

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER EDWARD J. KROPP III,) **No. 19 PB 2963**
STAR No. 15874, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 1081599)**

FINDINGS AND DECISION

On August 28, 2019, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Edward J. Kropp III, Star No. 15874 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct, which set forth expressly prohibited acts.

A hearing on these charges against the Respondent took place before Hearing Officer Lauren A. Freeman on February 19, 2020. Following this evidentiary hearing, the members of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report and the Respondent’s response to this report (the Superintendent did not file a response), and viewed the video recording of the entire evidentiary hearing. Hearing Officer Freeman made an oral report to and conferred with the Police Board before it rendered its findings and decision.

POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police officer by the Department of Police of the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon the Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges, the Respondent appeared in person and was represented by legal counsel.

Introduction

4. Respondent has worked for the Chicago Police Department (CPD) since 2000, and at the time of his arrest for the misdemeanor aggravated assault charge resulting from this incident he was assigned as a Field Training Officer in the 008th District. The criminal charge was later dismissed and the Superintendent filed the charges in this case on August 28, 2019.

The charges before the Board stem from events that occurred on July 9, 2016, at approximately 5:50 p.m. when complainant Michelle Wesley was driving with her boyfriend, front passenger Arian Smith, in the southbound lanes of Pulaski Road in Alsip, Illinois. As they approached the 123rd Street intersection, they became involved in an altercation with the driver of another vehicle, later identified as Respondent. Respondent was alone, off-duty, and in plain clothes, driving his personal vehicle, a blue Kia SUV, also in the southbound lanes. The complainants alleged that during the altercation, Respondent pointed a silver and black gun at them from inside of his SUV while swearing at and threatening them. Respondent then drove away, but the complainants were able to record his vehicle's license plate number and immediately called 911 to report the incident. Wesley and Smith then drove directly to the Alsip police station, where they met with Alsip Detective Joshua Spencer, provided Respondent's license plate number, and reported the incident. Respondent did not call 911 nor did he ever

report the incident to any police agency.

At the hearing, the Superintendent presented the testimony of Respondent (adversely), Ms. Wesley, Sergeant (then Detective) Curtis Raney, and CPD Internal Affairs Deputy Director Tina Skahill (via stipulation). Complainant Arian Smith died prior to the hearing. The Superintendent's exhibits included Arian Smith's 911 call as well as Respondent's May 17, 2017, statement to the Independent Police Review Authority (IPRA). Respondent testified on his own behalf and also presented as evidence in mitigation the testimony of Chicago Police Officer Marcus Miles as well as Respondent's complimentary and disciplinary histories. The Board finds that the Superintendent's evidence and testimony were credible and compelling while Respondent's testimony was implausible, inconsistent, and unreliable.

The complainants' 911 call (Superintendent's Exhibits #5 and #6) shows that immediately following the incident, Smith reported that an unknown male (now known as Respondent), driving a blue Kia, had just pulled a gun on him during a traffic altercation and then fled the scene. Smith reported that Respondent had cut Smith and Wesley's vehicle off in traffic and was tailgating them when Smith stopped the car. Respondent gave them the finger and Smith asked what he was doing that for. Smith then stepped out of the vehicle "because Respondent was making some type of handgun" [sic] to him. Smith was standing by the passenger side of his own vehicle when the offender pulled out a silver and black handgun and said something like, "Shut the fuck up talking to me before I fucking shoot you."

At the hearing, Ms. Wesley testified clearly and credibly about the altercation and was never meaningfully impeached by Respondent's counsel. Wesley, a culinary student, testified as follows, in summary. At the time of the incident, she was recovering from chemotherapy treatments and Smith was pushing her to start driving again. They were driving to a casino and

she was driving “a little weird... maybe a little slow for some people,” when she noticed Respondent’s car behind her. Respondent was swerving to avoid her or to get out from behind her, and it was “freaking her out.” Smith instructed her to get into the right-hand (curb) lane so that Respondent could move around her, which she did. When she stopped for the light, Respondent’s car was in the left lane, next to her, and Respondent started yelling profanities at her, calling her a “bitch” and “the N Word.” Smith became angry and exited their car from his passenger side door. He was standing between his car door and the doorjamb, yelling at Respondent, when Wesley first saw that Respondent was pointing a gun at them from inside of Respondent’s car. She heard Smith ask Respondent, “Why do you have a gun?” and “What you have your gun out for?” but she did not hear Respondent answer. She testified that when Smith exited her vehicle, he only got as far as her car’s front passenger head light and never ran toward Respondent as Respondent later claimed. Respondent then drove away, Smith reentered her car, and they immediately called 911.

