



Log #2021-0003104

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 8, 2021, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD) reporting alleged misconduct by a member of CPD.² The Initiation Report alleged that on August 8, 2021, Officer Jeffrey Zlotkowski, while off-duty, confronted ██████ in traffic, followed ██████ home, and initiated a physical confrontation including putting ██████ in a chokehold.³ Upon review of the evidence, COPA served an additional allegation that Officer Marcus Turner, who responded to the assault in progress, failed to conduct a thorough investigation. COPA interviewed ██████ Officer Zlotkowski, and Officer Turner. COPA also obtained CPD reports, 911 calls, and body worn camera (BWC) footage from the responding officers. Following its investigation, COPA reached sustained findings regarding all allegations.

II. SUMMARY OF EVIDENCE⁴

Because Officer Zlotkowski was off-duty, there was no BWC of the traffic confrontation or the events at ██████ house until the response officers arrived. However, in their interviews with COPA, both parties agreed that Officer Zlotkowski confronted ██████ in traffic near 107th and Homan.

█████ recounted to both the responding officers and COPA that Officer Zlotkowski pulled next to him in traffic and accused him of running through a stop sign. Officer Zlotkowski was upset and verbally abusive, calling him words to the effect of “asshole or jack-off.”⁵ Officer Zlotkowski said he was a police officer and making a traffic stop, but did not show any identification.⁶ Officer Zlotkowski challenged ██████ to get out the car, “like he wanted to fight,” and swung at ██████ through ██████ open window, “kind of”⁷ striking ██████ head.⁸ Not believing that Officer Zlotkowski (who was dressed in shorts and a t-shirt and driving a personal vehicle) was in fact a

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 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 both a civilian and officer interviews, 911 calls, body worn camera (BWC) footage from responding officers, and CPD reports.

⁵ Att. 18: pg. 10, ln. 22 – 23

⁶ Att. 18, pgs. 18-19, 25.

⁷ Att. 18: pg. 11, ln. 5

⁸ Att. 18, pgs. 10-11.

police officer, [REDACTED] stayed inside his vehicle, drove off, and called 911.⁹ Officer Zlotkowski followed [REDACTED] as [REDACTED] drove to his home, sometimes so closely that Officer Zlotkowski almost crashed into [REDACTED] car.¹⁰

As [REDACTED] arrived at his residence and tried to go inside his house, Officer Zlotkowski grabbed him and put [REDACTED] in a “headlock.”¹¹ Officer Zlotkowski remained verbally abusive, including threatening to shoot [REDACTED] dogs. At that point, [REDACTED] could smell the odor of alcohol on Officer Zlotkowski, who [REDACTED] felt was acting drunk.¹² [REDACTED] knocked on his door for help, and both men fell down the front steps. [REDACTED] stepfather, [REDACTED] came outside, and the situation de-escalated.

Officer Zlotkowski told the responding officers and COPA that he saw [REDACTED] vehicle run a stop sign and heard “a woman screaming, ‘he’s going to kill somebody,’”¹³ referring to the vehicle. Officer Zlotkowski told COPA that he caught up with [REDACTED] car, identified himself as police,¹⁴ and was told “fuck you. Fuck the police.”¹⁵ Officer Zlotkowski denied calling [REDACTED] profane names, and could not recall if he exited his vehicle or threatened to hit [REDACTED] at this point.¹⁶ According to Officer Zlotkowski, he had no memory of anything concerning the incident after this point because he sustained a concussion from the events that occurred at [REDACTED] home. Officer Zlotkowski then said he proceeded from Homan eastbound on 108th.¹⁷ He said did not remember arriving at [REDACTED] home or anything that happened there.¹⁸

