

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 21, 2017
Time of Incident:	7:30pm
Location of Incident:	XXXX W. 82 nd St
Date of COPA Notification:	August 30, 2017
Time of COPA Notification:	11:30am

Officer A and B, stopped a vehicle driven by Civilian 1 for driving the opposite direction down a one-way street, and arrested him for failure to produce a license. Passenger, Subject 1 then got into a verbal altercation with Officer A.

II. INVOLVED PARTIES

Accused Officer #1:	Officer A, star #XXXXXX, employee ID# XXXXXX, Date of Birth Month Day, 1969, Police Office, Date of Appointment February 21, 2006, Male, Black
Accused Officer #2:	Officer B, star #XXXXXX, employee ID# XXXXXX, Date of Birth Month Day, 1984, Date of Appointment March 15, 2013, Male, Black
Subject #1:	Subject 1, Black, Female,

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. Told Subject 1's sister to "get the fuck back" in violation of Chicago Police Department Rule 2 and 9	Unfounded
	2. Told Subject 1 to "get the fuck out the car" in violation of Chicago Police Department Rule 2 and 9	Unfounded

¹ 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. Therefore, 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.

	<ol style="list-style-type: none"> 3. Refused to tell Subject 1 why her husband was arrested and instead told her that “he is a fucking grown man” in violation of Chicago Police Department Rule 2 and 9 4. Prevented Subject 1’s sister to administer her diabetic medicine in violation of Chicago Police Department Rule 2 and 9 5. Told Subject 1’s sister to “get in [her] car before [he] locks her ass up” in violation of Chicago Police Department Rule 2 and 9. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer B	<ol style="list-style-type: none"> 1. Stated words the effect of “stop fucking talking and listen” then unilaterally terminated the phone call with Ms. Subject 1 in violation of Chicago Police Department Rule 2 and 9. 2. Failed to turn on his body worn camera during a traffic stop as required by Chicago Police Department Rule 6. 	<p>Unfounded</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;

Rule 6: prohibits any disobedience of any order or directive whether written or oral;

Rule 9: prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty;

Special Orders

Chicago Police Department Special Order S03-14 Body Worn Cameras – Issued June 9,2017 – Rescinded October 17, 2017.

V. INVESTIGATION²

a. Interviews

Interview of Complainant, Subject 1³

On August 30, 2017, Subject 1 stated that on the date in question she was with her husband Civilian 1 and her three children. Subject 1 testified that she was driving the car but then pulled over to allow her husband Civilian 1 to drive because she was experiencing a hyperglycemic episode and became ill. Subject 1 stated that her husband placed her in the passenger seat and attempted to back the car up and continue driving. Subject 1 stated that as soon as her husband got into the driver's seat a marked squad car stopped abruptly in front of them and two officers got out of the car. Subject 1 stated that Officer A opened the driver's side door and that Officer A took the car keys out of the ignition and went back to his car. Subject 1 stated that she called her sister, Civilian 2 to bring her EpiPen, because she was going into a hyperglycemic shock. When Officer A arrived back to the car, Subject 1 stated that he kept telling her to get out of the vehicle and because of her medical condition she could not respond. Subject 1 testified that Officer A repeatedly told her that she needed to "get the fuck out the car". Subject 1 asked Officer A if she could have a moment to collect herself because she was shaking. At that time, Subject 1's sister, Civilian 2, came over to assist Subject 1 while she was going through shock. Subject 1 stated that Officer A told Civilian 2 to "get the fuck back". Subject 1 remembered that Officer B asked her if she was okay and carried her out of the car.

Subject 1 related that two detective officers, whose names she did not obtain, as well as Officer B, helped her to Civilian 2's vehicle. Subject 1 stated that Civilian 2 inquired about Civilian 1's arrest, when Officer B answered that Civilian 1's license was suspended, Officer A cursed at Officer B and said that Officer B was not supposed to tell her that, and that Civilian 1 was a "fucking grown man." Subject 1 further testified that Officer A then told Civilian 2 to get in her car before he "locks her ass up." During the course of her interview, Subject 1 also stated that Officer A prevented her from receiving medical treatment from her sister. Subject 1 stated that she spoke with a sergeant on scene that directed her to go to the police station to complain about Officer A. Subject 1 stated that the officers left her and her children on the street and did not offer to take them anywhere. Subject 1 stated that before going to the police station to make a report she called the station and spoke with Officer B. She stated that Officer B explained to her why the car was being towed. While explaining to her the CPD procedures, Subject 1 stated that Officer B told

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ For clarity, Subject 1 will be referred to as "Subject 1" through-out this report. Civilian 1 will be referred to by his full name

her to “stop fucking talking and listen” and attempted to explain himself again, after he was done talking he unilaterally terminated the conversation with Subject 1. (Att. 9)

Interview of Witness, Civilian 1

On August 30, 2017, **Civilian 1** related that on the date in question he was with his wife, Subject 1 and their three daughters. His wife was driving the family car down an alley when she had a hyperglycemic episode and became ill while she was driving. Civilian 1 stated that his wife stopped the car and he pulled her from the driver’s seat to the passenger’s seat because she was shaking and could not continue driving. Civilian 1 related that he moved the car from the alley to the street. Civilian 1 stated that as soon as he did this, police officers showed up with their lights on.