Contrary to assertions that Respondent made to IPRA ten months later (see below), Wesley denied that she and Smith had been involved in a separate confrontation in which Smith had pointed a snub-nosed revolver at the occupants of an unknown vehicle before the altercation with Respondent began. She further testified that Smith had been in the process of applying to become a Chicago police officer, was licensed to carry a concealed weapon, and owned seven guns. He normally carried a gun in his back pocket and had a revolver with him that day, but since they were driving to a casino which did not allow weapons, he had locked the gun in a compartment within the passenger-side door. Ms. Wesley testified that the weapon remained there during the incident and she never mentioned the gun to either Detective Spencer or Sergeant Raney because Smith never removed it from the compartment and the officers never

asked her about it. When IPRA investigators asked during their investigation whether Smith had been armed during the incident, she answered that he had not been armed. She explained during her hearing testimony that Smith never actually had the gun on his person during the altercation and therefore, in her mind, he had not been “armed.” Since it was Ms. Wesley herself who mentioned the gun during her testimony in the first place, and since the Board finds credible Sergeant Raney’s contention that Respondent never told him that Smith handled a gun during the incident (see below), the Board finds her explanation to be reasonable.

Sergeant Raney, the Alsip detective assigned to the investigation, also testified credibly and convincingly at the hearing as follows, in summary. On July 12, 2016, he interviewed complainants Smith and Wesley and found their accounts to be credible. After his investigation revealed that Respondent owned the offending vehicle, the complainants viewed a photo array and positively identified Respondent as the offender. Raney learned that Respondent was a Chicago police officer and on July 27, 2016, Raney contacted Respondent’s watch commander to request that Respondent call him “about an incident he may have information about.” At approximately 11:30 a.m. that day, Respondent returned Raney’s call. Raney first identified himself as a detective for the Alsip Police Department and explained that he “was investigating a road rage incident that occurred on July 9th that Respondent may have information about.” Respondent replied that he remembered the incident and Raney testified that Respondent stated the following, in summary. A car had pulled in front of him from the curb lane and had forced him to swerve left to the median lane. When they got up to a traffic light, a male subject (now known as Smith) exited the car “mother fucking” him, at which point he advised Smith to stay back and that he was a police officer. Raney then asked Respondent if he had pointed a gun at complainants. Respondent replied, ‘No,’ that he had a black silver cell phone with a black case

in his hand but at no time did he point a gun at them. Raney then told Respondent he would talk to his (Raney's) bosses and call him back. Raney thought it unusual that when he asked Respondent whether he pointed a gun at the complainants, Respondent did not answer with a simple "yes" or "no" but told Raney that Respondent did have a silver and black cell phone in his hand. The Board notes that Superintendent's Exhibit #1, a photo of the same make and model of Respondent's gun, shows that his gun was silver and black, further corroborating Sergeant Raney's testimony.

Sergeant Raney further testified that his second conversation with Respondent took place at approximately 1:00 p.m. on the same day and Raney informed Respondent that Respondent would be charged with aggravated assault. At that point, Respondent spontaneously told Raney that he had in fact pointed his gun at the complainants, but had only done so because he had been in fear for his safety when Smith exited Wesley's vehicle and had run around the front of Wesley's car towards him. Raney then asked Respondent why, during their earlier conversation, Respondent told him that Respondent was only holding his cell phone and had denied pointing a gun at the complainants. Respondent stated that during their first conversation, he had been "confused about what was going on." Sergeant Raney testified that at no time during either conversation did Respondent allege that Smith had been armed.