Officer Zlotkowski acknowledged that the allegations that occurred at [REDACTED] home could have occurred, but that he did not recall them.¹⁹ However, Officer Zlotkowski related he had poor physical health at the time due to COVID-19 and found it hard to believe he would have started a physical fight. He denied drinking alcohol that day and stated that when he followed [REDACTED] after the traffic stop, he, Officer Zlotkowski, drove safely on to [REDACTED] home.²⁰ Officer Zlotkowski also told COPA that he did not call 911 because he did not think they would respond in time, as he thought [REDACTED] could kill someone if he let [REDACTED] continue driving.²¹

In 911 calls starting at approximately 6:54 pm, and ending at approximately 7:09 pm, [REDACTED] reported that an unknown white male who claimed to be a police officer harassed him, physically

⁹ Att. 17, pg. 11.

¹⁰ Att. 17, pgs. 12-

¹¹ Att. 18: pgs. 6, 16.

¹² Att. 17, pgs. 12, 18, 25-26.

¹³ Att. 35, pg. 7, ln. 20 – 21

¹⁴ 14 at 19:17:56 hrs.; Att. 35: pg. 10, ln. 3 – 5

¹⁵ Att. 35, pg. 8, ln. 2 – 3, pg. 10.

¹⁶ Att. 35, pgs. 12, 18.

¹⁷ Att. 35, pg. 13.

¹⁸ Att. 36, pg. 13

¹⁹ Att. 35, pg. 26.

²⁰ Att. 35, pgs. 19-20, 29- 30.

²¹ Att. 35, pgs. 20-22.

threatened him, followed him home, attacked him, tried to choke him, refused to leave, and was intoxicated.²²

Officer Turner and Officer Sandra Alvarez arrived at [REDACTED] home at about 7:09 pm.²³ In addition to [REDACTED] and Officer Zlotkowski, [REDACTED] step-father, [REDACTED] a neighbor, and [REDACTED] 8-year-old brother, were present outside. Officer Turner requested a supervisor shortly after arriving.

Officer Zlotkowski told Officer Turner that the two men arrived at [REDACTED] house and ran up front steps, and that Officer Zlotkowski announced his office and told [REDACTED] to stop.²⁴ [REDACTED] interjected that Officer Zlotkowski tried to “tackle” him and “beat his ass,” and Officer Zlotkowski stated, “Yes, trying to stop him. Yes, yes, I was trying to – anyway.”²⁵ Officer Zlotkowski then alleged [REDACTED] came outside and pushed the officer down the stairs. [REDACTED] again interjected to say, “No, I pushed you down the stairs, because you had me in a headlock.”²⁶ Officer Zlotkowski did not dispute this characterization of his actions, stating, “ok.”²⁷ [REDACTED] and [REDACTED] continued to criticize Officer Zlotkowski’s decision to chase and grab [REDACTED] and Officer Zlotkowski stated, “Well, I was trying to stop him [...]”.²⁸

Officers Alvarez and Turner also spoke with [REDACTED] neighbor, who suggested Officer Zlotkowski was a “drunk cop from Mt. Greenwood,”²⁹ and [REDACTED] did nothing wrong. [REDACTED] related he did not like how Officer Zlotkowski came onto his property and “tried to bring [REDACTED] down.”³⁰ The neighbor agreed, stating “yeah he did.”³¹ Officer Zlotkowski accused [REDACTED] of throwing him down the stairs, which [REDACTED] denied and stated that he was trying to keep Officer Zlotkowski from choking [REDACTED].³² Then, Officer Zlotkowski stated, “It was slippery, and I fell.”³³

Sgt. Tara Richardson arrived about 20 minutes later, and Officer Turner spoke with her first, describing the details he had learned about a traffic infraction and the subsequent physical altercation.³⁴ Sgt. Richardson then spoke with [REDACTED] who reiterated what occurred, but after she described the court procedure, decided that he did not want to press charges (although he told COPA that he had since changed his mind.)³⁵

²² Atts. 3 - 8

²³ Atts. 2 & 3

²⁴ Att. 14 at 19:18:59 hrs.

