

INTRODUCTION

On February 26, 2015 at approximately 3:07 p.m., Complainant Subject 1, a Parking Enforcement Aide with the Department of Revenue, walked into the 1s^t District police station and registered a complaint with Sergeant A. Subject 1 related that she was on-duty and in uniform when Detective B confronted her about a parking citation he received on his personal vehicle.

ALLEGATIONS

As a result of the incident that took place on February 26, 2015, **Detective B #XXXXX** received the following allegations:

- 1) obstructed Subject 1 in conducting her duties in issuing a citation,
- 2) made unnecessary physical contact by poking Subject 1 in her arm with his finger,
- 3) grabbed Subject 1's citation device out of her hands and temporarily secured it in his personal vehicle,
- 4) threatened and verbally abused Subject 1 by stating words to the effect of, "I'm a police officer. How about I arrest your ass," and
- 5) was loud and verbally aggressive towards City of Chicago, Department of Revenue, Parking Enforcement Aides Subject 1 and Civilian 1.

APPLICABLE RULES AND LAW

Rules and Regulations of the Chicago Police Department:

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 4: Any conduct or action taken to use the official position for personal gain or influence.

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.

INVESTIGATION

Initiation Report

According to Sergeant A's Initiation Report, Subject 1 related that Detective B approached her about a parking citation he received on his personal vehicle. Subject 1 reported that Detective B was hostile, threatening, and poked her on the upper left arm. According to Subject 1, she walked away from Detective Officer B when he removed a set of handcuffs and threatened to arrest her. Subject 1 further stated that when she attempted to contact her supervisor,

Detective B grabbed her "Auto-Cite" ticket generating machine from her hand and placed it inside his personal vehicle.

Witness Civilian 1, Subject 1's co-worker, told Sergeant A that she was alerted by a concerned citizen that Subject 1 was engaged in a confrontation with an angry citizen about a parking citation. Civilian 1 stated that she walked toward the scene of the confrontation, at which time Subject 1 asked Civilian 1 if she wrote Detective B a citation for an expired parking meter. Civilian 1 looked at the citation and confirmed that she wrote the citation, but that the citation was for an expired license plate. Detective B then related that his license plate sticker must have fallen off. Subject 1 and Civilian 1 provided Sergeant A a description of the vehicle and the license plate number. Sergeant A verified that Detective B was a Department member. (Att. 4)

Interview of Complainant

In an interview with the Independent Police Review Authority (IPRA¹) on March 30, 2015, Subject 1 stated that she was on the northwest side of Canal Street, in the process of writing a ticket, when Detective B approached her, poked her in her arm, put a ticket in her face, and asked her why she wrote him the ticket. Subject 1 stated that she did not take offense to Detective B poking her in the arm because she assumed he was merely trying to get her attention. However, moments later, Detective Officer B yelled at Subject 1 and accused her of writing him a "bogus" ticket—stating that his parking meter was not expired. Subject 1 told Detective B she would speak with him after she finished issuing a ticket. Detective B stood in front of the vehicle's license plate for which she was issuing a ticket. Subject 1 again told Detective B to allow her to finish processing the citation. A male, uniformed sergeant approached and briefly conversed with Detective B and two casually dressed men, later identified as Detectives C and D were standing near Detective B. Detective B informed the sergeant that Subject 1 wrote him an invalid ticket. At that time, Subject 1 finished the citation she was working on and placed it on the car. Subject 1 then looked at the ticket and told Detective B that she did not write the ticket, but informed him that he could dispute the ticket or call non-emergency City Services at 3-1-1. Subject 1 related that when she addressed Detective B's ticket the sergeant walked away. Detective B then asked Subject 1 for her name and told her to call her supervisor. Subject 1 told Detective B her name and then walked away from Detective B to call her supervisor because he was being aggressive and Subject 1 felt intimidated. Subject 1 stated that Detective B repeatedly asked for her name and badge number although she had already given him her name. Subject 1 informed Detective B that she did not have a badge.