When cross-examined, Sergeant Raney acknowledged that he never asked Smith or Wesley whether they had a gun with them during the incident and that neither of them told him or Detective Spencer that they had a gun in the car. Sergeant Raney testified that had he known Smith had a gun in the car, it would not have changed Raney's decision to charge Respondent because Respondent never alleged that Smith handled a gun during the altercation.

On August 3, 2016, Respondent turned himself in to the Alsip Police Department in the

presence of his union attorney. Respondent did not provide a statement at that time. The criminal charge was later dismissed in court because the sole victim listed on the charging document, Arian Smith, died prior to the court date and was not present. Sergeant Raney realized that he should have also listed Ms. Wesley as a victim and attempted to have the charge reinstated but was unsuccessful.

On May 17, 2017, Respondent was interviewed by IPRA investigators in the presence of his attorney (Superintendent's Exhibits #2 and #4). During the May 17th interview, he again admitted pointing his gun at Smith. This time, however, more than ten months after the initial altercation, he added that Smith had been armed with a revolver and that Respondent had considered him an armed assailant, prompting Respondent to point his gun at Smith in self-defense. Specifically, Respondent provided the following account. He had been driving to his grandson's baseball game in Steger, Illinois, and Wesley was driving the maroon car in front of him on Pulaski. She was stopping and starting irregularly in traffic so he and other motorists began honking at her. Just before he got involved in the altercation with Smith and Wesley, he saw Smith point the barrel of what looked like a snub-nosed revolver out of Smith's partially open front passenger window at a vehicle being driven by an unknown motorist who then sped away. Respondent's and Wesley's vehicles were soon next to each other and Wesley began yelling at Respondent. Wesley then leaned back, revealing that Smith was pointing a black revolver at him. Respondent had been holding his cell phone, trying to figure out where he was located so he could dial 911 or take a photo. He pointed his cell phone at Smith and Wesley and stated, "Whadda you doing? Don't do it, don't do it." Respondent then put his cell phone on his front passenger seat, pulled out his police star, and told them he "was the police." Wesley and Smith backed off, but as he approached the stop light, he again saw Wesley's and Smith's

vehicle alongside of his. Wesley suddenly swerved towards him, causing him to swerve left across the center line into oncoming traffic. Respondent then saw Smith reach under the seat, grab a handgun, stick it in his waistband, and exit his vehicle. Smith began yelling at Respondent and then ran around the front of Wesley's car toward him. Respondent considered Smith a "high level assailant," and in fear for his safety, drew his own stainless-steel S&W 9mm semi-automatic handgun and pointed it at Smith. When Smith saw it, Smith stopped and yelled twice, "What's a fuckin' gun gonna do?" Smith then reentered Wesley's car and the car disappeared in traffic. Respondent claimed he was "all just shaken up." He contended, as he did in his hearing testimony, that he left the scene and did not call 911 because he had been unable to obtain Wesley's vehicle's license plate number and could only give a general description of the car and occupants. At the hearing, he also stated that his phone had flown into the backseat when he had swerved to avoid Wesley's vehicle and that he was unable to retrieve it. Respondent also denied calling Wesley anything like the word "bitch" or swearing at/threatening Smith.

In his IPRA statement, Respondent further claimed that he told Raney the complete story during their July 27, 2016, phone conversations but that Raney left all mention of Smith's gun out of his report. Respondent additionally alleged that the manner in which Raney interviewed him was deceptive and unfair, causing confusion and inconsistencies. He claimed that when he first returned Detective Raney's call and Raney asked him about an incident involving him pulling out a firearm, Respondent replied, "What are you talking about; Who are you?" Once Raney told him that it happened in Alsip, Respondent told Raney his side of the story; that initially he had his black and silver cell phone in his hand but when Raney asked him if he pulled out his gun, Respondent replied, "Yes I did." Respondent contended that Detective

Raney took the conversations out of context and that his statements were “misconstrued.”