²⁵ Atts. 14 & 15 at 19:19:10 hrs.

²⁶ Atts. 14 & 15 at 19:17:45; 19:19:23

²⁷ Atts. 14 & 15 at 19:19:27

²⁸ Att. 15 at 19:21:16 hrs.

²⁹ Atts. 14 & 15 at 19:23:04 hrs.

³⁰ Atts. 14 & 15 at 19:23:10 hrs.

³¹ Atts. 14 & 15 at 19:23:14 hrs.

³² Atts. 14 & 15 at 19:26:22 hrs.

³³ Atts. 14 & 15 at 19:26:40 hrs.

³⁴ At about this same time Sgt. Richardson arrives, Officer Zlotkowski approached a white SUV, ostensibly occupied by his wife. The officer related in his COPA interview that after he failed to get his son, she checked the location on his phone and found him.

³⁵ Att. 17 at 19:29:32 hrs; Att. 18, pgs. 22, 27.

Sgt. Richardson then spoke with Officer Zlotkowski, who relayed that he saw [REDACTED] speeding, confronted him, and followed him home.³⁶ Officer Zlotkowski told Sgt. Richardson, “[a]nd once we got to here, he pulled in, ran out. I went to grab him. Pushed me down the stairs, and then obviously the dad came out, big guy, whatever. I get it, I totally get it. And then he pushed me down, um, hit my head on the concrete, and then, I mean that was pretty much it.”³⁷ When Sgt. Richardson voiced that Officer Zlotkowski could not follow someone, he responded that he understood but when he heard someone say [REDACTED] was “going to kill someone,” he felt compelled to act as a police officer.³⁸ Sgt. Richardson expressed that Officer Zlotkowski should have called 911, and the officer related that it was in the “heat of the moment,” and he lived right there where he “kn[e]w everybody.”³⁹

Sgt. Richardson also spoke with [REDACTED]⁴⁰ who confirmed that he saw Officer Zlotkowski put [REDACTED] in “a chokehold.”⁴¹ Sgt. Richardson determined that Officer Zlotkowski would not be arrested but a case report would be generated, as well as a complaint registered.

At the scene, [REDACTED] also told Officer Turner several times that he believed Officer Zlotkowski was intoxicated.⁴² However, Officer Turner did not relay that accusation to Sgt. Richardson when she arrived. In his COPA interview, Officer Turner did not recall [REDACTED] accusing Officer Zlotkowski of being intoxicated, but Officer Turner acknowledged hearing the claim after reviewing his own BWC video at COPA.⁴³ Officer Turner denied to COPA that Officer Zlotkowski seemed intoxicated and then related to COPA that he did not inform Sgt. Richardson that [REDACTED] alleged Officer Zlotkowski was drunk, because he did not “feel it was relevant to the actual situation that happened.”⁴⁴

Officer Turner also acknowledged that he did not document the names of the two adult witnesses; [REDACTED] and the neighbor. According to Officer Turner, neither witness provided additional details aside from what [REDACTED] reported and both corroborated [REDACTED] narrative, so Officer Turner did not think their information was necessary.

³⁶ Atts. 15 & 17 at 19:33:30 hrs.

³⁷ Atts. 15 & 17 at 19:34:14 hrs.

³⁸ Atts. 15 & 17 at 19:34:53 hrs.

³⁹ Att. 15 & 17 at 19:35:04

⁴⁰ Att. 17 at 19:36:25 hrs.

⁴¹ Att. 17 at 19:39:19 hrs.

⁴² Att. 14 at 19:17:50; 19:19:52.