Civilian 1 testified that he attempted to explain to Officer A that his wife was having a diabetic episode and he needed to assist her. Civilian 1 stated that Officer A was rude in his tone and that the officer did not care about his explanation for why he was driving. Officer A immediately told Subject 1 to get out of the car and grabbed his arm. Civilian 1 related that he voluntarily got out of the car because he did not want to resist. Civilian 1 testified that Officer A searched him, placed him in handcuffs, and placed him in Officer A’ police vehicle.

Civilian 1 stated that even though he was in the back seat of the squad car and could not hear what was being said he could see Officer A point and yell at his wife. Civilian 1 noticed Officer A cursing and arguing with Officer B. (Att. 11)

Interview of Accused Officer A

On October 12, 2017, **Officer A**, related that on the date in question he was in full uniform driving a marked squad car. Officer A related that he was driving down a one-way street and saw a car approaching his vehicle going the wrong direction down the street. Officer A related that he curbed the vehicle and asked for the driver’s license and proof of insurance from the driver, Civilian 1. Officer A then discovered Civilian 1’s license was suspended. Officer A stated that he explained to Civilian 1 that he would be arrested for driving on a suspended license and that the car would be impounded.

Officer A stated that Subject 1 wanted to know why he was arresting Civilian 1 and where he was taking him. Officer A stated that he explained to Subject 1 what he was doing, and that Subject 1 wanted to call her sister. Officer A related that when her sister arrived both women were verbally abrasive toward him. Officer A stated that he did not know that Subject 1 was suffering from a medical problem. Officer A stated that the keys of the car were inventoried along with Civilian 1’s other personal property. Officer A stated that after the on-scene interaction with Subject 1, he never spoke to her again. Officer A denied cursing at Subject 1 and denied preventing her from receiving medical treatment. (Att. 14)

Interview of Accused Officer B

On October 12, 2017, **Officer B**, related that on the day in question he was in full uniform with his partner in a marked squad car. Officer B and his partner, Officer A, turned to go down a one-way street when they saw Civilian 1 driving the wrong way towards them. Officer B stated that Officer A pulled the car over to inquire about why the driver was driving down the one-way street going the opposite way. Officer B stated that they discovered the driver, Civilian 1's license was suspended. Officer B stated that they arrested Civilian 1 without a problem then went to explain to Subject 1 that they were going to have to impound the car. Officer B stated Subject 1 gave Officer A a problem, cursed at him, and argued. Officer B further testified that Subject 1 called her sister. Officer B related that when Subject 1's sister came to the scene she cursed the officers out as well. Officer B related that he explained to the two women what was happening in an attempt to de-escalate the situation. Officer B stated that after explaining the situation to Subject 1, and after her children were removed from the car, Subject 1 still would not get out of the car. Officer B related Subject 1 was resisting the officers' lawful commands to get out of the car. Officer B noticed that Officer A was about to arrest Subject 1 for disorderly conduct. Not wanting to arrest Subject 1, Officer B stated that he again attempted to de-escalate the situation further by allowing Subject 1 to drink a Pepsi, and by helping Subject 1 out of the vehicle. Officer B retrieved Subject 1's clothes, diabetic needles, food, and containers out of the car and gave the items to Subject 1.

Officer B stated that once they got Subject 1's property out of the car he and his partner transported Civilian 1 and the car to the 006 District for processing. Officer B then stated that Subject 1 called the station to speak to him. Officer B stated that out of the kindness of his heart he spoke to her telling Subject 1 that her husband was driving on a suspended license and that under the law they had to impound the car. Officer B stated that he got off the phone with Subject 1 and then went back to processing Civilian 1.

Officer B related that she called the station again and that again he took the phone call and continued to tell her the same thing over and over again. Officer B testified that he told her that he had to get off the phone to continue processing her husband and for her to have a good day. During his interview, he stated that he never disrespected Subject 1 or cursed at her. Officer B stated that he bent over backwards to help her and that he does not understand why she would make these allegations against him.