Respondent complained to the IPRA investigators that Raney never told him that their conversation was on the record, that Raney was recording him, or that Respondent was under investigation for a crime. He further complained he Raney never read him his *Miranda* rights, and he was never given the chance to give a formal statement in writing.

During the hearing, Respondent testified both adversely and on his own behalf. Prior to working for CPD, he worked as a part-time police officer for Blue Island, as a CHA police officer for six years, and briefly as a correctional officer for the Cook County Sheriff. He testified that he had never been disciplined or suspended by any law enforcement agency he has worked for until he was suspended in this case. Much of Respondent’s hearing testimony mirrored that of his IPRA statements summarized above. However, it differed in one important respect; though he told IPRA investigators that he never initially denied to Detective Raney that he had pulled out his firearm, during the hearing he admitted that he did initially deny pulling out his gun. Specifically, he testified as follows. When he first called Sergeant Raney, Raney did not identify himself or where he worked. Raney answered the phone, “Detective Raney,” and Respondent told him his name and that he’d received a message to call him. Raney then immediately asked him if he had been in an altercation where he had pulled out his gun. Respondent replied, “No,”... “because [he] didn’t know who [he] was talking to.” Raney then again asked if he had been in an altercation and Respondent again replied, “No; Who are you? Where are you from?” Raney answered that he was Detective Raney from Alsip and asked again, “Did you get in an altercation where you pulled your gun?” Respondent then replied, “No I did not. But yes, I did.” Raney then told Respondent to let Respondent’s department know he’s under investigation and they may have to charge him. Respondent then said, “Charge

me? There is an A, B, and C to the side of the story.” Respondent told Raney he was at work in a police car and would call him back. When Respondent called him back, Raney told him that Raney’s boss said Raney had to charge him. Respondent replied, “But there’s an ABC,” and Respondent proceeded to tell Raney how the whole incident occurred, including how Smith had pointed what appeared to be a revolver in his direction while Smith was seated in the vehicle and how Smith had stuck his hand under the seat, pulled out the firearm, and began running toward his vehicle. When asked if Respondent told Detective Raney that Respondent had first seen Smith point a gun at a different vehicle, Respondent answered that he did but that Raney left that out of his report as well.

The Board does not believe the claims Respondent made to the IPRA investigators during his statements and to this Board during his hearing testimony that during his phone conversations with Sergeant Raney Respondent was confused, did not know with whom he was speaking, or that his statements were taken out of context. The Board also points out that Sergeant Raney was not obliged to advise Respondent of his *Miranda* rights over the phone, as this was not a situation involving custodial interrogation. The Board also finds it not credible that Respondent, a sworn law enforcement officer, believed that his conversations with an investigating detective could be considered “off the record,” one of many factors weighing heavily against Respondent’s credibility in this case.

Respondent further testified at the hearing that he didn’t call 911 because he didn’t have access to his phone “after also being struck” (this was never explained) because it had flown into the back of his car. He also considered himself the victim, he was off-duty in another municipality, and the offenders had fled. He proceeded to his grandson’s baseball game and “just made a bad decision.” He also didn’t know where the offenders had gone and still felt in

fear for his safety because they could still be in the area. In the face of the evidence and testimony presented during the hearing, the Board finds these excuses to be manufactured.

The Board again notes that Sergeant Raney testified credibly that at no time during his conversations with Respondent on July 27, 2016, did Respondent mention that he had seen Smith in possession of a handgun and Respondent offered no reasons why Sergeant Raney would have left those vital details out of his report. In addition, during Ms. Wesley's testimony, she denied that she and Smith had been involved in a separate confrontation with a driver on Pulaski before the altercation with Respondent. Respondent never provided a reason why Raney, a fellow law enforcement officer, would wish to railroad him or do Respondent any harm. The Board finds Ms. Wesley's and Sergeant Raney's testimony to be credible and Respondent's claims to be untenable.

