, 2019, FTO Kraut and PPOs Wellington and Meng (collectively “the officers”) responded to ██████████ in response to reports of trespassing and burglary made by resident ██████████⁶ As the officers arrived and started to exit their vehicle, FTO Kraut forcefully admonished PPO Meng by stating words to the effect of, “God damn. Fuck you gonna

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 CPD reports list the complainant’s name as ██████████ and ██████████.” For purposes of clarity, COPA’s report refers to him as ██████████

³ Officer Kraut was an FTO at the time of this incident but subsequently took a voluntary rank reduction. Att. 30.

⁴ 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.

⁵ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera (BWC) footage, CPD case and arrest reports, and the statements of PPO Wellington and FTO Kraut. COPA was unable to obtain a statement from PPO Meng, who passed away on June 9, 2020. Att. 15.

⁶ Atts. 10 and 11.

run out there and do? What are you gonna do? You don't even know what you're doing. Don't fall for the bullshit, either."⁷

As the officers approached ██████████ they observed that he was detaining a male, ██████████ in a gated front yard. ██████████ announced to the officers that ██████████ was trying to break into his property.⁸ FTO Kraut ordered ██████████ to exit the yard and walk to the sidewalk. As ██████████ complied with the order, ██████████ neighbor remarked that ██████████ appeared to be intoxicated. FTO Kraut responded by rudely dismissing the neighbor and his remarks.⁹ ██████████ and FTO Kraut then argued back and forth, and ██████████ asked for FTO Kraut's name. FTO Kraut responded, "Yea, you'll get it in a minute,"¹⁰ then threatened to leave the scene. As FTO Kraut and ██████████ engaged in a verbal altercation, PPO Meng attempted to separate ██████████ from FTO Kraut and ██████████

Eventually, FTO Kraut turned his attention to ██████████ As FTO Kraut spoke to ██████████ ██████████ paced on the sidewalk, expressed frustration, and requested a sergeant.¹¹ FTO Kraut then turned towards ██████████ and yelled, "Hey! You're not gonna yell at people. I'm telling you that, right now!"¹² ██████████ again requested a sergeant and asked FTO Kraut to identify himself. FTO Kraut again refused to identify himself and ignored ██████████ request for a sergeant. Instead, FTO Kraut threatened to handcuff ██████████ ██████████ responded by sticking his arms out and flippantly consenting to be handcuffed. FTO Kraut secured ██████████ in handcuffs while admonishing him, "You're wanna act like this and not act civilized, now that's where you're gonna be. Now you stay there. You move again, then we put you in the car."¹³

Once ██████████ was handcuffed, PPO Wellington remained next to him on the sidewalk, while FTO Kraut returned his attention to ██████████ FTO Kraut requested ██████████ identification and learned ██████████ personal property was in ██████████ front yard. As FTO Kraut placed ██████████ in handcuffs, the verbal altercation between FTO Kraut and ██████████ resumed, during which FTO Kraut implied that ██████████ was inept for needing police assistance.¹⁴ FTO Kraut then retrieved ██████████ belongings from the entryway to ██████████ building,¹⁵ and he asked ██████████ what enforcement actions he was requesting. ██████████ responded, "I want to press charges, I want these handcuffs off me, and I don't want to be told it's Memorial Day weekend."¹⁶ However, as ██████████ was talking, FTO Kraut spoke over ██████████ and accused him of being more hostile than ██████████¹⁷ ██████████ continued to criticize FTO Kraut, at which point FTO Kraut walked up

⁷ Att. 41 at 00:55.

⁸ Att. 41 at 01:16.

⁹ Att. 42 at 01:32.

¹⁰ Att. 43 at 1:50.

¹¹ This request was never heeded.

¹² Att. 41 at 02:19.

¹³ Att. 43 at 02:48.

¹⁴ Att. 41 at 04:13.

¹⁵ Att. 43 at 04:25.

¹⁶ Att. 41 at 05:36.

¹⁷ Att. 41 at 05:40.

to ██████ pointed at his face, and pushed ██████ backwards with both hands. FTO Kraut then repeatedly pushed ██████ toward a neighboring property, while continuing to yell at him.¹⁸

Upon reaching the neighboring building, FTO Kraut pushed ██████ into the gated yard while demanding that he act more like a “human being.”¹⁹ FTO Kraut directed ██████ to sit in a chair; however, prior to allowing ██████ to sit, FTO Kraut patted him down and removed personal property from ██████ pockets. ██████ asked if FTO Kraut was seeking his identification. FTO Kraut responded, in part, “No, I’m not asking you for nothing. Now it’s my show. Now it’s my show. Can’t be quiet, listen to reason, then now I’m doing what I’m gonna do. Got to act like a fool out here, cause some guy’s...in your property, and you’re throwing his bag and stuff around. You want me to arrest you for stealing his property?”²⁰ After removing multiple items from ██████ pockets, FTO Kraut requested ██████ identification, and ██████ calmly informed him the requested identification was in the wallet FTO Kraut had just removed from his pocket. FTO Kraut admonished ██████ for not simply telling him where the identification was located.²¹ ██████ replied by reminding FTO Kraut that his instructions were for ██████ not to speak. In response, FTO Kraut yelled that ██████ was spitting on him and demanded he back away, all while threatening to arrest ██████ for battery on a police officer.²²

