

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	November 11, 2017
Time of Incident:	1:18 PM
Location of Incident:	9320 S. Stony Island Ave.
Date of COPA Notification:	December 18, 2017
Time of COPA Notification:	11:56 AM

On November 11, 2017, the complainant Subject 1 (“Subject 1”) was involved in a traffic altercation with off-duty Detective Detective A (“Det. A”), Star #XXXXXX, at or around 71<sup>st</sup> St. and S. Stony Island Ave, which resulted in the accused Det. A allegedly using a racial slur against him. Subject 1 alleges that Det. A followed him to 9320 S. Stony Island where multiple officers were waiting to arrest him based on false information provided by Det. A. The Civilian Office of Police Accountability (“COPA”) reviewed these allegations and recommends that they be Not Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Detective A, Star #XXXXXX, Employee ID #XXXXXX, DOA: 12/26/89, Rank: Detective, Unit of Assignment: (610)-Area Central Detective Division, DOB: XX/XX/62, Female, White
Involved Officer #2:	Sergeant A, Star #XXXX, Employee ID #XXXXXX, DOA: 12/13/93, Rank: Sergeant, Unit of Assignment: 4 <sup>th</sup> District, DOB: XX/XX/66, Male, White
Involved Officer #3:	Sergeant B, Star #XXXX, Employee ID #XXXXXX, DOA: 10/25/04, Rank: Sergeant, Unit of Assignment: 4 <sup>th</sup> District, DOB: XX/XX/77, Male, White
Involved Officer #4:	Officer A, Star #XXXXXX, Employee ID #XXXXXX, DOA: 02/06/95, Rank: Police Officer, Unit of Assignment: 4 <sup>th</sup> District, DOB: XX/XX/64, Male, Black
Involved Officer #5:	Officer B, Star #XXXXXX, Employee ID #XXXXXX, DOA: 02/05/01, Rank: Police Officer, Unit of Assignment: 4 <sup>th</sup> District, DOB: XX/XX/77, Male, Black

Involved Officer #6:	Officer C, Star #XXXXXX, Employee ID #XXXXXX, DOA: 12/12/16, Rank: Police Officer, Unit of Assignment: 4 <sup>th</sup> District, DOB: XX/XX/91, Male, Hispanic
Subject #1:	Subject 1, DOB: XX/XX/61, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Detective A	1. It is alleged by Subject 1 that on or about November 11, 2017, while off-duty, Det. A was involved in a traffic altercation with him, used a racial slur against him, and made statements to responding officers, to have him illegally arrested, in violation of Rules 2, 8, 9 and 14.	Not Sustained

**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
3. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
4. **Rule 14:** Making a false report, written or oral.

**V. INVESTIGATION**

**a. Interviews**

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

On December 20, 2017, **complainant Subject 1 (“Subject 1”)** gave COPA an audio recorded interview.<sup>1</sup> Subject 1 stated he was travelling southbound on Stony Island Avenue near E. 71<sup>st</sup> St. when he encountered a vehicle driving the wrong direction eastbound on 71<sup>st</sup> Street at Stony Island Avenue. Subject 1 stated that the driver, now known as Det. A, was driving a

<sup>1</sup> Attachment 10

burgundy Chevy Traverse northbound on Stony Island, and made an illegal left turn heading westbound into the one-way eastbound 71<sup>st</sup> Street traffic. Subject 1 said he continued to drive southbound in the far-left lane<sup>2</sup> (the east-most lane) and when he crossed the Metra train tracks<sup>3</sup> he saw Det. A's vehicle coming towards him. Subject 1 stated after clearing the tracks he stopped his vehicle in front of Det. A's vehicle saying, "Lady, do you know you're going the wrong way?" Subject 1 stated he proceeded southbound on Stony Island Avenue when Det. A pulled alongside him. Subject 1 said Det. A had her window down and gave him "the finger," and called him a "nigger." Subject 1 admitted to screaming profanities back at Det. A, calling her "a white trash whore." Subject 1 stated he thought the incident was over and continued driving on southbound Stony Island Avenue.

