

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|---------------------------------|
| Date of Incident: | November 29, 2017 |
| Time of Incident: | Approximately 8:15 a.m. |
| Location of Incident: | XXXX W. XX st Street |
| Date of COPA Notification: | December 14, 2017 |
| Time of COPA Notification: | 11:45 a.m. |

On November 29, 2017, Officer A curbed Complainant Subject 1’s vehicle after Subject 1 purportedly ran a stop sign. During the traffic stop Officer A discovered that Subject 1 was driving on a suspended license, and Officer A subsequently transported Subject 1 to the XXXth District police station for processing. Subject 1 later contacted COPA and made the following allegations against Officer A.

II. INVOLVED PARTIES

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| Involved Officer #1: | Officer A, star #XXXXXX, employee ID #XXXXXX, Date of Appointment: XXXX XX, 2010, Police Officer, Unit of Assignment: XXX, Date of Birth: XXXX X, 1979, male, Hispanic |
| Subject #1: | Subject 1, DOB: XXX XX, 1967, male, black |

III. ALLEGATIONS

| Officer | Allegation | Finding |
|----------------|--|----------------|
| Officer A | 1. Handcuffed Subject 1 too tightly, in violation of Rule 8. | Unfounded |
| | 2. Impounded Subject 1’s car without justification, in violation of Rule 11. | Unfounded |
| | 3. Damaged Subject 1’s laptop, in violation of Rule 8. | Not Sustained |
| | 4. Falsely issued Subject 1 a citation for running a stop sign, in violation of Rule 11. | Unfounded |

| | |
|---|---------------|
| 5. Stated words to the effect of, “Ain’t nobody gonna break your fucking laptop,” in violation of Rule 8. | Not Sustained |
| 6. Stated words to the effect of, “I’m not going in your fucking briefcase,” in violation of Rule 8. | Not Sustained |
| 7. Failed to record his interaction with Subject 1 via Body Worn Camera, in violation of Rule 6. | Sustained |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6 prohibits disobedience of an order or directive, whether written or oral.
2. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty.
3. Rule 11 prohibits incompetency or inefficiency in the performance of duty.

General Order

1. General Order 06-01-02 Restraining Detainees

Special Orders

1. Special Order S03-14, Body Worn Cameras

Municipal Code

1. City of Chicago Municipal Code (MCC) 9-80-240 -Driving with a Suspended or Revoked License – Impoundment

V. INVESTIGATION¹

a. Interviews

In an interview with COPA on January 11, 2018, Complainant Subject 1 stated that he was driving to work when he was pulled over by Officer A. Officer A informed Subject 1 that he ran a stop

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

sign² and asked Subject 1 for his driver's license and insurance card³. Officer A ran Subject 1's name and discovered that Subject 1's license was suspended. Officer A handcuffed Subject 1 and told Subject 1 that the vehicle would be impounded due to Subject 1's suspended license. At Subject 1's request, Officer A retrieved Subject 1's cellphone and briefcase from his vehicle. Subject 1 stated that Officer A picked up his briefcase by the handle rather than the strap, and the briefcase fell and hit the concrete—damaging Subject 1's laptop inside the briefcase. En route to the police station, Subject 1 asked Officer A to loosen the handcuffs. Officer A told Subject 1 they were only a few blocks away from the station. Once at the station, Subject 1 again asked Officer A to loosen the handcuffs. Officer A removed the handcuff from Subject 1's left wrist and attached the handcuff to a restraint bar/ bench. Subject 1 asked Officer A to remove the handcuff from his right wrist but Officer A refused⁴.

Subject 1 told Officer A to be careful with his laptop and not to go in his briefcase. Officer A replied, "Ain't nobody gonna break your fucking laptop," and "I'm not going in your fucking briefcase." Officer A issued Subject 1 three citations and an I-Bond, and told Subject 1 he was free to go. Subject 1 said that the skin was broken on his right wrist as a result of the handcuffs. Subject 1 stated that he did not take photographs of the injury and did not seek medical attention⁵.

In a letter to COPA dated November 30, 2017, Subject 1 provided an account of the incident similar to the account he provided in his statement to COPA. In contrast, Subject 1 stated that the vehicle was insured but he inadvertently showed Officer A an expired insurance card. When he asked Officer A to allow him a moment to retrieve the valid insurance card from the glove compartment, Officer A refused⁶.