When Officer B was questioned about why he did not turn his body worn camera on, he stated that the incident happened so fast he was focused on what was happening, the scene, and officer safety. Officer B could not remember if he attempted to turn his body worn camera on or not. (Att. 16)

b. Digital Evidence

The **Body Worn Camera** of Officer A is 49 minutes and 10 seconds long. It starts with Officer A initially handcuffing Civilian 1 and walking him to the car and placing him in back of the car. Once in the car Civilian 1 asked Officer A if he is going to jail to which Officer A does

not respond. Officer A walks back to the car and asks Subject 1 for her driver's license and takes the keys out of the car. From the video, Subject 1 is talking to someone on her cell phone. Officer A walks to the back of the car and begins writing. He then walks to the passenger's side and to the front of the car. Officer A then asks Subject 1 where she lives, and then asks whose car it is. Officer A talks to Subject 1 about insurance on the car. Officer A then walks to the police car and begins writing tickets. He speaks to Officer B and they discuss the type and the quantity of tickets to write. Officer A spends about nine minutes in his squad car writing tickets. Officer A comes back to the car with Subject 1 sitting in the passenger's side and another woman in a pink shirt, now known as Civilian 2 standing next to the car window. Subject 1 immediately starts crying and saying she does not have a thousand dollars to get her car back from the impound. When her sister asked why Civilian 1 is being arrested Officer A states that he is a "grown man" and that "he will have to tell [her] why". Civilian 2 tells Officer A that the car belongs to Subject 1. Officer A tells Subject 1 that she can get "whatever [she] needs out of the car before [they] take it in to the station". Subject 1 starts crying louder then stops crying and says nothing. After a 20 second pause Officer A says that he is going to need Subject 1 to step out of the car, which she ignores. Civilian 2 then opens the back door to let the children in the back seat out of the car.

Officer A then opens the passenger side door. Subject 1 starts crying and say that Civilian 1 just made the wrong turn. After another a ten second pause Officer A again tells Subject 1 to step out of her car in a moderate tone. Again, Subject 1 ignores him. After five seconds pass Officer A asks Subject 1 if she heard him. Subject 1 replies that she needs a second. Officer A then states that he needs her to step out of the car "now". Officer A voice is not raised. Subject 1 replies by saying "I'm coming", and Officer A again tells her to step out of the car. Subject 1 repeats herself then goes back to her cell phone. Officer A repeats himself in a moderate tone and states that he needs her to step out of the car or she's "going to go in too". Subject 1 continues to ignore Officer A. Civilian 2 asks Officer A if she can talk to Civilian 1 to which Officer A replies "no 'ma'am". When Civilian 2 asks why Civilian 1 is getting arrested for a traffic violation, Officer A raises his voice slightly and states that he is not going to explain law to her.

Officer B then tells her that Civilian 1's license is suspended. Officer A responds to Officer B by saying he is not supposed to tell her that. Subject 1 then yells at Officer A about his aggression, she curses at him, tells him that her sugar is low, and that her leg is shaking. Subject 1 states that she is calling a sergeant. Officer A yells back that he does not care who she calls and that he is asking her to get out of the car or she will go to jail. Civilian 2 then pleads to Subject 1 to get out of the car. Subject 1 then speaks to someone on the phone describing her current situation with Officer A. Officer B can be seen sticking his head in the car and pleading with Subject 1 to step out of the car. Officer B starts to help Subject 1 out of the car. Civilian 2 can be heard talking to Officer A and telling him that he does not have to be on the street with his aggressive attitude. Officer A turns back and states that "[she] has nothing to do with the stop, therefore [she] can wait by [her] vehicle". Civilian 2 then starts yelling at Officer A about his attitude. An unknown police officer in plain clothes comes over to speak with Civilian 2. Officer B can be seen helping Subject 1 stand and allowing her to drink a Pepsi. Officer B then picks up Subject 1's items that have fallen out of the car, and they walk together out of view of the camera. Officer B then comes back to the

car and takes more items out of the car. Officer A then explains what just occurred to the plain clothed officers. Officer A then walks back to his car. Subject 1 is heard pleading for Officer A to not tow her car. Officer A then transported Civilian 1 to the 006 District and turned off his body worn camera. (Att. 12)

c. Documentary Evidence

The **Arrest Report** of Civilian 1 documents that he was pulled over for driving down the wrong direction on a one-way street. The officers checked his name and discovered that his driver's license was suspended. Subject 1 was then arrested for driving on a suspended license and given three tickets. One for the licenses, the other for driving down the one-way street incorrectly and the other for not having insurance. (Att. 10)

In a **To-From Report** written by Sergeant A. Sergeant A documents all Subject 1's complaints from the allegation section. (Att. 10)

The **Vehicle Impoundment Report** documents that on August 21, 2017, Civilian 1 was driving a 2010 Dodge vehicle with a suspended license⁴. (Att. 5)

Civilian 1 received three **traffic citations**. The first for operating an uninsured vehicle. The second for driving with a suspended license, and the third for driving the opposite direction down a one way street.

