

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 27, 2020
Time of Incident:	1:36 pm
Location of Incident:	██████ W. Jonquil Terrace
Date of COPA Notification:	June 27, 2020
Time of COPA Notification:	4:01pm

On June 27, 2020, Complainant ██████████ was working for Amazon, delivering packages on the 1700 block of W. Jonquil Terrace. He observed members of the Chicago Police Department arresting a black male, now identified as ██████████ ██████████ exited his delivery truck, took out his cell phone, and started to record the incident. As ██████████ stood on the sidewalk, he had a brief verbal exchange with Sergeant Allen Finley (Sergeant Finley), who was called to the scene to assist with the arrest of ██████████ alleged Sergeant Finley called him a servant, a slave, and stuck up his middle finger at him.

**II. INVOLVED PARTIES**

Involved Officer #1:	Allen Finley, Star #1214, Employee # ██████████ Date of Appointment: October 3, 1994, Sergeant, Unit 024, DOB: ██████████, 1966, Male, White
Involved Individual #1:	██████████ DOB: ██████████, 1992, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant Allen Finley	It is alleged by ██████████ that on or about June 27, 2020, at approximately 1:36 pm, at or near ██████████ W. Jonquil Terrace, Sergeant Allen Finley, star 1214, committed misconduct through the following acts or omissions:	
	1. Called ██████████ a slave.	Not Sustained
	2. Called ██████████ a servant.	Not Sustained
	3. Stuck up his middle finger at ██████████	Not Sustained

#### IV. APPLICABLE RULES AND LAW

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##### Rules

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1. Rule 2- Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 8- Disrespect to or maltreatment of any person, while on or off duty.

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

COPA interviewed Complainant ██████████ ██████████ on July 16, 2020.<sup>2</sup> ██████████ stated on June 27, 2020, he was working for Amazon delivering packages. ██████████ noticed multiple officers arresting a young male, now identified as ██████████ (██████████) so ██████████ took out his phone and started recording the incident.<sup>3</sup> As ██████████ recorded, he yelled to ██████████ to comply with the officers. ██████████ observed at least twelve police vehicles at the scene, blocking his delivery truck from both the front and the back. Officers asked ██████████ to move his truck in a rude manner, and ██████████ responded he could not move the truck because it was blocked in by the officers' vehicles. At that point, Sergeant Finley arrived at the scene, apparently in response to ██████████ request for a supervisor. ██████████ spoke to Sergeant Finley and informed him that he could not move his truck because it was blocked in. Sergeant Finley directed the officers to move their vehicles, allowing ██████████ to drive his truck to a nearby parking lot.

After ██████████ relocated his truck, he walked back to deliver a package on Jonquil Terrace. ██████████ observed Sergeant Finley standing near his vehicle and asked, "Are we all good?"<sup>4</sup> Sergeant Finley responded with a thumbs up, then walked closer to ██████████. When the sergeant was approximately two to three feet away, ██████████ believed their proximity allowed for a personal conversation regarding the officers' professionalism. ██████████ told Sergeant Finley he would like to see better public servants, but Sergeant Finley laughed at ██████████ and said, "You're my servant and my slave."<sup>5</sup> ██████████ asked the sergeant to repeat himself and asked if his body worn camera was activated. Sergeant Finley replied his camera was recording, then again stated ██████████ was his servant and his slave, and told ██████████ to serve him. According to ██████████ he asked Sergeant Finley for his name and badge number, but the sergeant stuck up his middle finger at him. ██████████ believed the sergeant's comments were racially motivated, and he was distraught over the incident.

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<sup>1</sup> COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital and documentary evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Att. 10.

<sup>3</sup> During his COPA interview, ██████████ stated he recorded the entire incident, including the entire interaction he had with Sergeant Finley. COPA asked ██████████ for a copy of the video, but he later stated he switched phones and no longer possessed the video. See CMS Note CO-0069255 & Note: CO-0077400.

<sup>4</sup> Att. 10 at 32:29 minutes.

<sup>5</sup> Att. 10 at 9:22 minutes.

