SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:July 1, 2018Time of Incident:01:40Location of Incident:10 E. Chicago AveDate of COPA Notification:July 5, 2018Time of COPA Notification:16:32

alleged that while standing outside of a McDonald's restaurant, the accused officers arrested him for disorderly conduct without probable cause.

II. INVOLVED PARTIES

Involved Officer #1:	star # employee # DOA 2016, PO, Unit DOB 1987, M, WWH
Involved Officer #2:	star # employee # DOA 2016, PO, Unit DOB 1986, M, WWH
Involved Officer #3:	Sergeant star# employee# DOA DOB //1976, M, WHI
Involved Individual #1:	DOB 1991, M, BLK

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer	1. It is alleged that the accused arrested Mr. for disorderly conduct without probable cause.	Exonerated
	2. It is alleged that the accused directed profanity at Mr. during the incident that led to his arrest.	Unfounded
	3. It is alleged that the accused refused to allow Mr. to speak to a sergeant.	Unfounded

Officer	1. It is alleged that the accused arrested Mr. for disorderly conduct without probable	Exonerated
	cause. 2. It is alleged that the accused directed profanity at Mr. during the incident that led to his arrest.	Unfounded
	3. It is alleged that the accused refused to allow Mr. to speak to a sergeant.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Violations of any law or ordinance.

State Law/Municipal Ordinance

- 1. 720 ILCS 5/12-9. Threatening Public Officials.
- 2. Chicago Code of Ordinances Title 8, Offenses Affecting Public Peace, Morals and Welfare: Chapter 8-4 Public Peace and Welfare: Section 010: Disorderly Conduct.

Federal Laws

1. United States Constitution, Amendment IV: Prohibits Search and Seizure Without Probable Cause.

V. INVESTIGATION

a. Interviews

In his statement to COPA, on November 13, 2018, stated that he was at McDonald's when the police were called regarding an incident in which he was not involved. He explained that he was standing outside in front of the restaurant when several officers, including the accused officers, began to complain about him standing near the restaurant. He said after exchanging words with several officers, the officers began leaving the scene, but the accused officers exited their vehicle and came back to talk to him. He said the accused officers were angry and accused him of threatening to shoot them and placed him under arrest. He denied making the threat to shoot the accused officers. Mr. complained that because he was not charged with the offense of threatening the police, that his arrest for disorderly conduct was without probable cause.

In his statement to COPA,² on December 24, 2018, Officer stated that he was assisting another unit on a disturbance call at McDonald's restaurant. He explained that the

² Att. 6

¹ Att. 8

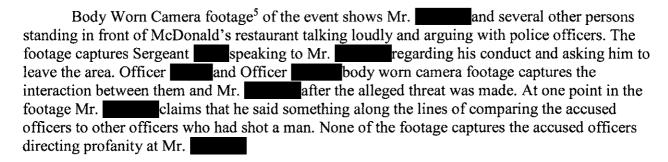
sergeant at the scene advised Mr. and his friends that they were being disorderly. He said that eventually the sergeant ended the event and he entered his vehicle with the intent to leave. Upon entering his vehicle, Mr. made a threat to shoot him. He did not hear the complete threat, but he did hear Mr. say he would shoot him. He exited his vehicle and approached Mr. and spoke to him about the threat. He said he spoke to Mr. strong tone because he felt this was needed after the other officers had spoken to him about his disorderly conduct. He said he did not use profanity when speaking to Mr. He explained that when he approached Mr. he continued to act in a disorderly manner, so he arrested him. Officer explained that he had seen Mr. in that vicinity on a few prior occasions. He said Mr. frequents the area with other individuals and they are disorderly, but this was the first time he had to arrest him. Officer said that he spoke with Mr. at the police station and Mr. apologized for his actions. He also spoke with Officer and Sergeant about the offense and they decided that Mr. would not be charged for the offense of threatening the officer.
In his statement to COPA, ³ on December 24, 2018, Officer stated that he and his partner, Officer were assisting on a disturbance call at McDonald's restaurant. He explained that several officers and a sergeant were at the scene speaking to Mr. and other individuals about their disorderly conduct. He did not speak to Mr. during the event. He noticed that Mr. and the other civilians continued to be belligerent and did not seem to be leaving the area. He said Officer indicated that Mr. had made a threat to shoot them. He said he heard Mr. talking, but did not hear the threat. He said he and officer exited their vehicle to speak with Mr. about the threat and to get clarification, but Mr. would not clarify what he said. He explained that Mr. was arrested because he made a threat to the police and for the safety of those in the vicinity of the restaurant. Officer said that after speaking with Mr. at the station, it was decided that he would not be charged with threatening the officers. He said this decision was made because Mr. seemed apologetic and because of his young age.
In his statement to COPA, on December 27, 2018, Sergeant stated that he responded to the event at McDonald's. He explained that when he arrived, he observed officers on scene and a boisterous crowd of people. He assessed the situation and spoke to the McDonald's security guard, and then to those who were being disorderly. He explained to them how they were being disorderly and directed them to leave the area. He warned Mr. that he could be arrested for disorderly conduct if he did not leave the area. He ended the event after talking to the crowd and directed the officers to leave. He said that once he was inside his vehicle he observed the accused officers, exit their vehicle and approach Mr. He walked back over to the parties to find out what was happening, and Officer informed him that Mr. had made a threat to shoot him. He told Officer to arrest Mr. because he was still engaging in disorderly conduct and had now made a threat to the police. He said he did not hear Mr. make the threat. Sergeant explained that he was aware that the McDonald's had made several calls to 911 that evening, so he spoke again to the security guard about the matter and then he signed the complaint against Mr. The security guard informed the sergeant that he wanted to sign the complaint initially but was afraid of retaliation