Subject 1 stated he traveled approximately a block when he noticed Det. A had pulled up behind him and was following him. Subject 1 stated he was going to pick up his father from the Atlas Senior Center at 79<sup>th</sup> and Cregier Ave. Subject 1 said A followed him to the Atlas Senior Center and into the parking lot. Subject 1 stated that when his father came and got into the car, he told his father, "some crazy white lady is behind me, I don't know what she's on, we had a little verbal altercation and she is following me now."

Subject 1 stated he headed back to and proceeded southbound on Stony Island with Det. A still following him. Subject 1 stated when he got to 87<sup>th</sup> Street and Stony Island, he called 911. Subject 1 stated that while he was on the phone with 911, Det. A was still following him. Subject 1 stated he was still heading southbound and "saw a bunch of cops on northbound Stony Island as I was headed south, I didn't pay it any attention, then I saw a bunch of cops coming up behind me." Subject 1 stated he thought the officers were going to an emergency so he pulled over to get out of the way. Subject 1 stated the officers pulled behind him. Subject 1 stated he was still on the phone with 911. Subject 1 stated an officer came to his vehicle and said Det. A claimed he had thrown something and damaged her windshield. Subject 1 stated to the officers "that would-be kind of hard because she's been behind me following the whole time." Subject 1 stated the officer said Det. A "was claiming there was damage on her car." Subject 1 stated he said, "she [Det. A] can claim anything. It didn't happen from me."

Subject 1 stated the officer went to talk to another officer. Subject 1 stated, "eight or nine cops pulled up, and then a 'white shirt' pulls up." Subject 1 stated it was "a crazy response for a verbal altercation." Subject 1 stated he "didn't consider it road rage because neither one of us got out of our cars and didn't do anything." Subject 1 stated he believed Det. A was the aggressor in the situation by following him. Subject 1 stated he was concerned because he did not want anything to happen and his father to get upset. Subject 1 stated, "that's why I called the police to meet us there so they could handle anything that might occur." Subject 1 stated "they [the officers]

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<sup>2</sup> On February 19, 2018, COPA spoke with Mr. Subject 1 to clarify his vehicle lane placement on southbound Stony Island Avenue and 71<sup>st</sup> Street when the incident with Det. A occurred.

<sup>3</sup> The Metra train tracks run east/west on 71<sup>st</sup> Street and intersect with northbound and southbound Stony Island Ave.

asked me to get out of the car, and they arrested me.” Subject 1 stated he asked why he was being arrested. Subject 1 stated he was told that Det. A was claiming he damaged her property and “that was criminal damage to property.” Subject 1 stated he told the officers, “You all are taking me in because of her claim that I damaged her property?” Subject 1 stated he told officers his father had been in the car with him. Subject 1 stated he was transported to the 4<sup>th</sup> District<sup>4</sup> and held for three hours. Subject 1 stated he went to court on December 18, 2017. Subject 1 stated while in court, he observed Det. A sitting where police officers normally sit. Subject 1 stated at that moment he realized Det. A “was a cop.” Subject 1 stated he then knew he was arrested because Det. A “was a cop.” Subject 1 stated he received deferred prosecution and that he was required to pay \$100 for restitution.<sup>5,6</sup>