Charges Against the Respondent

5. The Respondent, Police Officer Edward J. Kropp III, Star No. 15874, charged herein, is **guilty** of violating Rule 2, Rule 8, and Rule 9 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about July 9, 2016, at approximately 5:50 p.m., at or near the 12300 block of South Pulaski Road in Alsip, Illinois, Police Officer Edward J. Kropp III stated words to the effect of "bitch" to Michelle Wesley, and/or stated words to the effect of "you are not so fucking tough now are you?" to Arian Smith. Officer Kropp thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- c. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in section no. 4 above, which are incorporated herein by reference.

The Board finds that the credible testimony of Ms. Wesley, coupled with the content of Smith's 911 call, clearly establish that Respondent verbally abused and threatened both of the complainants without justification, as charged. Just moments after the incident, Smith reported to the 911 operator that as Respondent pointed his gun at Smith, Respondent said something like, "Shut the fuck up talking to me before I fucking shoot you." In addition, Ms. Wesley testified at the hearing that during their confrontation, Respondent yelled profanities at her, calling her a "bitch" and "the N Word." Although Respondent's counsel attempted to impeach her by pointing out that she did not tell the IPRA investigators during her interview that Respondent called her the "N Word," the transcript of her IPRA interview shows that she did tell them that Respondent had yelled "all types of obscenities." The Board does not find her lack of particularity pertaining to those obscenities to be compelling impeachment evidence. Respondent's unjustified and disrespectful tirade brought discredit upon the Department.

6. The Respondent, Police Officer Edward J. Kropp III, Star No. 15874, charged herein, **guilty** of violating Rule 2, Rule 8, Rule 9, and Rule 38 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about July 9, 2016, at approximately 5:50 p.m., at or near the 12300 block of South Pulaski Road in Alsip, Illinois, Police Officer Edward J. Kropp III pointed and/or displayed and/or brandished a firearm at or near Arian Smith and/or Michelle Wesley. Officer Kropp thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;

- b. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty;
- c. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty; and
- d. Rule 38, which prohibits unlawful or unnecessary use or display of a weapon.

See the findings set forth in section nos. 4 and 5 above, which are incorporated herein by reference.

Respondent eventually admitted to Sergeant Raney, IPRA investigators, and to this Board that he pointed his gun at Smith during the incident. He contends, however, that his actions were justified in order to neutralize Smith's threat as an "armed assailant." The Board finds, however, that Respondent's claim, first made to IPRA approximately ten months after the initial incident, was willfully false and material.

Had the Board believed Respondent's contentions that Smith pointed a gun at the occupants of another vehicle, then at Respondent, and then subsequently ran toward Respondent while armed with a gun in his waistband, the Board would have engaged in an analysis to determine whether Respondent justifiably acted in self-defense. The Board does not find such an analysis to be necessary because the Board finds no evidentiary or testimonial support for Respondent's contention that Smith ever threatened Respondent or others with a gun during the incident. In order to believe Respondent's account of events, the Board would have to believe that Mr. Smith lied to the 911 operator, that both complainants lied to Detective Spencer and later to Sergeant Raney when reporting the incident, and that Ms. Wesley and Sergeant Raney gave false testimony at the hearing for some unknown reason. The Board would also have to believe that Respondent, a veteran law enforcement officer sworn to serve and protect, encountered an armed and dangerous assailant in broad daylight and in a heavily populated area

but chose not to report the incident. The Board finds the opposite; Respondent pointed his weapon at the complainants without any legal justification, thereby escalating a verbal disagreement into a potentially highly dangerous road-rage situation in which he needlessly displayed his gun to the complainants, threatening them with deadly force. In doing so, Respondent violated Rule 38 prohibiting unlawful or unnecessary use or display of a weapon as well as violating Rules 2, 8, and 9, as discussed in section no. 5 above.

7. The Respondent, Police Officer Edward J. Kropp III, Star No. 15874, charged herein, is **guilty** of violating Rule 2 and Rule 14 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about July 27, 2016, at approximately 11:30 a.m., during a phone conversation with Detective Curtis Raney of the Alsip Police Department, Police Officer Edward J. Kropp III denied that he pointed and/or displayed and/or brandished a firearm at or near Arian Smith and/or Michelle Wesley on or about July 9, 2016, at or near the 12300 block of South Pulaski Road in Alsip, Illinois. Officer Kropp thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in section nos. 4 – 6 above, which are incorporated herein by reference.