In a statement to COPA on April 4, 2018, Officer A stated that he was doing traffic enforcement near the School on XXst Street between May and Aberdeen, an intersection where motorists routinely run the stop sign. Officer A stated that his squad car was facing north on Aberdeen Street when he observed Subject 1, who was driving east on XXst Street, run the stop sign. Officer A activated his lights and sirens and initiated a traffic stop. Officer A stated that he told Subject 1 the reason for the stop and asked for his license and insurance. Officer A ran Subject 1's name via LEADS and discovered that Subject 1's license was either suspended or revoked⁷. Officer A stated that he believes Subject 1 may have had liability insurance, but Subject 1 did not have the required SR-22 insurance coverage. Officer A informed Subject 1 that he would impound the vehicle. Officer A then handcuffed Subject 1 and transported him to the police station.

Upon arrival to the station, Officer A wrote the citations, completed the vehicle impoundment paperwork and ran Subject 1's background to see if he qualified for an I-Bond. Subject 1 complained that the handcuffs were too tight. Officer A stated that although the handcuffs were not too tight, Officer A loosened the handcuffs whereby he could place two fingers between the handcuff and Subject 1's wrist. Subject 1 again claimed that the handcuffs were too tight. Officer

² Subject 1 denied running a stop sign.

³ Subject 1 stated that he produced an outdated insurance card and acknowledged that he did not have insurance.

⁴ Subject 1 explained that the handcuffs were not painful, but he felt pressure and could not move his wrists.

⁵ Attachment 10

⁶ Attachment 4

⁷ Officer A could not remember which case applied.

A refused to loosen the handcuffs any further because Subject 1 could potentially slide out of the handcuffs.

Officer A stated that upon his release from custody, Subject 1 showed Officer A the handcuff mark on his wrist. Officer A stated that he did not observe any bruising, bleeding or abrasions on either of Subject 1's wrists. Officer A stated that he did not recall dropping Subject 1's briefcase, and denied that he damaged Subject 1's laptop. Officer A stated that he does not believe that he said words to the effect of, "Ain't nobody gonna break your fucking laptop," and "I'm not going in your fucking briefcase." Officer A stated that he believes he recorded his encounter with Subject 1 via Body Worn Camera, as he always attempts to record citizen encounters. Officer A could not explain why there was no video for this particular incident⁸.

b. Digital Evidence

In-Car Video⁹ shows that Officer A initiated a traffic stop after Subject 1 ran a stop sign. Officer A told Subject 1 the reason for the stop; Subject 1 replied, "I stopped for maybe a second." Subject 1 initially told Officer A that he was driving on a ticket, and then stated that his license had been suspended for "a year or two." When Subject 1 showed Officer A an insurance card, Officer A informed him that the insurance expired in August 2017. Officer A ran Subject 1's name and told Subject 1 that his license had been suspended for fourteen years. Subject 1 insisted that the car was insured and his name was on the insurance. Officer A told Subject 1 that the vehicle would be impounded and that Subject 1 would receive tickets for failure to stop at a stop sign, driving on a suspended license, and failure to have insurance. Officer A further told Subject 1 that he would check his background to determine if Subject 1 was eligible for an I-Bond.

There is no Body Worn Camera footage relative to this incident¹⁰.

c. Documentary Evidence

Court records document that Subject 1 was issued three citations: Disregarding a Stop Sign, Driving on a Suspended or Revoked License, and Operating an Uninsured Motor Vehicle. The tickets were dismissed by the prosecution, the court disposition reads *Nolle Prosequi*.¹¹

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for **Allegation 1** against Officer A, that he handcuffed Subject 1 too tightly. According to Subject 1, he first told Officer A that the handcuffs were too tight while he and Officer A were en route to the station. According to Subject 1, at the station Officer A removed the handcuff from Subject 1's left wrist and attached it to a restraint bar. Subject 1 then asked Officer A to remove the handcuff from his right wrist, but Officer A refused. Subject 1 claimed that the handcuffs broke his skin, however he did not seek medical

⁸ Attachment 23

⁹ The relevant files are labeled *2.mpg 00:10:50* and *3.mpg 00:17:12*.