On January 18, 2018, witness **Officer B (“Officer B”)**, Star #XXXXX, gave COPA an audio recorded interview. On November 11, 2017, Officer B stated he and his partner, Officer C (“Officer C”), Star #XXXXX, were working Beat #XXX assigned to the 4<sup>th</sup> District. Officer B stated he was in full uniform, wearing a body cam, driving a marked CPD vehicle. Officer B stated he and Officer C responded to an OEMC dispatched police run regarding a disturbance involving two vehicles at 9320 S. Stony Island Ave. Officer B stated the incident involved “the driver of one vehicle allegedly threw items at the other person’s vehicle while they were in it.” Officer B stated he found out an off-duty police officer was involved, identified as Det. A, from the dispatched police call, and that she was following a vehicle B stated Det. A said she had gotten into a verbal altercation due to a traffic incident with the driver of the other vehicle, identified as the complainant Subject 1, and on three separate occasions he had thrown items at her car, striking it once with an unknown blunt object. Officer B stated Det. A said a blunt object hit her windshield. Officer B stated he observed “a nick” on Det. A’s windshield. Officer B stated the damage could have come from the traffic altercation that day or something else but he wasn’t sure. Officer B stated he spoke with Subject 1 regarding the incident. Officer B stated Subject 1 said he and Det. A “got into a verbal altercation.” Officer B stated Subject 1 said he “was upset and if he had something he would’ve thrown it at her vehicle and wouldn’t have missed.” Officer B stated Subject 1 said he and Det. A “were flipping the bird [put up the middle finger] back and forth at each other.” Officer B stated Subject 1 said he and Det. A got into “a verbal altercation due to her [Det. A] fault.” Officer B stated Subject 1 “was highly upset, very upset.” Officer B stated Subject 1’s father was also in the vehicle but could not provide any information. Officer B stated he did not inform Subject 1 that Det. A was a CPD police officer. Officer B stated he arrested Subject 1 “based upon a combination of a lot of things.” Officer B stated he believed Det. A over Subject 1 because of the demeanor Subject 1 exhibited during the investigation, “conversations with other officers, her [Det. A] willingness to sign a complaint, and Sgt. A giving the cuff signal.” Officer B described Det. A’s demeanor as “upset and kind of shaken up.” Officer B clarified his statement

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<sup>4</sup> The 4<sup>th</sup> District is located at 2255 E. 103<sup>rd</sup> Street.

<sup>5</sup> On January 9, 2018, the disposition of Nolle Prosequi was entered on Subject 1’s case in case number 17121717301.

<sup>6</sup> Attachment 10

of Det. A as being “shaken up” as “she was so excited she was trying to get it out, maybe more so flushed, as to what occurred and how she couldn’t believe it.”<sup>7</sup>

On January 19, 2018, **witness Officer C (“Officer C”), Star #XXXXX**, gave COPA an audio recorded interview. On November 11, 2017, Officer C stated he and his partner, Officer B, were working Beat no. XXX assigned to the 4<sup>th</sup> District. Officer C stated he was in full uniform and riding in a marked vehicle. Officer C stated he and Officer B were dispatched to 9320 S. Stony Island Avenue to “assist a P.O., there was a criminal damage that just occurred.” Officer C stated Subject 1’s vehicle was stopped, but that he did not have “any relevant communication with the offender or the complainant.” Officer C stated he “was not standing anywhere near the offender or the complainant until I placed the offender [Subject 1] into the vehicle.” Officer C stated Officer B placed Subject 1 in handcuffs and that he then walked Subject 1 to their vehicle. Officer C stated he and Officer B then conveyed Subject 1 into the 4<sup>th</sup> District for processing.<sup>8</sup>

On January 23, 2018, **witness Sergeant B (“Sgt. B”), Star #XXXX**, gave COPA an audio recorded interview. On November 11, 2017 Sgt. B stated he was working Beat no. XXX, assigned to the 4<sup>th</sup> District Tactical Team. Sgt. B stated he was wearing plainclothes and driving an unmarked vehicle. Sgt. B stated he was at 9320 S. Stony Island Avenue, where “some type of road rage incident that the police were called to investigate.” Sgt. B stated he became aware of the incident via the police radio. Sgt. B stated when he arrived on the scene, that “two cars were already stopped, there were already some police officers on the scene, there was a woman [Det. A] that explained there was a road rage incident and that somebody threw some items at her car.” Sgt. B stated he did not see or recall any recovery of the items thrown at Det. A’s car. Sgt. B stated he believed Det. A said her windshield was cracked but he wasn’t sure. Sgt. B stated he did not recall observing any damage to Det. A’s windshield or vehicle. Sgt. B stated he recalled an arrest being made at the scene, but he did not know the names of any of the officers, but did recognize a Sgt. A being there. Sgt. B stated he did not recall Subject 1 saying anything or speaking to him about the incident. Sgt. B stated he did not recall anything else about the incident.<sup>9</sup>