⁴³ Att. 36: pg. 15, ln. 15 – pg. 16, ln. 5

⁴⁴ Att. 36: pg. 23, ln. 24 – pg. 24, ln. 1

III. ALLEGATIONS

Officer Jeffrey Zlotkowski

It is alleged that on or about August 8, 2021, at approximately 7:00 pm, at or near [REDACTED] Officer Zlotkowski committed misconduct through the following acts or omissions, by:

1. Engaged in an unjustified verbal altercation with [REDACTED]
 - Sustained in violation of Rules 2, 6, and 9
2. Followed [REDACTED] to his residence without justification
 - Sustained in violation of Rules 2 and 8
3. Used excessive force in that he pushed and / or grabbed [REDACTED] without justification
 - Sustained in violation of Rules 2, 6, and 9
4. Drove without due regard for the safety of all persons
 - Sustained in violation of Rules 2 and 8
5. Used excessive force in that he placed his arm around [REDACTED] neck in a headlock without justification
 - Sustained in violation of Rules 2, 6, and 9

Officer Marcus Turner

It is alleged by the above on or about August 8, 2021, at approximately 7:00 pm, at or near [REDACTED] [REDACTED] Officer Turner committed misconduct through the following acts or omissions, by:

1. Failing to conduct a thorough and proper preliminary investigation in violation of G 04-01
 - Sustained in violation of Rules 2 and 6

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.

During his COPA interview, Officer Zlotkowski asserted that due to a concussion, he did not remember anything the last thing he remembered the day of the incident was proceeding eastbound on 108th Street.⁴⁵ He recalled neither following [REDACTED] home nor what occurred outside [REDACTED] residence. However, when confronted with the allegation that he was driving in a negligent manner when he followed [REDACTED] home, he denied it and was able to remember that he drove

⁴⁵ Att. 35, pgs. 12-13.

“normal[ly].”⁴⁶ Moreover, when asked about events *prior* to him proceeding eastbound on 108th street, Officer Zlotkowski was able to remember only the facts that were favorable to him, and not those unfavorable to him, blaming his concussion. For instance, when asked if he remembered exiting his vehicle, attempting to strike [REDACTED] or making threatening statements to [REDACTED] when he stopped at [REDACTED] car around 107th and Homan, Officer Zlotkowski claimed he could not recall.⁴⁷ But, at the same time, Officer Zlotkowski could remember clearly what he claimed [REDACTED] said and did during the attempted stop, such as saying, “Fuck you. Fuck the police.” Additionally, Officer Zlotkowski also remembered the specific details of exactly how he retrieved his police ID from his wallet and then showed it to [REDACTED].⁴⁸ So, according to Officer Zlotkowski, due to his concussion, he could not remember anything after he turned onto 108th Street, but also could not remember only the unfavorable things he did during the initial attempted stop of [REDACTED].

Regardless, Officer Zolkowski’s interactions at the scene, as seen on BWC, did not appear affected by any injuries. He was appropriately responsive to all questions asked of him, and his description of the beginning part of the incident, that he indicated to COPA he could remember, was consistent with what he recalled in his COPA interview. As such, COPA will consider the statements Officer Zlotkowski made at the scene in making its findings.

This investigation did not reveal any evidence that caused COPA to doubt the credibility of [REDACTED] narrative to the responding officers, and separately, to the sergeant, as seen in body worn camera (BWC) footage, was largely consistent on all material points with his interview with COPA. Also, two witnesses at the scene – [REDACTED] and the neighbor – made statements to the responding officers which corroborated [REDACTED] narrative. Finally, [REDACTED] contemporaneous statement to 911 further corroborated his narrative.

V. ANALYSIS⁴⁹

Officer Zlotkowski

Allegation 1, that Officer Zlotkowski engaged in an unjustified verbal altercation with [REDACTED] is **Sustained**.

Rule 2 requires members to conduct themselves professionally, and in a way that does not bring discredit to the Department, whether off-duty or on-duty. General Order G02-01: Human Rights and Human Resources states that, “Department members will treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak and conduct themselves in a professional manner, recognizing their obligation to

⁴⁶ Att. 35, pgs. 29-30.

⁴⁷ Att. 35, pgs. 11-12.