Although he never admitted it to the IPRA investigators, during his hearing testimony Respondent admitted several times that he initially denied to Sergeant Raney that he pointed his gun at the complainants. Respondent testified, however, that he initially denied it because he “didn’t know who he was talking to” but that once Raney fully identified himself and asked again if Respondent pointed a gun at the complainants, Respondent answered, “No, I did not. But

yes, I did.” Respondent further claimed that initially he was confused and that Sergeant Raney took his comments out of context but that during their subsequent conversation he told Raney “the A, B, and C” of how the entire incident occurred.

As noted previously, the Board finds Respondent’s testimony inconsistent and disingenuous, and believes the testimony of Sergeant Raney. Respondent admitted that the message he received from his watch commander was to call “Detective Raney” and that when he called, Raney answered the phone, “Detective Raney.” Therefore, according to Respondent’s own testimony, he would believe he was returning a *detective’s* phone call and that a *detective* answered the phone. Had Respondent been confused about with whom he was speaking, he surely would have obtained more information as to Raney’s identity rather than choosing to answer Raney’s initial question untruthfully. The Board also finds that Respondent’s denial to Sergeant Raney was not born out of confusion but rather was an intentional false statement. Respondent’s denial to Sergeant Raney was also clearly material, in that he falsely recounted critical facts in an obvious attempt to shield himself from criminal prosecution. As a sworn veteran officer, he certainly understood the importance of his statements to the investigation and understood that his statements must be truthful and complete. By such conduct, Respondent clearly violated both Rule 2 and Rule 14.

8. The Respondent, Police Officer Edward J. Kropp III, Star No. 15874, charged herein, is **guilty** of violating Rule 2 and Rule 14 in that the Superintendent proved by a preponderance of the evidence the following charges:

On or about May 17, 2017, at approximately 11:00 a.m., at or near 1615 West Chicago Avenue in Chicago, Illinois, Police Officer Edward J. Kropp III stated to investigator(s) at the Independent Police Review Authority that Arian Smith pointed a firearm at or in the direction of an unknown motorist and/or that Arian Smith pointed a firearm at him (Kropp)

and/or in his direction. Officer Kropp thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department; and
- b. Rule 14, which prohibits making a false report, written or oral.

See the findings set forth in section nos. 4 – 7 above, which are incorporated herein by reference.

In accepting as true Sergeant Raney's testimony that Respondent never claimed Smith was armed during their phone conversations, the Board finds that Respondent did not claim that Smith was armed until his first interview with IPRA, more than ten months after the initial incident. This finding, coupled with Ms. Wesley's credible testimony and Mr. Smith's 911 call, convince the Board that the Respondent's statements to IPRA were willfully and materially false. Like his false initial denial to Sergeant Raney, his delayed contentions depicting Smith as a dangerous armed assailant were also a transparent attempt to shield himself, this time not from criminal prosecution but from disciplinary action.

Respondent relies on the fact that Smith did, in fact, have a revolver in Wesley's car to corroborate Respondent's claim that Smith had been armed during their confrontation. The Board finds that in light of the evidence and testimony in this case, the revolver's presence in the complainants' vehicle was coincidental and fails to corroborate the story that Respondent manufactured for his IPRA statement ten months later. In so finding, the Board again credits Sergeant Raney's testimony that Respondent never alleged that Smith was armed during the confrontation as well as Ms. Wesley's testimony that the gun remained locked in the compartment throughout the confrontation. Consequently, the Board finds Respondent's false statements to IPRA were willful as well as material to IPRA's investigation, and that his conduct

violated both Rule 14 and Rule 2.

