



Log # 2022-2448

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On June 14<sup>th</sup>, 2022, the Civilian Office of Police Accountability (COPA) received an initiation report from the Chicago Police Department (“CPD”) that alleged misconduct by a member of CPD. Complainant [REDACTED] alleged that on June 14<sup>th</sup>, 2022, Police Officer Sergio Glowacki (“Officer Glowacki”) used excessive force during his arrest.<sup>2</sup> [REDACTED] also alleged that Officer Glowacki spit in his face. Following its investigation, COPA reached not sustained findings for both allegations.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On June 14<sup>th</sup>, 2022, at approximately 11:00AM, Officer Glowacki heard his doorbell ring multiple times at his residence located [REDACTED]. Officer Glowacki approached his front window and observed [REDACTED] outside near the front door.<sup>4</sup> An Order of Protection entered on June 1<sup>st</sup>, 2022 prohibited [REDACTED] from being in proximity of the residence.<sup>5</sup> [REDACTED] was served with the Order of Protection on June 2, 2022.<sup>6</sup> Officer Glowacki retrieved his firearm and answered the door.<sup>7</sup> When Officer Glowacki answered the door, he stated that he used his police powers and attempted to arrest [REDACTED] for the violation of the Order of Protection.<sup>8</sup>

With his weapon drawn and pointed at [REDACTED] Officer Glowacki attempted to detain [REDACTED] and the two struggled.<sup>9</sup> Officer Glowacki and [REDACTED] moved down the stairs to the ground level and continued their struggle.<sup>10</sup> Officer Glowacki stated that during the initial struggle, he dropped

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary used information from several different sources, including but not limited to police reports, civilian and officer interviews, BWC footage, and court orders and motions.

<sup>4</sup> Att. 38, Pg. 32, Ln 14

<sup>5</sup> Att. 7

<sup>6</sup> Att. 3 at p. 2.

<sup>7</sup> Officer Glowacki stated that he retrieved his firearm because he feared for his safety. He believed that [REDACTED] did not like him.

<sup>8</sup> Att. 38, Pg. 28, Ln 9

<sup>9</sup> Att. 38 Officer Glowacki also had his handcuffs in his other hand. Officer Glowacki stated that he pointed the weapon at [REDACTED]

<sup>10</sup> Officer Glowacki’s front stoop has 4 stairs.



**IV. CREDIBILITY ASSESSMENT**

COPA was unable to obtain [REDACTED] statement and therefore unable to evaluate his credibility.<sup>17</sup>

This investigation did not reveal any evidence that caused COPA to question the credibility of Officer Glowacki during his statements (sworn or unsworn).

**V. ANALYSIS<sup>18</sup>**

COPA finds that allegation #1 against Officer Glowacki, that he spit in [REDACTED] face during an arrest, without justification, is **not sustained**. Due to [REDACTED] refusing to provide a statement to COPA, COPA was unable to determine whether or when the alleged spitting occurred. There are no independent witnesses, and no objective evidence exists to corroborate or contradict [REDACTED] allegation that Officer Glowacki spit in his face. Officer Glowacki, in his statement, denied the spitting, but stated that he believes he could have been sweating on [REDACTED]<sup>19</sup> Without additional evidence, COPA is unable to determine that the misconduct occurred by a preponderance of the evidence.

COPA likewise finds that allegation #2 against Officer Glowacki, that he used excessive force while he detained [REDACTED] is **not sustained**. In this case, COPA lacks sufficient information regarding [REDACTED] and Officer Glowacki’s actions during his attempt to arrest [REDACTED]. As a preliminary matter, COPA finds by a preponderance of the evidence that [REDACTED] had violated the terms of the Order of Protection by coming to Officer Glowacki’s residence.<sup>20</sup> Officer Glowacki was therefore more than likely permitted to effectuate [REDACTED] arrest. However, COPA does not have sufficient objective evidence to evaluate whether the tactics Officer Glowacki used against [REDACTED] were objectively reasonable, necessary, or proportional in light of the totality of the circumstances.<sup>21</sup> Without a statement from [REDACTED] and without additional objective evidence, COPA is unable to determine by a preponderance of the evidence that Officer Glowacki used excessive force.

Approved:

[REDACTED]

Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

July 29, 2024

Date

<sup>17</sup> CO-1068303, COPA spoke with the complainant who stated that he is going to follow his own legal advice and refused to give a statement to COPA.

<sup>18</sup> For a definition of COPA’s findings and standards of proof, see Appendix B.

<sup>19</sup> Att. 38, Pg. 23, Ln 9

<sup>20</sup> Att. 7 (listing Officer Glowacki is listed as a protected person and his home address is listed as a protected address on the Order of Protection).

<sup>21</sup> General Order G03-02(III)(B) (eff. Apr. 15, 2021)

Appendix A**Case Details**

Date/Time/Location of Incident:	June 14 <sup>th</sup> , 2022, 11:00AM, [REDACTED] [REDACTED]
Date/Time of COPA Notification:	
Involved Member #1:	Sergio Glowacki, Star #15452, Employee # [REDACTED], Unit 277 Male, White
Involved Member #2:	
Involved Individual #1:	[REDACTED] Male Unknown
Involved Individual #2:	

**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.
- Rule \_\_:** [Insert text of any additional rule(s) violated]

**Applicable Policies and Laws**

*General Order G03-02 (eff. Apr. 15, 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.<sup>22</sup> 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.”<sup>23</sup>

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<sup>22</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 is found to be more probably true than not).

<sup>23</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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