FTO Kraut and ██████ moved from the neighboring residence, and FTO Kraut ordered PPO Wellington to release ██████. As this occurred, ██████ and FTO Kraut continued their verbal altercation, during which ██████ requested that FTO Kraut stop pointing at him. FTO Kraut responded by extending his right arm towards ██████ and accusing ██████ of being in his personal space.²³

FTO Kraut then walked toward the neighboring residence, and ██████ informed him that the neighbor asked the officers to stay off their property. ██████ related that he wanted to be on his own property, to which FTO Kraut announced, “You’re being childish. You’re being childish because you have an audience.”²⁴ FTO Kraut, PPO Wellington, and ██████ then relocated to ██████ property.²⁵ Once on ██████ property, FTO Kraut and ██████ continued to argue, specifically about ██████ signing a complaint against ██████. FTO instructed PPO Wellington to obtain the signed complaint. FTO Kraut then walked away and began calling for a transport vehicle. However, prior to completing the request, FTO Kraut walked back towards ██████ and shouted, “The more you distract us, and he doesn’t sign, I can’t help you!”²⁶ PPO Wellington then announced the complaint had been signed, and FTO Kraut successfully requested transportation

¹⁸ Atts. 41, 43 at 05:51.

¹⁹ Att. 41 at 05:54.

²⁰ Att. 43 at 06:24.

²¹ Att. 43 at 07:07.

²² Based on the context of this statement, it appears ██████ forceful speaking likely resulted in spittle coming from his mouth and was not in fact an attempt to spit upon FTO Kraut. Att. 43 at 07:11.

²³ Att. 43 at 08:18.

²⁴ Att. 41 at 11:44.

²⁵ Att. 32 at 04:40.

²⁶ Att. 41 at 13:20.

for ██████. As they waited, FTO Kraut reassured ██████ that he did not believe ██████ account of events, stating, “I’m not buying the you were breaking in thing, there’s no proof of it.”²⁷

PPO Wellington then stepped in to inform ██████ that ██████ was being arrested for trespassing. ██████ again asked for a sergeant, and FTO Kraut responded that ██████ could call for a sergeant himself. ██████ then again requested FTO Kraut’s identifiers. FTO Kraut stated the information would be on the CPD report(s) and admonished ██████ for complaining about CPD’s response.²⁸ At that point, one of ██████ associates approached FTO Kraut and asked that ██████ be charged with attempted burglary. FTO Kraut demanded to know what evidence of burglary ██████ or his associates, possessed. ██████ offered to demonstrate ██████ actions;²⁹ however, FTO Kraut talked over ██████ and demanded that ██████ verbally explain what ██████ had done.³⁰ PPO Wellington then stepped in and asked ██████ to explain to him what ██████ had done. As ██████ explained ██████ actions, FTO Kraut admonished ██████ associate.

FTO Kraut then announced he was not debating the issue with ██████ and that ██████ could continue explaining his position in court. One of ██████ associates asked for FTO Kraut’s star number, which FTO Kraut promptly provided.³¹ FTO Kraut then told PPO Wellington to walk away from ██████ and not get “baited”³² by him. PPO Meng advised ██████ to join FTO Kraut in the street to talk. ██████ complied and walked towards FTO Kraut. FTO Kraut immediately told ██████ to get out of the street, and ██████ asked if he could speak with FTO Kraut. FTO Kraut responded that he was done speaking to ██████ and they could talk in court. ██████ again asked for a supervisor, and FTO Kraut forcefully told ██████ to call a sergeant himself.³³ ██████ again asked FTO Kraut for his identifying information, and FTO Kraut finally provided it.³⁴ FTO Kraut then denied being the superior officer on scene.

During the entire interaction, FTO Kraut used a loud, abrasive, and dismissive tone when speaking with ██████ regardless of ██████ tone, which was only occasionally loud and assertive. Additionally, ██████ requested a sergeant numerous times, but FTO Kraut never called for a supervisor to respond to the scene.

During his statements to COPA, FTO Kraut initially asserted that ██████ was unreasonable and aggressive, which prompted FTO Kraut to use an aggressive tone and handcuff ██████.³⁵ Additionally, FTO Kraut explained that during the interaction he felt ██████ spittle strike him, leading FTO Kraut to push ██████ away from him. FTO Kraut stated that once

²⁷ Att. 41 at 23:36.

²⁸ Att. 41 at 28:23.