On January 29, 2018, **witness Sergeant Steven A (“Sgt. A’), Star #1019**, gave COPA an audio recorded interview. On November 11, 2017, Sgt. A stated he was Beat no. XXX, a one-person unit assigned to the 4<sup>th</sup> District. Sgt. A stated he was in full uniform and driving a marked vehicle. Sgt. A stated he was at 9320 S. Stony Island Avenue “regarding a road rage incident involving two vehicles and that one was following the other.” Sgt. A stated he became aware of the incident from him being near the last known address given via police dispatch. Sgt. A stated once he arrived he “observed several Chicago police vehicles and several Chicago police personnel already on scene, along with several other vehicles pulled off to the west curb of Stony Island.” Sgt. A stated he exited his vehicle and approached and observed numerous officers on scene talking

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<sup>7</sup> Attachment 20

<sup>8</sup> Attachment 21

<sup>9</sup> Attachment 23

to a female individual and another individual inside of a car. Sgt. A stated he did not immediately speak with the female individual, identified as Det. A, because “there were two other Sergeants on scene and I was assuming they had the scene under control.” Sgt. A stated he overheard one of the officers at the scene say that Det. A was willing to sign a complaint and that was when he spoke to her. Sgt. A stated Det. A “inferred that he [Subject 1] had thrown something at her vehicle damaging her window and that she wanted him arrested.” Sgt. A stated he did not recall if he inspected Det. A’s vehicle for damage or observed any items allegedly thrown at her vehicle. Sgt. A stated he did not speak with Subject 1. Sgt. A also stated he did not overhear any conversations between Subject 1 and other officers at the scene. Sgt. A stated he informed Officer B that Det. A was willing to sign a complaint. Sgt. A stated “Officer B took action and placed the individual [Subject 1] into custody.” Sgt. A stated when he spoke with Det. A, she was sitting in her vehicle. Sgt. A stated Det. A exhibited a calm demeanor when he spoke with her. Sgt. A stated he did not witness Subject 1 or his demeanor as he was some distance from where the vehicle was parked.<sup>10</sup>

On January 29, 2018, COPA was notified by the Human Resources Division, Chicago Police Department, that a witness to the November 11, 2017 incident, **Officer A, Star #XXXXX, of the 4<sup>th</sup> District**, had retired from the Department effective January 15, 2018.<sup>11</sup>

On January 19, 2018, **accused Detective A (“Det. A”), Star #XXXXX**, gave COPA and audio recorded interview. On November 11, 2017, Det. A stated she was off-duty coming from a funeral driving her 2014 four-door Chevy Traverse northbound on S. Stony Island at E. 71<sup>st</sup> Street. Det. A stated she was not very familiar with that intersection. Det. A stated she was on Stony Island heading north, making a left turn onto eastbound 71<sup>st</sup> St., when she realized she was in the lane for oncoming traffic. Det. A stated she waited for traffic to clear on southbound Stony Island so she could complete her turn. Det. A stated Subject 1 stopped in front of her screaming and yelling, and “giving me the finger.” Det. A stated she was not blocking Subject 1’s lane because he stopped in front of her. Det. A stated after she completed the turn, she was in the lane next to Subject 1, who was “flipping the bird” at her. Det. A stated she said to Subject 1, “What the fuck is your problem?” Det. A stated, there had been no contact between their vehicles. Det. A stated Subject 1 got behind her vehicle and threw a garbage bag from a fast food place at her car. Det. A stated she was hitting her brakes to get Subject 1 away from her. Det. A stated Subject 1 then pulled up next to her on the driver’s side, and rolled down his passenger window. Det. A then stated Subject 1 threw an unknown object at her car smashing into the driver’s side window. Det. A stated Subject 1 gave her the finger and threw an unknown object hitting her windshield, making a chip in the windshield. Det. A stated she let Subject 1 pass her, got behind him and dialed 911. Det. A stated when she dialed 911, she identified herself as an off-duty detective, and followed Subject 1 until the police could stop him.

