

I. INTRODUCTION

On September 26, 2017, Officer A and Officer B conducted a traffic stop of Subject 1. The officers issued Subject 1 a minor traffic citation. Subject 1 registered a complaint with the Civilian Office of Police Accountability (“COPA”) alleging that the POs improperly stopped him, directed profanity against him, and were unprofessional.

II. ALLEGATIONS

It is alleged that on September 26, 2017, around 6:40 p.m., near XXXX S. Millard Ave., Chicago, IL 60623, **accused Officer B, star #XXXXXX, employee #XXXXXX, unit XXX**, while on duty:

1. Used profanity and were unprofessional during a traffic stop of Subject 1.
2. Stopped Subject 1 without reasonable suspicion or probable cause.

It is alleged that on September 26, 2017, around 6:40 p.m., near XXXX S. Millard Ave., Chicago, IL 60623, **accused Officer A, star #XXXXXX, employee #XXXXXX, unit XXX** while on duty:

1. Used profanity and were unprofessional during a traffic stop of Subject 1.
2. Stopped Subject 1 without reasonable suspicion or probable cause.

III. INVESTIGATION

COPA gathered relevant physical and documentary evidence associated with this incident, including a statement from Subject 1. Material evidence is summarized here.¹

A. Interview of Subject 1

On September 29, 2017, COPA interviewed Subject 1. Subject 1 stated that at the time of the traffic stop he was on his way to an auto shop for repairs needed to pass the emissions test. Once curbed, Officer A informed Subject 1 that he was being stopped for not wearing a seatbelt. Subject 1 stated that “once she noticed I had a seatbelt on, she went back to her ‘truck.’” Officer A went back to her vehicle after Subject 1 explained that he was on his way to the emissions test. When Officer A returned, she told Subject 1 she was giving him a ticket for “expired tags.” Subject 1 explained his situation, and Officer A told him that she understood, but that he still had expired tags.

During this conversation, Subject 1 stated that Officer B, located on the passenger side window, “just went off and got to talking crazy.” He stated that Officer B used profanity, and said to him “take this ticket and get the fuck on, or you know what, we could just impound this car, we could impound this car, and you could go to jail.” Later, Subject 1 elaborated that she said to him,

¹ After Officer B and Officer A were served with allegations, review of additional GPS evidence in conjunction with previously gathered evidence proved sufficiently compelling to warrant cancellation of their scheduled interviews.

“shut the fuck up, don’t say nothing else, you’re lucky this all you got was this ticket, she was like matter fact, we can impound this motherfucker.” Subject 1 recounted that Officer A “flipped a switch and went right along with her partner and got to talking crazy.” He stated that she “started using profanity too.” Subject 1 detailed that Officer A told him not to ask any questions, to look forward, not to look at her, and not to get out of the vehicle. After his driver’s license and insurance was returned to him, both POs returned to their vehicle and left. (Attachments 10, 42).²

B. Officer A’s Body Worn Camera Footage³

Officer A’s BWC footage shows she approached the driver’s side of Subject 1’s vehicle and asked him for his driver’s license and insurance. When she first approaches, Subject 1 is initially shown wearing his seatbelt. He later unbuckles it to retrieve his wallet. Officer A asks Subject 1 if he knew why she pulled him over, to which he replies no. She informs him that she pulled him over because he did not have his seatbelt on, that it was on when she pulled him over, but not “back there.” Officer A further indicates that she pulled him over because his plates were expired. She then tells him to give her a minute and returns to her vehicle.

When she returns to give Subject 1 the citation, Subject 1 explains that he is taking his vehicle to the shop to pass the emission test. Officer A responds that she’s sorry, but that she has to give him a ticket because his “tags” are expired. Officer B interjects that he has had over a month, and that she understands that he just left the bank, but that did not justify the fact that he has been driving with expired “tags” for over a month. Officer B then asks Subject 1, “do you want to keep arguing or do you want us to issue more tickets?” Officer A reiterates this statement by stating “do you want us to give you more tickets or do you just want the one.” Officer A tells him to “have a good day,” and both POs return to their vehicle. When Officer A reaches her driver’s side door, Subject 1 is shown with his driver’s side door open. Subject 1 is seated and turned back towards Officer A. He is heard stating that he needs to talk to her [Officer A]. Officer A tells him he can stay in his car, and again states, “do you want more tickets, I can give you more tickets.” Subject 1 continues to talk to Officer A, stating that he doesn’t know what is going on. Officer A instructs him to pay the ticket, and subsequently enters her vehicle, closes the door and turns off her BWC.⁴ (Attachment 42)

COPA Investigator A

² Immediately after the POs’ left, Subject 1 stated that he went to the 010th district. Once there, he explained how unprofessional the POs had been. Subject 1 stated that a Officer C - a slim Caucasian (“white”) male, uniformed PO - told him he could not make a complaint at the station, but rather to call 911. Subject 1 called 911 and was told to come down to the station, he believed he was told to come the next day. However, he indicated he was unable to do so. Subject 1 stated he was transferred to COPA. COPA’s investigation into Subject 1’s statements revealed no Officer C or Officer C [alternate spelling] working in the 010th District on September 26, 2017. COPA attempted to contact Subject 1 to confirm the name, but the phone number provided by Subject 1 was for his father, Civilian 1, who stated that he had not spoken to him in a month. He indicated that he did not have a current phone number for Subject 1. (Attachments 10, 22, 25, 27 and 36-37)

³ Officer B’s BWC footage mirrors Officer A’s BWC footage. The in-car camera (“ICC”) of Officer B and Officer A’s vehicle similarly followed suit with the BWC footage. (Attachment 42)

⁴ COPA gathered GPS data, which indicated, when synched with the BWC footage, that the POs left the scene of the incident within fifty seconds of entering their vehicle. (Attachment 33)

COPA Supervising Investigator A

IV. ANALYSIS AND CONCLUSION

Subject 1 alleges that during the traffic stop Officer B and Officer A used profanity and were unprofessional.⁵ The BWC footage does not depict either officers directing profanity towards Subject 1. In fact, the BWC footage demonstrates that the interaction did not occur in the way reflected by Subject 1's allegations.⁶ Accordingly, the allegations against Officer B and Officer A are **UNFOUNDED**. No further investigation is warranted.

COPA Deputy Chief Administrator A

⁵ Although there is no video footage of the POs leaving the scene, COPA notes that Subject 1 never contends that the POs used profanity or were unprofessional after they left his vehicle, neither does he allege that they left his vehicle and returned to it. COPA further notes that Officer A's BWC footage concludes at 6:19:47 p.m. with her inside the driver's side of the police vehicle and with the door closed. According to the GPS data, the vehicle shows acceleration at 6:20:37 p.m., a difference of fifty seconds. Based on a preponderance of the evidence and considering Subject 1's lack of assertion that the POs were unprofessional or used profanity after leaving his vehicle initially, it is more likely than not that no further interaction occurred after the termination of the BWC and ICC footage. (Attachment 42)

⁶ COPA notes that while Officer B and Officer A's statements to the effect that they could issue him more tickets were factual considering that the POs did not issue a seatbelt citation, which they asserted as an additional reason for the traffic stop. The statements could have been delivered in a more polished and less "threatening" manner or avoided altogether. However, viewing the interaction in its entirety, Officer B and Officer A's statements were not unprofessional.