VI. ANALYSIS

Accused 1: Officer A, star XXXXX
Allegations # 1- 5: Unfounded

COPA recommends a finding of **Unfounded** for all the allegations against Officer A. Subject 1 alleges that Officer A repeatedly told her to "get the fuck out the car", prevented her sister from administering her diabetic medicine, refused to tell her why her husband was being arrested, and instead stated that her husband was a "fucking grown man." Subject 1 further alleged that Officer A told her sister to get in her car before he "locks her ass up". The body worn camera footage contradicts each of Subject 1's allegations. Over the course of the 49 minutes and 10 seconds of the body worn camera, Officer A never curses, denies medication or says anything inappropriate to Subject 1. None of Subject 1's allegations happen as she alleges, and therefore, her allegations must be **Unfounded**.

⁴ The Impound Report does not list the model of the vehicle.

Accused 2: **Officer B, star XXXXX**
Allegation # 1: **Unfounded**
Allegation # 2: **Sustained**

COPA recommends a finding of **Unfounded** for Subject 1's allegations against Officer B. Subject 1 alleged that she called the station on the night of her car being towed and spoke to Officer B over the phone. Subject 1 alleged that Officer B yelled at her and ultimately told her to "stop fucking talking and listen", and then he abruptly hung up the phone, before Subject 1 could respond. However, there are major credibility issues with Subject 1 which will be discussed below.

First, Subject 1 is not a credible witness. During the initial stop, Subject 1 began hysterically crying when told that officers would have to impound the vehicle and in later interactions she directed curse words at the officers. In her statement to IPRA, she claimed Officer A repeatedly cursed at her and her sister. However, as articulated above, the body worn cameras contradict the allegations levied by Subject 1.

Second, the body worn camera from Officer A shows Officer B acting with compassion, and treating Subject 1 with care during the initial stop. Officer B goes to the car, speaks with Subject 1, then assists her in stepping out of the car. He then hands her a Pepsi, becomes a literal shoulder to lean on while he is walking her toward her sister's car. Although it is possible for Officer B to be compassionate during the stop but rude to Subject 1 during their phone call, it is unlikely. During Officer B's interview with COPA he was forthright and answered all question posed to him truthfully. Officer B seemed genuinely trouble that Subject 1 would make allegations against him.

It is more likely than not, the phone call with Officer B did not occur the way Subject 1 alleged. The body worn camera shows that Subject 1's allegations against Officer A did not happen at all as she alleged. Although Officer B could have cursed at Subject 1 during their phone call. Given his testimony, and prior conduct, it is highly likely that the allegations against Officer B did not happen as Subject 1 alleges. Thus, COPA recommends a finding of **Unfounded**.

COPA recommends a finding of **Sustained** against Officer B who is alleged, by COPA, to have failed to turn on his body worn camera during a traffic stop. According to CPD special order S03-14, which was in effect during this incident, the decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary. The order then lists traffic stops as a police action that requires officers to turn their body worn camera on.

In this case, Officer B admits to curbing the vehicle for a traffic violation. Officer B admits to having a body worn camera. When asks specifically whether he turned on his body worn camera or not, Officer B testified that he could not remember and that everything happened so fast.

Officer B also stated that he was more concerned with providing officer safety to Officer A since they were in a high crime area. Notwithstanding officer safety concerns, Officer B failed

to turn on his body worn camera as required by Chicago Police Special Order S03-14. Therefore, this allegation must be **Sustained** against him.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Allegation	Finding
Officer Wilfred Fields	
1. Told Subject 1’s sister to “get the fuck back” in violation of Chicago Police Department Rule 2 and 9	Unfounded
2. Told Subject 1 to “get the fuck out the car” in violation of Chicago Police Department Rule 2 and 9	Unfounded
3. Refused to tell Subject 1 why her husband was arrested and instead told her that “he is a fucking grown man” in violation of Chicago Police Department Rule 2 and 9	Unfounded
4. Prevented Subject 1’s sister to administer her diabetic medicine in violation of Chicago Police Department Rule 2 and 9	Unfounded
5. Told Subject 1’s sister to “get in [her] car before [he] locks her ass up” in violation of Chicago Police Department Rule 2 and 9.	Unfounded
Officer B	
1. Stated words the effect of “stop fucking talking and listen” then unilaterally terminated the phone call with Ms. Subject 1 in in violation of Chicago Police Department Rule 2 and 9.	Unfounded
2. Failed to turn on his body worn camera during a traffic stop as required by Chicago Police Department Rule 6.	Sustained

Approved:

Deputy Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	4
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A