²⁹ Att. 41 at 28:54.

³⁰ Att. 41 at 28:55.

³¹ Att. 41 at 29:39.

³² Att. 41 at 29:53.

³³ Att. 41 at 31:00.

³⁴ Att. 41 at 31:13.

³⁵ Att. 24, pg. 10.

he handcuffed ██████████ he escorted him to the neighboring yard because he did not want ██████████ to have access to any unknown items concealed in his yard. Initially, FTO Kraut told COPA that he searched ██████████ for weapons because he was concerned ██████████ could present a danger to the officers;³⁶ however, FTO Kraut later stated that it was common for him to handcuff an uncooperative person.³⁷ FTO Kraut further acknowledged that he did not provide his identifying information when requested, but stated he was waiting for ██████████ to calm down. FTO Kraut asserted that he believed it was ██████████ who caused the scene to be chaotic. FTO Kraut admitted he was loud but denied being disrespectful to ██████████

With respect to the documentation of the incident, FTO Kraut explained that after discussing the matter with his lieutenant, he exercised discretion in allowing PPO Wellington to be listed as the first arresting officer in ██████████ Arrest Report. FTO Kraut also asserted that the narrative in the Original Case Incident Report was written to convey his belief that ██████████ actions were not clearly those of a trespasser, and the report correctly documented the events as they unfolded. However, FTO Kraut did admit that he should have selected a better word than stating ██████████ “charged” at the officers, and he attributed the poor word choice to the tense interaction.³⁸ FTO Kraut closed his statements by acknowledging he made poor grammatical choices. Finally, FTO Kraut was clear that he neither intentionally misled nor was otherwise untruthful in the reports he authored or during his statements to COPA.

III. ALLEGATIONS

FTO Andrew Kraut:

1. Engaged in an unnecessary verbal altercation with ██████████ (also known as ██████████ Aoun) and his associates.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9
2. Failed to investigate ██████████ claims that ██████████ was attempting to burgle ██████████
 - Sustained, Violation of Rules 2, 3, 5, 6, and 8
3. Failed to identify himself to ██████████ in a timely manner.
 - Sustained, Violation of Rules 2, 3, 5, and 37
4. Handcuffed ██████████ without justification.
 - Sustained, Violation of Rules 2, 3, 6, and 8
5. Detained ██████████ without justification.
 - Sustained, Violation of Rules 2, 3, and 6
6. Pushed ██████████ without justification.
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9
7. Performed a pat down on ██████████ without justification.
 - Sustained, Violation of Rules 2, 3, and 6

³⁶ Att. 24, pgs. 11 to 12.

³⁷ In fact, FTO Kraut justified his handcuffing of ██████████ partly on ██████████ alleged inability to behave. Att. 24, pg. 18, Ins. 2 and 3.

³⁸ FTO Kraut was clear that his perception was that ██████████ was continually moving towards the officers.

8. Searched inside [REDACTED] pockets without justification.
 - Sustained, Violation of Rules 2, 3, and 6
9. Entered the yard of [REDACTED], without justification.
 - Not Sustained
10. Had Officer Wellington listed as the first arresting officer in [REDACTED] Arrest Report under [REDACTED], in contrast with Special Order S11-02: Field Training and Evaluation Program.
 - Exonerated
11. Failed to mentor and facilitate the proper field performance of Officer Meng and Officer Wellington.
 - Sustained, Violation of Rules 2, 3, 5, and 6
12. Provided misleading details in the Original Case Incident Report for [REDACTED].
 - Sustained, Violation of Rules 2, 3, 6, and 10
13. Provided a false, misleading, and/or inaccurate statement by telling COPA investigator he was unaware that [REDACTED] was reporting a burglary.
 - Sustained, Violation of Rules 2, 3, 6, and 14
14. Provided a false, misleading, and/or inaccurate statement by telling COPA investigators that [REDACTED] continuously charged towards the officers.
 - Sustained, Violation of Rules 2, 3, 6, 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 FTO Kraut provided an unreliable account of the incident, due to both the passage of time and his heightened emotions during the incident. Additionally, FTO Kraut's description of his interaction with [REDACTED] as well as [REDACTED] burglary complaint, was self-serving and untruthful. COPA notes that FTO Kraut watched his BWC footage from this incident immediately before his first COPA interview, and he still misreported and misconstrued multiple details. FTO Kraut's materially false statements are discussed in the analysis below.

By contrast, this investigation did not reveal any evidence that caused COPA to question PPO Wellington's credibility or judgment. PPO Wellington, unlike his FTO, attempted de-escalation, treated [REDACTED] and the other civilians respectfully, and tried to respond to the incident at hand despite FTO Kraut's constant diversions. Similarly, while PPO Meng passed away before providing a statement to COPA, he did an exceptional job of keeping [REDACTED] calm and detained during an otherwise chaotic situation.