Penalty

9. The Police Board has considered the facts and circumstances of the conduct of which it has found Respondent guilty and the evidence Respondent presented in his defense and mitigation, which includes his lengthy career in law enforcement and the testimony of Chicago Police Officer Marcus Miles. In addition, the Board considered Respondent's complimentary and disciplinary histories, which show that since he joined the Department in 2000 he has earned 47 total awards (including two Department commendations, one Unit Meritorious Performance Award, three Attendance Recognition Awards, and 31 honorable mentions) and has no sustained complaints.

Nevertheless, after thoroughly considering Respondent's evidence in mitigation and service as a police officer, the Board finds that his accomplishments as an officer and the positive evaluations of him do not mitigate the seriousness of his misconduct in this case. The Board finds that the Respondent's misconduct is incompatible with continued service as a police officer.

Respondent engaged in an off-duty altercation with two civilians during which he threatened them with his gun and verbally abused them. Respondent's actions were reckless, violent, and unjustified. Respondent's lack of self-control and the threatening and abusive behavior that he exhibited relate directly to his public duties as a police officer. He responded to the situation in this case with threats and with profanity-filled verbal abuse. As a Chicago police officer, Respondent has and would in the future doubtless encounter difficult and stressful situations in which he must act with little or no time for reflection. He demonstrated, through his

conduct on the day in question, that he does not possess the good judgment and self-control required of Chicago police officers to fairly and impartially deal with the many potentially explosive situations which they encounter on a daily basis. Moreover, Respondent's disrespectful, threatening, and abusive conduct has brought discredit upon the Chicago Police Department and undermined its mission. Chicago police officers are expected to treat all individuals with respect, not threats and abuse.

In addition, Respondent attempted to cover up his actions by making a false statement to the detective investigating the incident and by making false statements to the Independent Police Review Authority. Respondent's intentional and material false statements render him unfit to be a Chicago police officer. Trustworthiness, reliability, good judgment, and integrity are all material qualifications for any job, particularly one as a police officer. The duties of a police officer include making arrests and testifying in court, and a police officer's credibility is inevitably an issue in both the prosecution of crimes and in the Police Department's defense of civil lawsuits. A public finding that an officer has knowingly made a false official statement is detrimental to the officer's ability to perform his responsibilities, including his credibility as a witness, and, as such, is a serious liability to the Department. See *Rodriguez v. Weis*, 408 Ill.App.3d 663, 671 (1st Dist. 2011).

The Board finds that Respondent's conduct is sufficiently serious to constitute a substantial shortcoming that renders his continuance in his office detrimental to the discipline and efficiency of the service of the Chicago Police Department, and is something that the law recognizes as good cause for him to no longer occupy his office.

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago who have participated in this disciplinary action hereby certify that they have read and reviewed the record of proceedings, viewed the video-recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By votes of 9 in favor (Ghian Foreman, Paula Wolff, Matthew Crowl, Michael Eaddy, Steve Flores, Jorge Montes, John P. O'Malley Jr., Rhoda D. Sweeney, and Andrea L. Zopp) to 0 opposed, the Board finds the Respondent **guilty** of violating Rule 2, Rule 8, Rule 9, Rule 14, and Rule 38, as set forth in section nos. 5 – 8 above.

As a result of the foregoing, the Board, by a vote of 9 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Montes, O'Malley, Sweeney, and Zopp) to 0 opposed, hereby determines that cause exists for discharging the Respondent from his position as a police officer with the Department of Police and from the services of the City of Chicago.

NOW THEREFORE, IT IS HEREBY ORDERED that Respondent Police Officer Edward J. Kropp III, Star No. 15874, as a result of having been found **guilty** of all charges in Police Board Case No. 19 PB 2963, be and hereby is **discharged** from his position as a police officer with the Department of Police and from the services of the City of Chicago.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Matthew Crowl, Michael Eaddy, Steve Flores, Jorge Montes, John P. O'Malley Jr., Rhoda D. Sweeney, and Andrea L. Zopp.

Police Board Case No. 19 PB 2963
Police Officer Edward J. Kropp III
Findings and Decision

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21ST DAY
OF MAY, 2020.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

DISSENT

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS _____ DAY OF _____, 2020.

DAVID BROWN
Superintendent of Police