⁴ Att. 7

³ Att. 5

from Mr. and his friends. Serge	eant said that he was informed that Mr. had
requested to speak to a supervisor while	e he was at the police station and that he was the sergeant
that spoke to him. He also spoke to the a	accused officers, regarding the details of the arrest. He
felt that the threat was stated more in ge	eneral terms as opposed to a specific threat, so he and the
accused officer decided that Mr.	would not be charged with that offense.

b. Digital Evidence



In-Car Video⁶ footage does not capture the accused officers directing profanity at Mr.

c. Documentary Evidence

The Chicago Police Department Arrest Report⁷ details Mr. arrest and the offense cited is Disorderly Conduct-Breach of Peace. The narrative details the subjects threatening the security guard at McDonald's and describes Mr. conduct as yelling, screaming obscenities, and disturbing the patrons of the restaurant.

The Office of Emergency Management and Communications Event Query Report ⁸ details four calls, classified at disturbance, made from McDonald's to 911.

d. Additional Evidence

In a telephone conversation with COPA, on December 11, 2018	, COPA spoke with
the security guard for McDonald's. He explained that Mr.	and his friends were
asked to leave the restaurant after engaging in a verbal altercation w	ith other patrons. He thought
their conduct was escalating and that a fight was going to ensue, so	he asked them to leave the
restaurant. Mr. exited the restaurant but remined outside in	front of the establishment.
He was talking loudly and disturbing the patrons. Mr. said that	at he did not initially sign the
compliant for disorderly conduct because he feared the group would	l retaliate against him. He
stated that he willingly signed the complaint after the offenders left	the area.

⁶ Att. 18

⁵ Att. 18

⁷ Att. 9

⁸ Att. 19

VI. LEGAL STANDARD

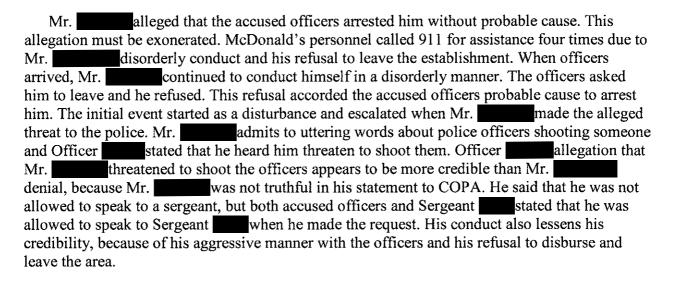
For each Allegation COPA must make one of the following findings:

- 1. Sustained where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. 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 has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. See e.g., People v. Coan, 2016 IL App (2d) 151036 (2016). 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." Id. at ¶ 28.

VII. ANALYSIS



Mr. alleged that the accused officers directed profanity at his	im during the incident.
This allegation is unfounded. In this instance, there is no evidence to con	roborate Mr.
allegation. There is no evidence of this allegation in either the body wor	rn camera or in-car
camera footage.	`
Mr. alleged that the accused officers refused to allow him to	speak to a sergeant.
This allegation is unfounded. Sergeant stated that the accused office	ers informed him Mr.
requested to speak to a sergeant and that he spoke to Mr.	Officer and
Officer corroborate the fact that Mr. spoke to Sergeant	

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding /
Officer	1. It is alleged that the accused arrested Mr. for disorderly conduct without probable cause.	Recommendation Exonerated
	2. It is alleged that the accused directed profanity at Mr. during the incident that led to his arrest.	Unfounded
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Officer	1. It is alleged that the accused arrested Mr. for disorderly conduct without probable cause.	Exonerated
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Angela/Hearts-Glass Deputy Chief Administrator 6-19-19

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Angela Hearts-Glass