V. ANALYSIS³⁹

a. Verbal Altercation Allegation

COPA finds Allegation 1 against FTO Kraut, that he engaged ██████ in a verbal altercation without justification, is **sustained**. CPD members are prohibited from engaging in unjustified verbal altercations and/or maltreating or disrespecting any person.⁴⁰ Here, it is undisputable that FTO Kraut engaged ██████ in a verbal altercation and directed disrespectful words at him, including calling ██████ “childish,”⁴¹ a “fool,”⁴² and telling ██████ to act more like a “human being.”⁴³ Because the altercation and disrespect are not in dispute, the issue is whether FTO Kraut was justified in his actions. COPA has determined that FTO Kraut’s comments were neither justified nor appropriate under the circumstances. This determination is based on FTO Kraut’s aggressive, dismissive, confrontational, and contradictory behavior during his entire 30 minute interaction with ██████. While COPA acknowledges ██████ was at times less than cooperative, FTO Kraut’s comments and tone were needlessly punitive and escalated the tension of the interaction. Moreover, FTO Kraut’s insults and disparaging tone prevented him and his PPOs from effectively addressing the situation at hand. For these reasons, COPA finds that FTO Kraut engaged in an unnecessary verbal altercation that violated Rules 2, 3, 6, 8 and 9.

b. Failure to Investigate Allegation

COPA finds Allegation 2 against FTO Kraut, that he failed to properly investigate ██████ claim of burglary, is **sustained**. CPD members are required to “conduct a thorough and accurate preliminary investigation” while “convey[ing] a sense of concern and general interest to all persons in need of police service.”⁴⁴

Here, COPA finds that FTO Kraut failed to conduct a thorough preliminary investigation of ██████ burglary complaint. While FTO Kraut told COPA that he was unaware ██████ made this claim, the evidence refutes this. One of the 911 calls explicitly reported a burglary in progress, and when the officers arrived at the scene, ██████ immediately told them that ██████ was trying to break into his residence.⁴⁵ Further, the BWC footage reveals that FTO Kraut had multiple conversations about ██████ burglary complaint but chose not to pursue it. After ██████ and ██████ were in handcuffs, FTO Kraut told a female bystander that he was investigating a burglary.⁴⁶ Later, FTO Kraut was standing with ██████ when ██████ shouted that ██████ was trying to break in. FTO Kraut responded, “He’s not breaking into your house. Exaggerating.”⁴⁷ ██████ then asked about his arrest, and FTO Kraut replied that ██████ was

³⁹ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

⁴⁰ Section V, Rules 8 and 9 of the Rules and Regulations of the Chicago Police Department.

⁴¹ Att. 41 at 11:44.

⁴² Att. 43 at 6:35.

⁴³ Att. 41 at 5:54.

⁴⁴ G04-01 III(A)(1 to 3), Preliminary Investigations (effective October 15, 2017 to December 30, 2020).

⁴⁵ Att. 43 at 01:56.

⁴⁶ Att. 43 at 9:22.

⁴⁷ Att. 43 at 21:35.

being arrested for trespassing, as he did not “buy” [REDACTED] version of events.⁴⁸ Finally, as the incident was ending, a male bystander asked, “Who do we need to talk to, to have the whatchamacallit, attempted burglary also added on the criminal charge?”⁴⁹ FTO Kraut asked for proof of the burglary, then stated, “There’s no evidence of a burglary, or attempted burglary. There is quasi-kidnapping because [REDACTED] held [REDACTED] against his will. So, let’s go. We’re not debating this. I’m not getting baited into anything.”⁵⁰

Seconds after FTO Kraut’s arrival at the scene, the incident shifted from a response to [REDACTED] 911 call to a verbal altercation between [REDACTED] and FTO Kraut. FTO Kraut asserted to COPA, and on BWC footage, that there was no evidence of a burglary, but he did not obtain a statement from [REDACTED] or any of the witnesses on scene.⁵¹ He also failed to document the burglary allegation in any of the CPD reports related to the incident. FTO Kraut later told COPA he did not know there was a burglary allegation, but the BWC clearly demonstrates otherwise. This issue is addressed below in the analysis of Allegation 13.