⁴⁸ Att. 35, pgs. 10.

⁴⁹ For a definition of COPA’s findings and standards of proof, see Appendix B.

safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.”⁵⁰ Rule 9 prohibits engaging in an unjustified verbal altercation, while on or off duty.

Here, Officer Zlotkowski had explicitly identified himself as a member of CPD (whether believed or not) throughout the incident. █████ described Officer Zlotkowski to the responding officers and COPA as insulting and irate, calling █████ a “jag-off,” and “asshole,” and trying to fight █████ when he attempted to stop █████ in traffic. █████ contemporaneously reported to 911 that Officer Zlotkowski was threatening him.⁵¹ █████ also recounted that Officer Zlotkowski continued the verbal altercation once at █████ home, including threats of violence against █████ dog.

Officer Zlotkowski claimed he could not remember whether he engaged in verbal abuse during this initial interaction with Oritz, but only remembered that █████ was profane and insulting towards him. Officer Zlotkowski was unable to provide any recollection of what he did or did not say to █████ after █████ drove off from 108th St.

Regardless, based on the above, COPA finds by preponderance of the evidence, that it is more likely than not that Officer Zlotkowski engaged in an unnecessary verbal altercation. Thus, this allegation is **Sustained**, in violation of Rules 2, 6, and 9.

Allegation 2, that Officer Zlotkowski followed █████ to his residence without justification, is **Sustained**.

There is no dispute that Officer Zlotkoski followed █████ to █████ home. Once at █████ home, Officer Zlotkowski still had not called 911. Officer Zlotkowski’s assertions to COPA that he was unable to call 911 are not persuasive, especially because █████ was able to do so twice in the same timeframe, and because the officer admitted to Sgt. Richardson that he should have done so. Indeed, once at home, █████ was no longer a potential safety issue since his car was parked in his driveway and no longer occupied. Officer Zlotkowski could have reported both the license plate and address. Instead, Officer Zlotkowski exited his car and chased █████ up his back steps, continuing the verbal confrontation and initiating a physical confrontation. Officer Zlotkowski told Sgt. Richardson that he acted in the “heat of the moment” since he knew everyone in the neighborhood. Thus, it appears the officer was actually acting out of emotion and that he followed █████ home (driving erratically at times, as will be discussed below) in an act of road-rage.

This behavior violates Rule 2 and CPD Rule 8, prohibits disrespect or maltreatment of any person, on or off duty. Therefore, this allegation is **Sustained**.

⁵⁰ Att. 37: pg. 1, paragraph III, section B

⁵¹ Att. 5

Allegations 3 and 5, that Officer Zlotkowski used excessive force in that he pushed and/or grabbed ██████ without justification, and that he placed his arm around ██████ neck in a headlock without justification, are **Sustained**.

Per General Order G03-02: De-Escalation, Response to Resistance, and Use of Force, “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, bring a person or situation safely under control, or prevent escape.”⁵²

█████ told 911, responding officers, a sergeant, and COPA, that Officer Zlotkowski chased him up the steps to his home, grabbed him, and placed him in a chokehold. This characterization of Officer Zlotkowski’s actions was corroborated by ██████ statements to the responding officers, the neighbor’s statements to the responding officers, and even Officer Zlotkowski’s admissions (tacit and actual) to the responding officers. But, as stated, ██████ was out of his vehicle and no longer posing the threat Officer Zlotkowski asserted he was while in traffic. Officer Zlotkowski’s decision to escalate the interaction to a physical altercation was not reasonable, necessary, or proportional, because there was no active safety issue and ██████ was attempting to enter his own residence. While ██████ did fight back, Officer Zlotkowski’s appearance was that of a regular civilian in a personal vehicle. Civilians are allowed to flee and defend themselves from attack by another civilian. Considering ██████ had committed an alleged traffic infraction and no actual injuries occurred, COPA finds Officer Zlotkowski’s response exceedingly disproportionate, unreasonable, and unnecessary.