On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Subject 1 related that Detective B pulled out his badge and handcuffs, told her he was a Chicago Police Officer, and stated, "How about if I arrest your ass." Subject 1 continued to walk away to contact her supervisor. Detective B then snatched Subject 1's citation device out of her hand and said, "I bet you're going to call your damn supervisor now." Detective B then crossed the street and placed the citation device in his personal vehicle, which was parked on the east side of Canal Street. Subject 1's partner, Civilian 1, ran up to Subject 1 and related that a citizen told her that a man was being aggressive with Subject 1 and snatched Subject 1's citation device. Detective B returned and showed Civilian 1 the ticket. Civilian 1 looked at the ticket and informed Detective B that it was she who wrote the ticket; and the violation was not for an expired meter, but for expired registration. Detective B responded by stating that the registration sticker must have fallen off. Detective B gave the citation device to Civilian 1 and left the scene. Subject 1's supervisor, Civilian 2 (phonetic), arrived on scene and told Subject 1 to go to the police station and report the incident. Subject 1 stated that the encounter with Detective B brought her to tears because she had never encountered someone who was so mad. Subject 1 further stated that she believes Detective C and D walked away around the time Detective B took the citation device from her. (Att. 11)

Interview of Civilian Witness

In an interview with IPRA on March 30, 2015, Civilian 1 stated that she was walking northbound on Canal Street performing her duties as a Parking Enforcement Agent when an unknown woman driving by told her that an angry citizen took away her partner, Subject 1's Auto-Cite machine. Civilian 1 looked in Subject 1's direction and Subject 1 appeared to be upset and crying. Civilian 1 stated that as she walked toward Subject 1 to find out what happened, Detective B approached Civilian 1, placed a citation in her face, and asked her if she wrote the ticket. Detective B explained that his parking meter was not expired. Civilian 1 looked at the ticket and told Detective B that she issued the ticket for expired license plates. Detective B replied that his license plate registration sticker must have fallen off. Detective B reached into his vehicle and asked Subject 1 if she wanted her "little thing" back. Subject 1 turned away from Detective B, after which Detective B handed Civilian 1 the Auto-Cite machine. Detective B then entered his vehicle and made a U-turn. As Detective B drove away, he yelled out that he was a police officer. (Att. 17)

Interview of Witness Officers

In an interview with IPRA on November 3, 2016, **Detective C** stated that he and Detective D rode to lunch with Detective B. When they returned to the vehicle from lunch, Detective B discovered a citation on his vehicle. Detective B approached a parking enforcement aide, now identified as

Subject 1, and attempted to speak with her. Subject 1 kept walking and did not acknowledge Detective B. A second parking enforcement aide, now identified as Civilian 1, approached and asked Detective B if there was an issue. Civilian 1 explained that she wrote the ticket and explained the nature of the violation. Detective B then apologized and everyone went on their way.

Detective C stated that Detective B was professional during his interaction with Subject 1 and Civilian 1. Detective C stated that he did not witness Detective B become verbally aggressive or loud; and he did not remember observing Detective B take Subject 1's Auto-Cite machine. Detective C further stated that he did not recall observing Detective B get between Subject 1 and any vehicle in an effort to obstruct Subject 1 from performing her duties. Detective C also denied that Detective B poked Subject 1 or threatened to arrest her. (Att. 35)

In an interview with IPRA on November 3, 2016, **Detective D** stated that he and Detective C rode to lunch with Detective B in Detective B's personal vehicle. Upon returning to the vehicle, Detective B observed a parking citation on his car. Detective B removed the ticket from his vehicle and approached a parking enforcement aide, now identified as Subject 1, who was on the opposite side of the street.

Detective D stated that Detective B identified himself as a Chicago Police Detective and asked Subject 1 if she issued the citation. Subject 1 ignored Detective B. Detective B repeatedly questioned Subject 1 about the citation, and ultimately asked Subject 1 to speak with her supervisor after she refused to acknowledge him. Detective D stated that a second parking enforcement aide, now identified as Civilian 1, approached and looked at the citation. Civilian 1 explained that she issued the citation for an expired license plate. Detective D stated that Detective B apologized and they left without further incident.