In addition to FTO Kraut’s failure to investigate [REDACTED] burglary claim, he also failed to convey a sense of concern and/or general interest in [REDACTED] complaint. In fact, when [REDACTED] attempted to explain [REDACTED] actions to FTO Kraut, FTO Kraut responded by dismissing [REDACTED] admonishing [REDACTED] for requiring law enforcement assistance, arguing about the validity of [REDACTED] complaint, and demanding that [REDACTED] limit his attempts to explain why a burglary occurred to verbal communication only. FTO Kraut’s comments would lead any reasonable person in need of police service to believe that FTO Kraut was not concerned about or interested in [REDACTED] complaint. For these reasons, COPA finds that Allegation 2 is sustained as a violation of Rules 2, 3, 5, 6, and 8.

c. Failure to Identify Allegation

COPA finds Allegation 3 against FTO Kraut, that he failed to identify himself when requested, is **sustained**. CPD members are required to provide their name, rank, and star number when requested by another CPD member or a private citizen.⁵² Here, [REDACTED] asked for FTO Kraut’s identifying information less than a minute into the encounter. FTO Kraut responded, “Yea, you’ll get it in a minute,”⁵³ then threatened to leave the scene. [REDACTED] made at least three additional requests for FTO Kraut’s information before KTO Kraut eventually provided it, almost thirty minutes after [REDACTED] first request. COPA finds that FTO Kraut’s prolonged and repeated failures to provide the requested information violated CPD policy and Rules 2, 3, 5, and 37.

⁴⁸ Att. 43 at 23:35.

⁴⁹ Att. 43 at 28:44.

⁵⁰ Att. 43 at 29:11.

⁵¹ When [REDACTED] and the witnesses attempted to explain what happened, FTO Kraut immediately interjected, admonished their tone, and derailed the conversation.

⁵² Section V, Rule 37 of the Rules and Regulations of the Chicago Police Department.

⁵³ Att. 43 at 1:50.

d. Detention and Search Allegations

COPA finds Allegations 4 and 5 against FTO Kraut, that he improperly detained and handcuffed ██████████ are **sustained**. CPD members are permitted to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.⁵⁴ Reasonable articulable suspicion is defined as “an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion.”⁵⁵ During a detention, a CPD member may elect to handcuff an individual. Additionally, a person who is lawfully detained can be subjected to a limited search – a protective pat down – for weapons if a CPD member reasonably suspects that he or another person is in danger of an attack.⁵⁶ When a member conducts a protective pat down and “encounters an object that, based on their training and experience, the sworn member believes is contraband, the sworn member may seize the item without a warrant. The object may not be manipulated in order to determine the identity of the object.”⁵⁷

At the onset of the incident, ██████████ yelled at FTO Kraut, who responded by immediately threatening to handcuff ██████████ volunteered his arms in front of his body, presented his wrists to FTO Kraut, and stated, “Go ahead, sir.”⁵⁸ FTO Kraut then advanced on and handcuffed ██████████ despite the fact that ██████████ the reported offender, was not yet in cuffs.⁵⁹ FTO Kraut explained that he detained and handcuffed ██████████ because he believed ██████████ was being unreasonable and aggressive. While these factors may support a decision to detain and handcuff an individual, they do not, by themselves, justify a detention or handcuffing. In this instance, FTO Kraut was keenly aware that ██████████ was attempting to report a crime as a victim, and that CPD’s response took longer than ██████████ felt was reasonable. Additionally, every time ██████████ attempted to inform FTO Kraut of his criminal complaint, FTO Kraut dismissed ██████████ in a harsh and forceful tone. FTO Kraut’s disrespectful treatment of ██████████ reasonably contributed to ██████████ verbal agitation. However, even with this increased agitation, FTO Kraut did not identify, and COPA could not locate, any evidence that ██████████ was engaged in, was about to engage in, or had engaged in a criminal offense. Handcuffing and detaining ██████████ served no law enforcement purpose and provided a poor representation of CPD. For these reasons, COPA finds that FTO Kraut’s decision to detain and handcuff ██████████ violated CPD policy and Rules 2, 3, 6, and 8.⁶⁰

Additionally, because FTO Kraut’s decision to detain and handcuff ██████████ was not reasonable or proper, FTO Kraut’s pat down of ██████████ and search of ██████████ pockets also

⁵⁴ S04-13-09 II(A), Investigatory Stop System (effective July 10, 2017 to present).

⁵⁵ S04-13-09 II(C).

⁵⁶ S04-13-09 IV(B).

⁵⁷ S04-13-09 II (E).

⁵⁸ Att. 43 at 2:44.

⁵⁹ Att. 43 at 2:54.

⁶⁰ Even assuming, *arguendo*, that ██████████ detention was reasonable and proper, FTO Kraut could not identify a single reason, other than ██████████ tone, that would cause a reasonable officer to believe that ██████████ posed a risk to officer safety.

violated CPD policy. The BWC footage shows that ██████ was handcuffed behind his back and standing on his neighbor's porch when FTO Kraut reached into his front pants pockets and removed several items, including his phone, wallet, keys, and vape pods.⁶¹ FTO Kraut then turned ██████ around, searched his back pockets, and asked ██████ for his ID.⁶² FTO Kraut denied that he "searched" inside ██████ pockets and asserted he only "removed the contents of his pockets and set them on the front porch stoop near [██████] for officer safety."⁶³ FTO Kraut's semantic argument is irrelevant, however, as he lacked reasonable articulable suspicion to conduct either a pat down or search of ██████. ██████ was vocally upset, but he did not pose a threat of physical violence and gave no indication he was armed. Therefore, COPA finds Allegations 7 and 8, that FTO Kraut performed a pat down of ██████ and searched inside ██████ pockets without justification, are **sustained** as violations of Rules 2, 3, and 6.