██████████ documented the incident with his employer, Amazon<sup>6</sup>, and an Amazon supervisor escorted ██████████ to the 24<sup>th</sup> District to make a report. Once at the station, ██████████ spoke with a lieutenant and made a report of what occurred.

COPA interviewed ██████████ on July 7, 2020.<sup>7</sup> According to ██████████ at approximately 2:00 pm on the date of the incident, she was inside her residence at ██████████ Avenue. ██████████ living room windows were open, and she overheard two unknown males engaged in a conversation outside her residence. ██████████ noticed that one of the men, now identified as ██████████ was distraught and crying. She heard ██████████ tell the other man that a police officer had called him a servant and a slave when he was delivering packages on Jonquil Terrace. ██████████ went outside and spoke with ██████████ who told her his name and identified Sergeant Finley as the involved Department member. ██████████ also said he had a video of the incident, but ██████████ did not see it. ██████████ stated she did not know ██████████ and had never spoken to him prior to this incident. After ██████████ encounter with ██████████ she went to the 24<sup>th</sup> District to file a report, where she was directed to file a web complaint with COPA.

COPA interviewed **Sergeant Allen Finley** on March 18, 2021.<sup>8</sup> On the date of the incident, Sergeant Finley was working as a tactical team sergeant in the 24<sup>th</sup> District. He was in the area of ██████████ W. Jonquil Terrace because he was assisting with the arrest of an individual, now identified as ██████████. While at the call, Sergeant Finley observed an Amazon delivery truck double-parked in the middle of the street, and the driver of the delivery truck standing on the sidewalk. Sergeant Finley described the driver, now identified as ██████████ as a Black male, approximately 6 feet tall, with a thin build and wearing a purple vest. Sergeant Finley asked ██████████ to move the delivery truck because it was blocking multiple police vehicles that were positioned behind it, including the sergeant's own vehicle. ██████████ did not comply, and Sergeant Finley did not see ██████████ or anyone else move the truck while he was at the scene.

Sergeant Finley stated his body worn camera was activated the entire time he was at the address on Jonquil Terrace. He did not recall if he had any interactions with ██████████ while his camera was not recording, or if said anything to ██████████ aside from asking him to move the delivery truck. Sergeant Finley denied all three allegations made against him.

#### **b. Digital Evidence**

**Sergeant Allen Finley's body worn camera (BWC) video<sup>9</sup>** begins with the sergeant riding as the passenger in an unmarked police vehicle. Sergeant Finley arrives at the scene and exits the police vehicle. He walks past a delivery truck double-parked in the middle of the street and locates the officers who are attempting to place ██████████ under arrest. The video captures ██████████ standing on the sidewalk with his cell phone in his hand, apparently recording the interaction between ██████████ and the officers. The officers escort ██████████ to an awaiting police vehicle as ██████████

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<sup>6</sup> During his COPA interview, ██████████ provided the names of two of his supervisors at Amazon. COPA reached out to both supervisors to inquire if there was video of the incident, but they responded they were not aware of any video that captured the alleged incident. Att. 20 & Note: CO-0077834.

<sup>7</sup> Att. 1.

<sup>8</sup> Att. 23.

<sup>9</sup> Att. 21. COPA also reviewed the BWC videos of four other officers who were present during the incident; however, none of the videos capture Sergeant Finley's interactions with ██████████ after ██████████ moved his truck. Att. 11.

continues to record on the sidewalk. ██████ can be heard saying Sergeant Finley's name and attempting to say his badge number, but Sergeant Finley states the badge number is wrong and gives ██████ his correct badge number. Sergeant Finley then tells ██████ that he is double-parked, and ██████ replies that police units are stopped in front of his truck and he cannot move the vehicle. ██████ tells Sergeant Finley that he is recording the incident, and the sergeant responds that his camera is also activated. ██████ walks off further down the block and Sergeant Finley returns to his vehicle, then deactivates his camera.