Detective D stated that Detective B did not obstruct Subject 1 from issuing a citation to another vehicle; and Detective B never poked or threatened to arrest Subject 1. Detective D also stated that Detective B was not loud or verbally aggressive with Subject 1 or Civilian 1. Detective D stated that he did not recall if Detective B took Subject 1's citation machine out of her hand. (Att. 36)

Interview of Accused Officer

In an interview with IPRA on October 27, 2016, Detective B stated that he and Detectives C and D drove to lunch in Detective B's personal vehicle and parked in the vicinity of XXXX S. Canal Street. Upon returning to the vehicle, Detective B observed a parking citation on his vehicle. He then observed a parking enforcement agent on the opposite side of the street. Detective B crossed the street and approached the parking enforcement agent, now

identified as Subject 1. Detective B approached Subject 1 from behind and asked her why she wrote him a ticket. According to Detective B, Subject 1 did not acknowledge him and kept checking vehicles for violations. Detective B followed Subject 1 and repeatedly questioned her about the citation. Detective B stated that he grew frustrated with Subject 1 ignoring him, and in response grabbed her citation device out of her hand. Detective B stated that he requested to speak with Subject 1's supervisor and he believes that Subject 1 subsequently placed a phone call.

Detective B stated that a second citation clerk, now identified as Civilian 1, approached. Detective B insisted to know why Subject 1 wrote him a ticket. Civilian 1 told Detective B that she (Civilian 1) wrote him the ticket because he had an expired license plate. Detective B acknowledged that his plate sticker was expired and stated that he had not had the opportunity to affix his new sticker to the vehicle due to the cold weather. Detective B stated that he apologized to Subject 1 and returned her citation device. Detective B stated that he asked Subject 1 if her supervisor was coming and she said no. Detective B and his colleagues then left the scene.

Detective B stated that his voice became elevated when he tried to get Subject 1's attention, but he denied that he was loud and verbally aggressive towards Subject 1 or Civilian 1. Detective B stated that he did not poke Subject 1 in the arm, nor did he obstruct Subject 1 from issuing a citation as Subject 1 continued to walk and inspect vehicles when he approached her. Detective B denied that he secured Subject 1's handheld ticket device in his vehicle. He stated that at some point during the encounter, he crossed the street to retrieve the ticket from his vehicle, but he did not recall if he had the device with him at the time. Detective B said that he identified himself as a police officer during the interaction and believes he told Subject 1 his name and where he worked; however, he denied saying, "I'm a police officer. How about I arrest your ass."

Attempts to locate video

A Police Observation Device (POD) search met with negative results. (Att. 7)

The incident occurred outside of a large strip mall. A tour of the location of incident revealed that there were no external cameras outside of the entry ways of the businesses. (Att. 22)

Submitted:

Approved: _____

COPA
Investigator

COPA Supervising Investigator

ANALYSIS AND CONCLUSION

The Civilian Office of Police Accountability (COPA) recommends a finding of **Sustained** for **Allegation #1** against **Detective B**, that he obstructed Subject 1 in conducting her duties in issuing a citation. Subject 1 immediately reported the incident to the police department. Subject 1's statement is credible; she was consistent in her description of the incident in her statement to police personnel, and her interview with IPRA. There are multiple things that happened during this incident that rise to the level of obstruction. Taking Subject 1's citation device alone is certainly enough to obstruct Subject 1 from performing her duties, but Detective B also deliberately stood in front of a vehicle's license plate when Subject 1 was trying to issue a ticket, and Detective B also engaged Subject 1 in a verbal altercation while she was trying to do her job. As a police officer who is also charged with enforcing laws, Detective B is held to a higher standard. His actions were both unprofessional and unbecoming of a police officer. This entire incident could have been avoided had Detective B read the citation issued to him, rather than jump to a faulty conclusion. While Detective B denied committing the alleged act, his denial of the allegation is self-serving. Based on the available evidence, it is more likely than not that Detective B obstructed Subject 1 in conducting her duties in issuing a citation.