e. Force Allegation

COPA finds Allegation 6 against FTO Kraut, that he improperly pushed ██████ is **sustained**. CPD policy mandates that a member's use of force must be objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by a person.⁶⁴ When a member encounters a person who is compliant, the member is only permitted to respond with police presence and verbal directions, not physical force.⁶⁵ Moreover, CPD policy is clear that "[t]he use of excessive force, unwarranted physical force, or unprofessional conduct by a Department member is prohibited and will not be tolerated."⁶⁶

In this case, ██████ complied with every instruction provided to him by the officers on scene. While FTO Kraut may not have been aware that some of ██████ actions were in direct response to instructions from other officers, ██████ conduct did not rise to the level of resistance of any kind. In fact, at the time FTO Kraut pushed ██████ was in handcuffs, standing still, and had not committed or threatened to commit any crime. FTO Kraut's justification for pushing ██████ was based solely on ██████ spittle landing on him. However, the BWC footage shows that FTO Kraut advanced on and pushed ██████ more than 80 seconds *before* he complained about the spittle.⁶⁷ Moreover, when FTO Kraut did complain about the spittle, he and ██████ were speaking with raised voices in close proximity to one another. In this context, the spittle was likely an inadvertent byproduct of forceful speaking and not an intentional act. For these reasons, COPA finds that FTO Kraut's decision to push ██████ violated CPD policy and Rules 2, 3, 6, 8, and 9.

⁶¹ Att. 43 at 6:11.

⁶² Att. 43 at 6:52.

⁶³ Att. 24, pg. 31, Ins. 15 to 17.

⁶⁴ G03-02-01 II(C), Force Options (effective October 16, 2017 to February 28, 2020).

⁶⁵ G03-02-01 IV(A)(1-2).

⁶⁶ G03-02 III(B)(5)(a), Use of Force (effective October 16, 2017 to February 28, 2020).

⁶⁷ Att. 43 at 5:50 to 7:15.

f. Entering Other Residential Yard Allegation

COPA finds Allegation 9 against FTO Kraut, that he improperly entered the yard of a neighboring residence, is **not sustained**. In general, a CPD member must have a justification for entering a fenced yard or other clearly defined private space. In this instance, however, the area FTO Kraut escorted ██████ to was located at the front entryway of the building. Since ██████ was escorted to the front of the building, which was reasonably accessible to the public, COPA is unable to prove or disprove whether FTO Kraut improperly entered the neighboring yard. Thus, this allegation is not sustained.

g. Failure to Mentor PPOs Allegations

COPA finds Allegation 10 against FTO Kraut, that he permitted PPO Wellington to be listed as the first arresting officer in ██████ Arrest Report, is **exonerated**. Under normal circumstances, CPD policy does not permit PPOs to be listed as the first arresting officer on arrest reports.⁶⁸ However, in the event it is necessary for a PPO to be listed as the first arresting officer, the FTO must explain the reason(s) to the watch operations lieutenant during the approval of probable cause.⁶⁹ In this case, it is undisputed that a PPO was listed on ██████ Arrest Report as the first arresting officer; however, FTO Kraut informed COPA that he discussed this issue with his watch operations lieutenant. Additionally, the report was approved without a change to the arresting officer section, which is at least tacit approval—if not outright acknowledgment—of a PPO being listed. For these reasons, COPA finds that FTO Kraut’s listing of a PPO reasonably complied with CPD policy.⁷⁰

However, COPA finds Allegation 11, that FTO Kraut failed to properly mentor or facilitate the performance of PPOs Wellington and Meng, is **sustained**. Under CPD policy, an FTO is required to “mentor his or her assigned PPO and facilitate the proper field performance,” and “*teach by example*, emphasizing procedural justice, de-escalation, impartial policing, and community policing.”⁷¹ Here, FTO Kraut’s actions did not meet the standards expected of any CPD member, especially an FTO with assigned PPOs. FTO Kraut asserted that he mentored his PPOs appropriately, referencing how he told them how to fill out reports and schedule court dates. However, as COPA has already discussed, FTO Kraut’s actions demonstrated an utter disregard for multiple CPD policies and rules. FTO Kraut’s verbal abuse and treatment of ██████ during this incident was unjustified and provided a poor example of how officers should interact with the public. Additionally, his actions failed to model de-escalation techniques, exemplified the punitive treatment of civilians, and set confusing standards regarding the Fourth Amendment. All of these failures support a finding that FTO Kraut did not properly mentor his PPOs or teach by example.⁷²

⁶⁸ S11-02 VIII(B)(10)(a), Field Training and Evaluation Program (effective June 18, 2018 to December 31, 2021).