The **Police Observational Device (POD) camera**<sup>10</sup> located at 1691 W. Jonquil Terrace captures the traffic stop and arrest of ██████ beginning at approximately 1:14:40 pm. Officers place a handcuffed ██████ into the rear seat of a marked police vehicle, which is stopped directly behind ██████ delivery truck.<sup>11</sup> An unmarked police vehicle is stopped directly in front of ██████ truck, blocking its path. At 1:20:40 pm, an officer relocates the unmarked police vehicle to a nearby alley. ██████ then reenters his truck and drives westbound on Jonquil Terrace, off camera.

At approximately 1:22:00 pm, ██████ emerges from the alley on foot and walks northbound across Jonquil Terrace. He appears to be carrying his cell phone in one hand and an Amazon package in the other hand. As ██████ crosses the street, he walks in front of Sergeant Finley, who is standing next to his unmarked police vehicle. ██████ stops on the sidewalk, turns, and appears to engage in a brief verbal exchange with the sergeant. After approximately 30 seconds, Sergeant Finley reenters his vehicle and departs the scene. As the vehicle drives away, the video shows ██████ walking alongside it, apparently still attempting to speak to Sergeant Finley.<sup>12</sup>

## 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. 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.

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<sup>10</sup> Att. 13, file: 9308-2020-06-27\_12h45min00s000ms.g64.

<sup>11</sup> Sergeant Finley's unmarked police vehicle is located behind the marked police vehicle.

<sup>12</sup> The POD video does not contain audio, and thus does not capture the conversation between ██████ and Sergeant Finley. Additionally, due to the camera angles and the positioning of Sergeant Finley's vehicle, the video does not reveal whether Sergeant Finley stuck up his middle finger at ██████

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.<sup>13</sup> If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. Clear and convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>14</sup>

## VII. ANALYSIS AND CONCLUSIONS

COPA finds **all allegations** against Sergeant Finley are **not sustained**. ██████ alleged that Sergeant Finley called him a servant and a slave, and also stuck up his middle finger at him. According to ██████ this interaction occurred after officers arrested ██████ and after ██████ moved his delivery truck. Sergeant Finley denied all of the allegations against him, stating the only conversation he recalled having with ██████ was when he asked ██████ to move his truck. Sergeant Finley maintained his BWC was activated the entire time he was at the incident location, and he did not recall having any conversations with ██████ when his camera was not recording.

COPA has carefully considered all of the evidence in assessing the credibility of both ██████ and Sergeant Finley. ██████ account is corroborated by the POD video, which shows ██████ had two separate interactions with Sergeant Finley, the latter of which occurred *after* ██████ moved his delivery truck and the sergeant deactivated his BWC. Although there is no audio revealing what ██████ and Sergeant Finley said to one another, the POD video confirms that the second interaction did occur, consistent with ██████ description of the incident.

██████ account is also bolstered by the witness statement of ██████ who overheard ██████ discussing the incident approximately 30 minutes after it occurred. ██████ told ██████ that Sergeant Finley called him a servant and a slave, which is consistent with the allegations he later made to COPA. ██████ stated she did not know ██████ prior to the date of the incident, and COPA accepts her account as a truthful recitation of what ██████ told her. However, ██████ did not personally witness the incident, and the close proximity in time between ██████ COPA complaint and ██████ COPA complaint suggests the two may have coordinated to a greater degree than they acknowledged.<sup>15</sup>

Although the POD video and ██████ statement corroborate ██████ account, COPA finds ██████ credibility is reduced by his inability to produce the video he recorded during the incident. The BWC videos show ██████ standing on the sidewalk during ██████ arrest, holding

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<sup>13</sup> See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

<sup>14</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

<sup>15</sup> ██████ submitted her web complaint at 3:23 pm on June 27, 2020, under Log #2020-2924; ██████ submitted his web complaint at 3:30 pm on the same date, under Log #2020-2925. See Atts. 15-16; CMS Note CO-0096694.



Appendix A

**Assigned Investigative Staff**

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<b>Squad#:</b>	6
<b>Investigator:</b>	Chenese Brown
<b>Supervising Investigator:</b>	Steffany Hreno
<b>Deputy Chief Administrator:</b>	Matthew Haynam