This is so even though the pressure ██████ described Officer Zlotkowski used did not rise to the level of a chokehold or lethal force. Instead, this action is comparable to a holding technique, which, per G03-02-01: Response to Resistance and Force Options, is allowed on resisters and assailants. However, as stated, any argument that the officer putting his arm around ██████ was justified because ██████ was trying to flee into his house or was fighting back is unpersuasive. Officer Zlotkowski was acting in an improperly threatening manner, and ██████ was justified in defending himself. Being an officer does not give carte blanche to physically attack civilians unjustifiably. Both G03-02 and G03-02-01 also mandated that officers attempt de-escalation, such as communication or using time to let tensions defuse and on-duty officers arrive. Officer Zlotkowski, however, failed to use de-escalate techniques, and instead escalated the encounter into a physical attack on ██████

Therefore, COPA finds by a preponderance of the evidence that Officer Zlotkowski initiated an unjustified physical altercation which included grabbing ██████ and placing his arm around his neck area. Thus, Allegations 3 and 5 are **Sustained** in violation of Rules 2, 6, and 9.

Allegation 4, that Officer Zlotkowski drove without due regard for the safety of all persons, is **Sustained**.

⁵² Att. 32: pg. 2, paragraph III, section B

█████ described that Officer Zlotkowski smelled of alcohol, appeared drunk and was driving erratically when he followed █████ almost crashing into █████ car.⁵³ Officer Zlotkowski reported no memory of following █████ to his home, yet insisted he drove normally when he did so. This denial is, therefore, not well-taken. As stated, Officer Zlotkowski admitted at the time that he acted in the heat of the moment as evidenced by his actions of physically assaulting █████ at █████ home even after any potential danger was alleviated. He also tried to engage █████ in a physical altercation when he first tried to stop █████ in traffic. Therefore, COPA finds that it is more likely than not that Officer Zlotkowski did drive without due regard for safety, even almost crashing into █████ car given his demonstrated and admitted urgency in getting his hands on █████

Officer Zlotkowski had announced his office, and driving recklessly while acting in his official capacity poorly represents CPD. Driving recklessly is also disrespectful to those around him by creating an unsafe environment, in violation of Rule 8. As such, Allegation 4 is **Sustained**.

Officer Turner

Allegation 1, that Officer Turner failed to conduct a thorough and proper preliminary investigation in violation of G04-01, is **Sustained**.

CPD General Order G04-01: “Preliminary Investigations” states that responding officers will “locate, identify, and interview any witnesses, to obtain the incident information [...]”⁵⁴ This policy also requires that officers gather all pertinent details.

Here, Officer Turner failed to obtain the contact information for two crucial witnesses to the events: █████ and the neighbor. Officer Turner also failed to respond in any way to █████ allegations that Officer Zlotkowski was drunk.

Officer Turner’s assertions that the witnesses’ information and narratives added nothing to the case, and that the allegation that Officer Zlotkowski was drunk was irrelevant, are erroneous. Multiple witnesses corroborating allegations of a battery is imperative information. Had a criminal investigation proceeded, a detective would need to contact them. Likewise, an off-duty police officer possibly getting drunk, driving, and starting a physical fight with a civilian is relevant to both a possible criminal investigation, and to a Bureau of Internal Affairs (BIA) or COPA investigation. Officer Turner’s failure to relay this crucial information to Sgt. Richardson at the scene, deprived her of the ability to take such steps as conducting a breath test, and having the proper notifications made.⁵⁵

⁵³ Att. 17, pgs. 12, 26.