⁶⁹ S11-02 VIII(B)(10)(a).

⁷⁰ Even if FTO Kraut was not approved to list a PPO as the first arresting officer, the subsequent approval of the report by higher-ranking members likely rendered any failure by FTO Kraut moot.

⁷¹ S11-02 VIII(B)(b - c) (emphasis added).

⁷² FTO Kraut, however, asserted that his behavior set a good example for his PPOs. Att. 24, pg. 27, Ins. 15 to 24 and pg. 28, Ins. 1 to 13.

For these reasons, COPA finds that FTO Kraut's conduct violated CPD policy and Rules 2, 3, 5, and 6.

h. Allegations regarding False, Misleading, and/or Inaccurate Statements

COPA finds Allegation 12 against FTO Kraut, that he provided misleading details in a case report, is **sustained**. COPA also finds Allegations 13 and 14, that FTO Kraut provided false, misleading, and/or inaccurate statements to COPA, are **sustained**. CPD members are required to detail the facts and circumstances of an incident accurately and fully.⁷³ However, there is a difference between a false statement attributed to carelessness or inattention, which is covered by Rule 10, and an intentionally false statement that rises to the level of a Rule 14 violation.⁷⁴

As it relates to use of the word "charged" in both the case report and FTO Kraut's initial statement to COPA, FTO Kraut admitted he should not have described [REDACTED] actions using that word.⁷⁵ FTO Kraut further acknowledged the report contained poor word choices and grammatical errors. While using the word "charged" to describe [REDACTED] actions could be misleading, there is no evidence in the record to indicate that FTO Kraut selected this specific word to intentionally mislead any subsequent reader of the report. In fact, the evidence shows that FTO Kraut was extremely agitated during this incident, and that agitation likely contributed to or caused FTO Kraut to characterize [REDACTED] actions as a "charge" rather than an approach. Additionally, when FTO Kraut provided COPA with his initial statement, he was clear that the incident occurred over three years earlier, and his recollection was based partly on the case report. While COPA cannot determine if FTO Kraut's use of the word "charge" rises to the level of a willful and knowing violation of Rule 14, the word use does indicate a level of carelessness and inattention to duty on the part of FTO Kraut. For these reasons, COPA finds that FTO Kraut's use of the word "charged" was inaccurate, and Allegations 12 and 14 are sustained as violations of Rules 2, 3, 6, and 10.

Additionally, COPA finds Allegation 13, that FTO Kraut falsely told COPA he was unaware that [REDACTED] was reporting a burglary, is **sustained** as a violation of Rule 14. During FTO Kraut's first statement to COPA, he emphatically asserted that he had reviewed his BWC footage prior to the statement;⁷⁶ he was unaware of a single instance in which [REDACTED] alleged a burglary;⁷⁷ [REDACTED] had told him that he only wanted [REDACTED] arrested for trespassing;⁷⁸ and he did not investigate the burglary complaint because he did not know about it.⁷⁹ In his second

⁷³ See generally G04-01; S09-05-01 III(A)(1), Department Reports and Letters of Clearance (effective August 14, 2003 to present); Section V, Rule 14 of the Rules and Regulations of the Chicago Police Department.

⁷⁴ A violation of Rule 14 requires that a CPD member "willfully made a false statement and the false statement was made about a fact relevant to the investigation." G08-01-01 (II)(N), Department Member Bill of Rights (effective May 4, 2018 to June 30, 2022).

⁷⁵ Although the case report identifies PPO Meng as the reporting officer, FTO Kraut took responsibility for using the word "charged" in the narrative. Att. 38, pgs. 7 to 9.

⁷⁶ Att. 24, pg. 5, ln. 4.

⁷⁷ Att. 24, pg. 14, lns. 4 to 19.

⁷⁸ Att. 24, pg. 16, lns. 23 and 24.

⁷⁹ Att. 24, pg. 30, lns. 13 to 17.

statement, FTO Kraut attempted to equivocate by acknowledging that ██████ made a passing remark to a bystander about ██████ burglarizing his residence.⁸⁰ FTO Kraut stated that, upon hearing ██████ remark, he inspected the entry door to the residence as he recovered ██████ property. However, FTO Kraut maintained that ██████ never directly alleged to him that ██████ had engaged in a burglary.

