

INTRODUCTION:

On the evening of September 28, 2017, Complainant Subject 1 worked as a livery driver. At around 10:30 p.m., Subject 1 received a summons from Uber to pick up a fare at Guaranteed Rate Field. Subject 1 drove to XXXX S. Wentworth Ave to wait for his fare. The White Sox baseball game had just ended and crowds milled around the stadium. Probationary Police Officer A cited Subject 1 for parking in a no parking zone. During this police interaction, Subject 1's passengers canceled their trip.

ALLEGATIONS:

Complainant Subject 1 alleges that on September 28, 2017, at approximately 10:30 p.m., at XXXX S. Wentworth Ave, **Accused Officer A, #XXXX, Unit XXX:**

- 1) Verbally abused Subject 1 by using a stern tone of voice in violation of Rule 8; and
- 2) Intentionally prolonged the length of the traffic stop, in violation of Rule 8.

APPLICABLE RULES AND LAW:

Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

General Order G-03-02-02: Force Options

INVESTIGATION:

In an **interview with COPA** on October 6, 2017, **Complainant Subject 1** stated that he is a professional driver. He drives for numerous companies, including rideshare companies Uber and Lyft. Subject 1 displays a livery plate on his vehicle, which he said indicates that he is a professional driver. Subject 1's vehicle does not display a sticker or emblem for Uber or Lyft. Around 10:30 p.m. on September 28, 2017, Subject 1 was driving near downtown Chicago when Uber summoned him to pick up passengers near Guaranteed Rate Field. When Subject 1 arrived, he spoke with five or six traffic aides who told him that he could not enter the area where he was supposed to pick up his passengers because he did not have the proper sticker. Subject 1 drove around the stadium and parked at XXXX S. Wentworth Ave. Officer A approached on foot and asked Subject 1 what he was doing. Subject 1 responded that he had come for his passengers.

After Officer A approached the car, Subject 1's passengers canceled their trip through Uber. According to Subject 1, Officer A was a "little bit aggressive" and the traffic stop lasted "almost 30 minutes." Subject 1 stated that he told Officer A that he was a professional driver and he needed to pick up a fare. He related to Officer A that he understood that the police have a difficult job, but he needs to make a living, too. At some point during their verbal exchange, Officer A said he would write Subject 1 "five or six tickets" and then walked away from Subject 1's car to talk to the other officers on scene. Officer A eventually wrote Subject 1 a ticket for being parked in a no parking zone. According to Subject 1, he had a right to park where he did because he has a livery plate on his car. He also said that he had a right to pick up his passengers because Uber instructed him to do so. Subject 1 did concede, however, that

he may have parked in a no standing zone. He further stated that he believed that Officer A intentionally prolonged the traffic stop to make his passengers leave.

According to Subject 1, Officer A was abusive towards him because his tone of voice was stern. He was unable to further articulate how Officer A's behavior was abusive other than to say it was how he (Subject 1) felt about the interaction. Subject 1 denied that Officer A used profanity or that he had any physical contact with him, and said he did not think that Officer A was motivated to write him a ticket because Subject 1 is African American. Subject 1 also stated that he could feel in Officer A's eyes that Officer A wanted Subject 1 to lose his fare, but, again, could not articulate why he felt that way. (Att. #5)

City of Chicago Violation Notice 0068858881 cites license plate XXXXLY for parking in a prohibited area on September 28, 2017 at XXXX S. Wentworth Ave at 10:44 p.m. The citation is signed by Officer A, #XXXX. (Att. #8)

POD Camera Footage from camera #6238 located at W. 35th Street and S. Wentworth Ave shows that there were large crowds exiting the stadium around 10:30 p.m. on September 28, 2017. There were also numerous police officers directing traffic. There is no footage clearly depicting a traffic stop between Subject 1 and Officer A. (Att. #13)

Photographs of XXXX S. Wentworth Ave reveal that there is a traffic sign at that location. The sign indicates that that part of S. Wentworth Ave is a tow zone and parking is prohibited. There is a parking lot adjacent to XXXX S. Wentworth Ave displaying large Uber banners on stadium light poles. (Atts. #17 and 18)

OEMC Event Queries 1727110493, 1727110969, 1727111171 make note of police and traffic management communications related to the September 28, 2017 White Sox game. There is no mention of Subject 1 or his traffic stop. (Atts. ##14-16)

A request to retrieve **Body Worn Camera and In Car Camera footage** revealed that there is no relevant footage relating to this incident. (Atts. ##11 and 12)

CONCLUSION:

COPA recommends a finding of **UNFOUNDED** for Allegations #1 and #2 that Officer A abused Subject 1 by using a stern tone of voice and intentionally prolonging the length of the traffic stop. Subject 1 was working as an Uber driver when he received a ticket for parking in a no parking zone. During his COPA statement, Subject 1 conceded that he may have parked in a no standing zone. Subject 1 alleged that Officer A was abusive because he used a stern tone of voice. Subject 1 denied that Officer A used profanity or discriminated against him based on race. He further denied that there was any physical abuse. When pressed to describe how Officer A was abusive, Subject 1 merely stated that he felt that the officer was abusive. Subject 1 also alleged that Officer A intentionally prolonged the length of traffic stop, and estimated that it lasted "almost 30 minutes." When recounting the traffic stop to COPA, Subject 1 described a conversation with Officer A in which Subject 1 attempted to explain why he had the right to park where he did. Subject 1 asserted that he knew Officer A intended to prolong the traffic stop based on the look in the officer's eyes.

A stern tone of voice is not, in and of itself, abusive. There is no CPD policy expressly prohibiting an officer from using a stern tone of voice. Rather, the CPD Use of Force Policy allows officers to use police presence and verbal commands with members of the public, including those who cooperate.¹ Indeed, it is both reasonable and appropriate for an officer to employ a stern tone of voice during a traffic stop, especially in light of the other control techniques at an officer's disposal. It is also reasonable for a traffic stop to last "almost 30 minutes" when the driver disagrees with the officer, there are large crowds milling about and the officer writing the ticket is a relatively inexperienced probationary officer. Although Subject 1 was clearly displeased with receiving a parking ticket and felt that the officer was abusive, his inability to articulate any action that rises to the level of abuse does not prove beyond a preponderance of the evidence that Officer A violated CPD policy. Because the allegations Subject 1 raised are clearly unfounded and do not rise to the level of misconduct, it is not necessary that Officer A address them in any way.

¹ CPD General Order G-03-02-02 (IV)(A)