⁵⁴ Att. 35: pg. 3, paragraph IV, section A, bullet 6

⁵⁵ SO4-08-01, DUI Investigations- Chemical Testing Procedures; S08-01-10 Special Situations Involving Allegations of Misconduct (Effective 08 April 2019)

Officer Turner's conduct violated Rule 2, as not accurately obtaining and reporting all relevant details, shows a lack of professionalism. Such actions can also bring discredit upon the Department, through the possible appearance of showing bias in favor of an accused officer. As such, the allegation against Officer Turner is **Sustained**, in violation of Rules 2 and 6.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jeffrey Zlotkowski

i. Complimentary and Disciplinary History⁵⁶

Officer Zlotkowski has 46 honors and awards including three Crime reduction Awards and 29 Honorable Mentions. He has no SPARS and no complaint history.

ii. Recommended Discipline

Officer Zlotkowski had been an officer for almost 27 years at the time of this incident. There is no room in the Chicago Police Department for such an experienced officer to conduct himself so dishonorably, threateningly, and dangerously because he was caught up in the heat of the moment and trying to impress his neighbors with the power he was used to commanding in his official capacity. His temperament was on full display from the initial contact and throughout the incident, using profanity, threatening physical violence on [REDACTED] then using physical violence on [REDACTED] and even threatening to shoot [REDACTED] dog.

COPA recommends Separation.

b. Officer Marcus Turner

i. Complimentary and Disciplinary History⁵⁷

Officer Turner has 33 awards and honors, including a 2019 Crime Reduction Award and 30 honorable mentions. He has no complaint history, nor any SPARS.

ii. Recommended Discipline

Officer Turner had been an officer for more than 5 ½ years at the time of this incident. He certainly should have been aware of the basic elements of a preliminary investigation by this point, and should have had a working understanding of the importance of corroborating witnesses, and allegations of officer impairment. His failure to do so in this case meant that another officer, who

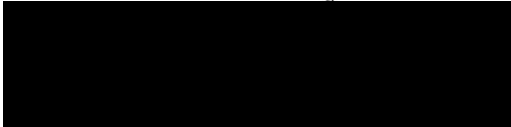
⁵⁶ Att. 39

⁵⁷ Att. 38

was possibly impaired when he attacked a citizen and drove a car, was never investigated for these serious and potentially dangerous transgressions.

COPA recommends a 10-day suspension and additional training in preliminary investigations.

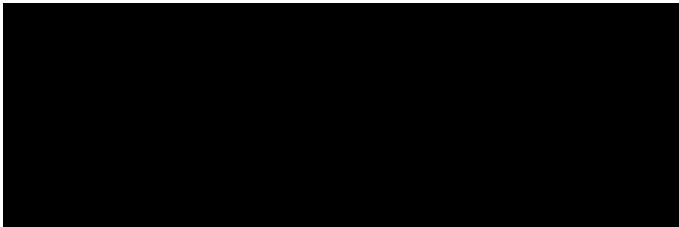
Approved:



1/25/2024

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date



1/25/2024

Andrea Kersten
Chief Administrator

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	August 8, 2021 / 7:00 pm/ at/near [REDACTED] Ave.
Date/Time of COPA Notification:	August 8, 2021 / 8:32 pm
Involved Member #1:	Jeffrey Zlotkowski, Star #18596, Employee ID # [REDACTED] Date of Appointment: October 3, 1994, 8 th District, Male, White
Involved Member #2:	Marcus Turner, Star #14203, Employee ID # [REDACTED] Date of Appointment: December 12, 2016, 22 nd District, Male, Black
Involved Individual #1:	[REDACTED] Male, Hispanic

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

- G02-01: Human Rights and Human Resources (effective October 5, 2017 – June 30, 2022)⁵⁸
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021 – June 28, 2023)⁵⁹
- G03-02-01: Response to Resistance and Force Options (effective April 15, 2021 – June 28, 2023)⁶⁰
- G04-01: Preliminary Investigations (December 30, 2020 - present)⁶¹

⁵⁸ Att. 37⁵⁹ Att. 32⁶⁰ Att. 33⁶¹ Att. 34

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.⁶² 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.”⁶³

⁶² 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).

⁶³ *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