

## INTRODUCTION

On October 12, 2017, at 9:50 a.m., Subject 1, a rideshare driver, was stopped at approximately XXXX S Canal Street to pick up her customer, and was parked in a designated location for vehicles. An officer (later identified as Officer A) pulled alongside her and told her to move forward. Subject 1 alleges that she followed the officer's instructions, but was detained and issued tickets without justification.

## ALLEGATIONS

Subject 1 alleges that on October 12, 2017, at approximately 9:50 a.m., in the vicinity of XXXX S Canal St, Officer A:

1. Detained her without justification, in violation of Rule 2.

## APPLICABLE LAW AND RULES

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

## INVESTIGATION

In a **Recorded Statement** to COPA on October 23, 2017 Subject 1 stated that she is a rideshare driver and was picking up a rider at Union Station. Subject 1 stated that she drove north bound on Canal Street and parked her car in a waiting area south of Adams Street on the west side of the street. Subject 1 stated that she placed her car in park and turned on her hazard lights. Subject 1 stated that as she looked at her phone to check the status of her rider, an officer (NFI) was walking around her car. Subject 1 stated that another officer (later identified as Officer A) in a marked police vehicle pulled alongside her car. Subject 1 stated that her windows were closed and she did not hear what the officer was saying but saw they were saying something to her. Subject 1 stated that she rolled down her passenger side window and told Officer A that she was waiting for a rideshare rider. Subject 1 stated that Officer A told her to move up along the shoulder because there were cars behind her. Subject 1 stated that Officer A was telling everyone to move up. Subject 1 stated that her window was up and did not hear Officer A's first few requests. Subject 1 stated that she lowered her window and Officer A sounded agitated when he repeated his request, and said, "if you put your phone down you could pull up." Subject 1 stated that she replied, "alright, chill" to Officer A. Subject 1 stated that she put her phone down on the center console and moved her car forward about two or three feet. Subject 1 stated that Officer A pulled his car up parallel to her car and asked her what she had just said. Subject 1 stated that she again told Officer A, "chill, I moved." Subject 1 stated that Officer A said, "you know what, no" and exited his car and came to her window. Subject 1 stated that Officer A asked for her license to which she refused and asked him if she had committed a crime and if she was under arrest. Subject 1 stated that she informed the officer that she is a law student and she knows her rights, and wanted to know why she needed

to provide her license. Subject 1 stated that Officer A told her that her license belongs to the State. Subject 1 stated that she was not told why the officer needed her information so she rolled up her window and held her license and insurance up against the glass. Officer A repeated his demands, and then appeared agitated and went back to his vehicle. Subject 1 asserts she was not pulled over, only that she was confronted by the officer and did not know the reason. Subject 1 stated that she attempted to pull away because, “she did not want to be in this weird situation” and Officer A activated his emergency lights and said something unintelligible over the loud speaker. Subject 1 stated that she then gave Officer A her license after he said that if she did not give him her license that he would call his Sergeant so she could get more tickets. Subject 1 stated that when she lowered her window that her insurance card fell onto the ground and Officer A told her that he was not going to pick up the card from the ground and she refused to exit her car to pick up the card believing the situation was “hostile” and did not want to make it worse. Subject 1 stated that she called 911 twice, and that the first call was to ask for a sergeant, and the second call was to ask for an estimated time of arrival. Subject 1 stated that once the Sergeant arrived she got out of her car to speak with him and she then picked up her insurance card. Subject 1 stated that the sergeant spoke with Officer A and then was given the four tickets (Att. 9) Subject 1 stated that she was informed her license was being held for bond. Subject 1 stated that the Sergeant told her she could drive on tickets and she should go to court.

## CONCLUSION

COPA’s burden of proof is the preponderance of the evidence standard. COPA recommends a finding of **UNFOUNDED** for **Allegation #1** against Officer A as it is more likely than not that there was probable cause to perform a traffic stop and briefly detain Subject 1 for the purpose of issuing tickets.

According to Subject 1’s interview, she asserts that she was parked in a “shared ride” location on Canal St. for rideshare drivers. On September 11, 2017, COPA canvassed the area of XXXX S Canal St and discovered the area in question is a fifteen-minute loading zone with visible signs posted on both ends of the shoulder, and is not an area designated specifically for vehicle-for-hire drivers. (Att. 16) Subject 1 stated that she was told by Officer A, and another unknown officer, to pull forward due to other cars waiting behind her to use the loading zone. Subject 1 stated that her windows were rolled up and she was looking at her cell phone at the time. Based on Subject 1’s statement, and that Officer A issued citations, COPA believes Officer A had the probable cause to temporarily detain Subject 1. COPA finds that Subject 1’s detainment was not in violation of her rights, nor was the length of time she was detained excessive. COPA believes Subject 1’s actions more likely increased the amount of time the officer needed to complete the tickets. COPA was contacted by the complainant on November 27, 2017, to relay that she was ordered in court to pay the citations and the judge found the officer to be credible. A MAINFRAME (Att. 15) query confirms that the three of the tickets were upheld and Subject 1 was granted supervision.

Based on the totality of the circumstances, there is sufficient evidence to disprove the above allegation and terminate this investigation without requesting reports or interviewing the involved officer.

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Investigator 1

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Supervising Investigator 1