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<sup>10</sup> Attachment 24

<sup>11</sup> Attachment 25

Det. A stated she followed Subject 1 while giving 911 her direction. Det. A stated she followed Subject 1 as he picked up his father from the library, stating she gave 911 information on the direction traveled and what Subject 1 was doing. Det. A stated she continued to follow Subject 1, giving her location, when she heard police vehicles approaching. Det. A stated when the police arrived she exited her vehicle, identified herself as a police officer, and that the police officers approached Subject 1's car. Det. A stated Subject 1 never knew she was a police officer and she had no contact with him after CPD officers stopped him. Det. A stated none of the objects thrown at her windshield were recovered as evidence and that the damage to her windshield was about \$100. Det. A stated she did not get an appraisal for the damage from her insurance company or file a claim. Det. A admitted to sticking up her middle finger at Subject 1. Det. A stated Subject 1 was "flipping her the bird, so I was just giving it back to him." Det. A stated she never called Subject 1 a "nigger." Det. A stated she went to court on the matter against Subject 1 and that he had to pay her \$100 for the damaged windshield.<sup>12</sup>

### **b. Digital Evidence**

The Body Worn Camera (BWC) video of Officer A captures his interaction with Subject 1 regarding the incident.<sup>13</sup>

The BWC video of Sgt. B captures his interaction with Det. A regarding the incident.<sup>14</sup>

The BWC video of Officer B captures his interaction with Subject 1 and Det. A regarding the incident.<sup>15</sup>

### **c. Documentary Evidence**

Office of Emergency Management and Communications (OEMC) **Event Query Report** indicates that Det. A and Subject 1 both called 911 and provided information on each other to dispatch during traffic altercation.<sup>16</sup>

The Chicago Police Department **Arrest Report** states that on November 11, 2017, Subject 1 was arrested for Criminal Damage to Property less than \$300, a Class A Misdemeanor offense.<sup>17</sup>

## **VI. ANALYSIS**

Rule 2 of the Rules and Regulations of the Chicago Police Department is applicable not only in an officer's professional conduct, but private conduct as well. There are conflicting

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<sup>12</sup> Attachment 26

<sup>13</sup> Attachment 18

<sup>14</sup> Attachment 19

<sup>15</sup> Attachment 17

<sup>16</sup> Attachment 12

<sup>17</sup> Attachment 14

statements from Subject 1 and Det. A as to what each said to the other. COPA cannot prove or disprove, based on the preponderance of the evidence, that the actions of Det. A were warranted by the behavior of Subject 1.

Moreover, while there are conflicting statements from Subject 1 and Det. A as to whether Subject 1 threw unknown objects at her private vehicle that resulted in an object hitting and cracking her windshield, the fact Subject 1 was arrested, and agreed in court to pay restitution for his actions against Det. A, gives credibility to her statements against Subject 1. COPA cannot therefore prove or disprove whether any statements made by Det. A were false and/or led to the illegal arrest of Subject 1. Furthermore, if Subject 1 did behave in the way that Det. A reported to arriving officers, it would stand to reason that she would have followed him so that he could be apprehended by responding officers. Based on the available evidence, COPA cannot prove or disprove the allegations.

**CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Detective A	1. It is alleged by Subject 1 that on or about November 11, 2017, while off-duty, Det. A was involved in a traffic altercation with him, and used a racial slur against him; and made statements to responding officers, to have him illegally arrested, in violation of Rules 2, 8 9 and 14.	Not Sustained

Approved:

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Deputy Chief Administrator 1

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Date



**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator 1
<b>Supervising Investigator:</b>	Supervising Investigator 1
<b>Deputy Chief Administrator:</b>	Deputy Chief Administrator 2