COPA recommends a finding of **Sustained** for **Allegation #2** against **Detective B**, that he made unnecessary physical contact by poking Subject 1 in her arm with his finger. As previously stated, Subject 1 was consistent and credible in her description of the incident in her statement to police personnel and her interview with IPRA. According to Detective B, when he initially questioned Subject 1 about the ticket, she did not acknowledge him and instead continued checking vehicles for parking violations. By Detective B's own account, he grew frustrated with Subject 1 ignoring him. Detective B was clearly aggressive, as evidenced by a citizen alerting Civilian 1 that Subject 1 encountered an "angry citizen." Additionally, Subject 1 told Civilian 1 that Detective B tapped her on her shoulder. Hence, it is more likely than not that Detective B poked Subject 1 on her shoulder. While Subject 1 stated that she did not take offense to Detective B's poking her on the shoulder because she thought he was merely trying to get her attention, Detective B's action still amount to unnecessary physical contact. His touching of her was

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Log #1073944

unwarranted and unwelcomed. If Detective B was close enough to touch Subject 1, he was certainly close enough to get Subject 1's attention by verbally engaging her and waiting for her to acknowledge him.

COPA recommends a finding of **Sustained for Allegation #3** against **Detective B**, that he grabbed Subject 1's citation device out of her hands and temporarily secured it in his personal vehicle. In addition to Subject 1 being credible and consistent in her account of the incident, her account is corroborated by Civilian 1, who stated that an unknown motorist alerted Civilian 1 that an angry citizen took Subject 1's citation device. Subject 1's claim that Detective B took her citation device is further corroborated by Detective B, who acknowledged that he grabbed Subject 1's citation device out of her hands. While Detective B denied that he placed the device in his vehicle, his denial of that aspect of the encounter is self-serving. Detective B stated that at some point he crossed the street to retrieve the ticket; however, his claim that he did not recall whether he had the device with him at the time is not credible. Civilian 1 further corroborated Subject 1's account when Civilian 1 stated that after realizing the violation was for expired plates, Detective B reached into his vehicle and asked Subject 1 if she wanted her "little thing" back. Detective Officer B then returned the device to Civilian 1. Based on the above, it is more likely than not that Detective B grabbed Subject 1's citation device out of her hands and temporarily secured it in his personal vehicle.

COPA recommends a finding of **Sustained for Allegation #4** against **Detective B**, that he threatened and verbally abused Subject 1 by stating words to the effect of, "I'm a police officer. How about I arrest your ass." While Detective B denied committing the alleged act, there is little doubt that Detective B verbally abused Subject 1 and threatened to arrest her. The mere fact that Subject 1 knew that Detective B was a police officer lends credence to Subject 1's claim. Detective B was not in a police uniform; he was casually dressed. Detective B identified himself and removed his badge in a self-serving manner and to assert authority over Subject 1. Detective B's office as a police officer was completely irrelevant in this situation. Detective B could have gone through the normal channels of disputing the ticket, as any other citizen. Even in the event that Subject 1 or Civilian 1 wrote Detective B an invalid ticket, which they did not, this was not an arrest situation and there was no need for handcuffs or the threat of an arrest.

COPA recommends a finding of **Sustained for Allegation #5** against **Detective B**, that he was loud and verbally aggressive towards City of Chicago, Department of Revenue, Parking Enforcement Aides Subject 1 and Civilian 1. In her statement to Sergeant A, Subject 1 described Detective B as hostile and threatening. Later in her statement to IPRA, Subject 1 reiterated that point, and said that Detective B's actions brought her to tears because she had never encountered someone so upset. Detective B's actions caught the attention of an unknown motorist, who felt it necessary to alert Civilian 1 to the

situation. That same motorist characterized Detective B as an "angry" citizen. Civilian 1 looked to Subject 1 and observed Subject 1 upset and crying. When Civilian 1 approached Detective B, he directed his frustration toward her and insisted on knowing why he received the citation. It was not until Detective B discovered that the ticket was for expired plates that he changed his tone and apologized for his actions. While Detective B denied that he was loud and verbally aggressive toward Subject 1 and Civilian 1, he acknowledged that his voice became elevated during the encounter. Detective B also stated that he grew frustrated to the point where he grabbed Subject 1's citation device from her hands. Hence, it is more likely than not that Detective B committed the act as alleged.

Deputy Chief
Administrator _____

FINDINGS

Accused #1: **Detective B**

Allegations #1-5: **Sustained**