

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 19 RR 03
POLICE OFFICER NICHOLAS ABRAMSON,)	
STAR No. 13605, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO)	(CR No. 1088659)

REQUEST FOR REVIEW

On January 25, 2019, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of COPA’s recommendation for discipline of Police Officer Nicholas Abramson, Star No. 13605, arising out of the investigation of Complaint Register No. 1088659 (“Request for Review”).

The Chief Administrator recommended that the following allegation against Officer Abramson be *Sustained*:

Allegation No. 1: On March 6, 2018, at approximately 0350 hours, while off duty, Officer Abramson unnecessarily displayed his firearm in a Mr. Gyros restaurant located at 109 West Division Street, Chicago, in violation of Rule 38, which prohibits “Unlawful or unnecessary use or display of a weapon.”

The Chief Administrator recommended that Officer Abramson be suspended for a period of ten days.

The Superintendent objected to the Chief Administrator’s recommendation. The Superintendent recommended that the above allegation be classified as *Unfounded*.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on October 31, 2018; (2) the Chief Administrator received the Superintendent’s written response on January 2, 2019; (3) the Chief

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Administrator's designees met with the Superintendent's designees in person and discussed this matter on January 16, 2019; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on January 24, 2019.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to John H. Simpson, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member considered the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

OPINION

It is my opinion that the Superintendent has met his burden of overcoming the Chief Administrator's recommendation for discipline, having considered whether the Superintendent's proposed disposition is more reasonable and appropriate than the Chief Administrator's recommendation based on the nature of the misconduct alleged and the information contained in the Request for Review file and the supplementary material (including a surveillance video) I requested and received from the parties.

The facts in this case are essentially undisputed, and I will not repeat them here. I agree with COPA that "(m)erely feeling uncomfortable by the presence of another is not a valid reason to draw a deadly weapon in a public restaurant." That, however, is the point at which COPA and I diverge, inasmuch as that truism bears no relationship to what happened in this case.

Instead, Officer Abramson felt uncomfortable in the presence of some six to thirteen persons, some of them self-identified members of one of the most notorious criminal street gangs in Chicago history, at least two of whom can be seen engaging in what appears to be

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aggressive behavior constituting far more than what COPA characterizes as a “disagreement.”

All of this, of course, occurring in the middle of the night and following one of such persons having offered to sell Officer Abramson narcotics.

Officer Abramson never puts his finger inside the trigger guard, he does not touch those who confront him, he never points his weapon at anyone, he rightfully identifies himself as a police officer, and he returns his weapon to his waistband before leaving the restaurant.

I agree that it would have displayed better judgment for Officer Abramson to call 911 and request the presence of on-duty officers. However, for the reasons stated above, in my judgment Officer Abramson’s display of his weapon was objectively reasonable under the circumstances, which is the basis on which I reach the conclusion set forth above.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent’s response—that Allegation No. 1 be classified as *Unfounded*—shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 7th DAY OF FEBRUARY, 2019.

/s/ JOHN H. SIMPSON

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board