¹⁰ Attachment 17

¹¹ Attachment 15

attention or provide any physical evidence of injury resulting from the handcuffing. According to CPD General Order 06-01-02 Officer A was required to handcuff Subject 1 when he was taken into custody.

Officer A stated that he checked Subject 1's handcuffs for comfort and loosened them to the point where he could place two fingers between Subject 1's wrist and the handcuff. Officer A stated that he refused to oblige Subject 1's request to loosen the handcuff further because the handcuff would not be secure. Based on Subject 1's statements, it appears that he had an issue with being handcuffed. Even after Officer A accommodated him by removing one of the handcuffs, Subject 1 insisted that Officer A remove the other handcuff. No evidence suggests that Officer A tightened the handcuffs in an excessive or punitive way. Based on the available information, Officer A responded in a reasonable manner to Subject 1's complaint that the handcuffs were too tight. Subject 1's claim in itself does not violate CPD directives or rise to a level of excessive force, and therefore the allegation should be Unfounded.

COPA recommends a finding of **Unfounded** for **Allegation 2** against Officer A, that he impounded Subject 1's vehicle without justification. Subject 1 was driving on a Suspended License. Per City of Chicago Municipal Code (MCC) 9-80-240, any motor vehicle that is operated by a person with a suspended or revoked driver's license shall be subject to seizure and impoundment.

COPA recommends a finding of **Not Sustained** for **Allegation 3** against Officer A, that he damaged Subject 1's laptop. Officer A denied damaging Subject 1's laptop. Subject 1 failed to provide photographs or any proof of damage to his laptop; or that Officer A caused any damage to his laptop. The In-Car Video does not depict any discussion between about Officer A and Subject 1 about the handling of Subject 1's laptop or briefcase. Based on the above, there is insufficient evidence to meet the preponderance standard required in this administrative investigation.

COPA recommends a finding of **Unfounded** for **Allegation 4** against Officer A, that he falsely issued Subject 1 a citation for running a stop sign. When confronted by Officer A about running the stop sign, Subject 1 replied, "I stopped for maybe a second." In-Car Video shows that Subject 1 failed to come to a complete stop at the stop sign.

COPA recommends a finding of **Not Sustained** for **Allegations 5-6** against Officer A, that he stated words to the effect of, "Ain't nobody gonna break your fucking laptop," and "I'm not going in your fucking briefcase." In an interview with COPA, Officer A stated that he did not *believe* he made these comments to Subject 1. Officer A response to the allegations does not constitute a denial and allows for the possibility that he made the statements. There is insufficient evidence to meet the preponderance standard required in this administrative investigation.

COPA recommends a finding of **Sustained** for **Allegation 7** against Officer A, that he failed to record his interaction with Subject 1 via Body Worn Camera. A search for Body Worn Camera footage relative to the incident met with negative results. Officer A stated that he *believed* he recorded the traffic stop involving Subject 1 via Body Worn Camera, and could not offer any explanation as to why there was no video. Officer A violated the provisions of Special Order S03-14 when he failed to record his interaction with Subject 1 via Body Worn Camera.

VII. CONCLUSION

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

| Officer | Allegation | Finding |
|----------------|---|----------------|
| Officer A | 1. Handcuffed Subject 1 too tightly, in violation of Rule 8. | Unfounded |
| | 2. Impounded Subject 1’s car without justification, in violation of Rule 11. | Unfounded |
| | 3. Damaged Subject 1’s laptop, in violation of Rule 8. | Not Sustained |
| | 4. Falsely issued Subject 1 a citation for running a stop sign, in violation of Rule 11. | Unfounded |
| | 5. Stated words to the effect of, “Ain’t nobody gonna break your fucking laptop,” in violation of Rule 8. | Not Sustained |
| | 6. Stated words to the effect of, “I’m not going in your fucking briefcase,” in violation of Rule 8. | Not Sustained |
| | 7. Failed to record his interaction with Subject 1 via Body Worn Camera, in violation of Rule 6. | Sustained |

Approved:

 COPA Deputy Chief Administrator
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

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|------------------------------------|---------------------------------|
| Squad#: | X |
| Investigator: | COPA Investigator |
| Supervising Investigator: | COPA Supervising Investigator |
| Deputy Chief Administrator: | COPA Deputy Chief Administrator |