While COPA acknowledges FTO Kraut's equivocation during his second interview, COPA finds that FTO Kraut's initial assertions that he was not aware of the burglary complaint were both willfully false and material to COPA's investigation.⁸¹ COPA bases this determination on: (1) FTO Kraut's repeated denials to COPA that ██████ ever reported a burglary to him; (2) FTO Kraut's acknowledgment, during his second statement, that he was dispatched to reports of a burglary in progress;⁸² (3) ██████ report to FTO Kraut, captured on BWC, that ██████ attempted to burglarize his residence;⁸³ (4) FTO Kraut's repeated dismissal of ██████ burglary claims;⁸⁴ (5) FTO Kraut's statement to a female bystander that CPD was responding to reports of a burglary;⁸⁵ (6) FTO Kraut's dismissal of a male bystander's inquiry about how to ensure ██████ was charged with attempted burglary;⁸⁶ (7) FTO Kraut's demands that ██████ "articulate" how ██████ committed a burglary;⁸⁷ (8) FTO Kraut's characterization of ██████ claims as "bullshit" to ██████⁸⁸ (9) FTO Kraut's statement to ██████ that he did not "buy" ██████ version of events;⁸⁹ and (10) the lack of evidence to support FTO Kraut's assertion that he inspected the entry door of ██████ residence while collecting ██████ personal property.⁹⁰ Based on these ten facts, COPA cannot identify any reason why FTO Kraut would assert that he was unaware ██████ was reporting a burglary other than a desire to mislead COPA investigators about Allegation 2.

For these reasons, COPA finds the preponderance of the evidence shows that FTO Kraut's empathic assertions that he was unaware of ██████ burglary complaint were both willfully false and material to COPA's investigation. Therefore, COPA finds FTO Kraut violated CPD policy and Rules 2, 3, 6, and 14.

⁸⁰ Att. 38, pg. 10, lns. 6 to 10 and 14 to 21.

⁸¹ As evidenced by Allegation 2.

⁸² Att. 11; Att. 38, pg. 17, lns. 12 to 24, pg. 18, lns. 1 to 7.

⁸³ Att. 43 at 01:56.

⁸⁴ Att. 43 at 01:57, 21:39, 23:03 to 23:25.

⁸⁵ Att. 43 at 09:26.

⁸⁶ Att. 43 at 28:44.

⁸⁷ ██████ offered to demonstrate to FTO Kraut what actions ██████ took that caused ██████ to believe a burglary occurred. Att. 43 at 29:00.

⁸⁸ Att. 43 at 21:56.

⁸⁹ Att. 43 at 23:36.

⁹⁰ BWC footage shows that FTO Kraut briefly approached the entry door, but only to gather ██████ personal property. Att. 43 at 04:30.

VI. DISCIPLINARY RECOMMENDATION

i. FTO Kraut’s Complimentary and Disciplinary History⁹¹

FTO Kraut has received 51 various awards during his 21 years as a CPD member. He has no sustained disciplinary history in the last five years.

ii. Recommended Penalty

COPA has found that FTO Kraut engaged in extensive misconduct that included willfully false statements, improper search and seizure of a person, unjustified verbal altercations and uses of force, acts attributed to inattention to duty, and failure to lead by example as an FTO. Additionally, FTO Kraut’s interactions with [REDACTED] who was attempting to report a crime, directly contributed to a degradation of CPD’s reputation and relationship with the community. Further, FTO Kraut engaged in all of this misconduct while training two PPOs, and he asserted to COPA that his actions were an example of good police work. It is for these reasons that COPA believes that FTO Kraut is unfit to serve as a CPD member, and especially an FTO responsible for training new officers. Therefore, COPA recommends that FTO Kraut be **separated** from CPD.

Approved:

[REDACTED]

Steffany Hreno
Director of Investigations

3/26/2023

Date

[REDACTED]

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

5/31/2023

Date

⁹¹ Att. 44.

Appendix ACase Details

Date/Time/Location of Incident:	May 25, 2019 / 7:55 pm / [REDACTED] Chicago, IL 60659
Date/Time of COPA Notification:	May 25, 2019 / 10:05 pm
Involved Member #1:	Field Training Officer Andrew Kraut / Star #4116 / Employee ID # [REDACTED] / DOA: September 24, 2001 / Unit: 024 / Male / White
Involved Member #2:	Probationary Police Officer Shayne Wellington, Jr. / Star #18362 / Employee ID # [REDACTED] / DOA: August 27, 2018 / Unit: 044/024 / Male / Black
Involved Member #3:	Probationary Police Officer Xu Meng / Star #19343 / Employee ID # [REDACTED] / DOA: August 27, 2018 / Unit: 044/024 / Male / Asian Pacific Islander
Involved Individual #1:	[REDACTED] / Male / Unknown Race

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 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

Applicable Policies and Laws

- G03-02: Use of Force (effective October 16, 2017 to February 28, 2020).
- G03-02-01: Force Options (effective October 16, 2017 to February 28, 2020).
- G04-01: Preliminary Investigations (effective October 15, 2017 to December 30, 2020).
- S04-13-09: Investigatory Stop System (effective July 10, 2017 to present).
- S11-02: Field Training and Evaluation Program (effective June 5, 2018 to December 31, 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.⁹² 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.”⁹³

⁹² 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).

⁹³ *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