

SUMMARY REPORT OF INVESTIGATION¹**I. EXECUTIVE SUMMARY**

Date of Incident:	April 24, 2017
Time of Incident:	6:57 p.m.
Location of Incident:	XXX E. Solidarity Drive, Chicago, IL
Date of COPA Notification:	April 24, 2017
Time of COPA Notification:	8:30 p.m.

On the evening of April 24, 2017, Subject 1 and her family were on their way to Shedd Aquarium. Officer A observed Subject 1's vehicle standing in a no parking zone while waiting for a parking spot to become available. As Officer A was writing a ticket, their vehicle drove away. Officer A followed and attempted to give Subject 1 the parking ticket. Subject 1 and her husband argued with Officer A about the parking ticket and refused to take it from him. Officer A, who was working alone, then tossed the ticket through their open window and drove away. As he was driving away Officer A said, "Bye, Bye" in an affected tone of voice.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, #XXXX, employee ID #XXXX, DOA XX/XX/1999, Police Officer, Unit XXX, DOB XX/XX/1974, male, Hispanic
	Subject 1, DOB April XX, 1975, female, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that Officer A threw a ticket at Subject 1, striking her on the upper right cheek area, in violation of Rules 8 and 9.	Unfounded
	2. It is alleged that Officer A was rude and unprofessional to Subject 1 by his overall demeanor, in violation of Rule 8.	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.

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION²

a. Interviews

In her November 8, 2017 **statement to COPA**³, Subject 1 stated that on April 24, 2017 she was going to Shedd Aquarium with her family when they noticed a car pulling out of a parking spot on Solidarity Drive. Subject 1 and her husband, who was driving, were waiting for the other car to leave when a police vehicle approached them on the passenger side. Subject 1 rolled down her window and Officer A said, “Here’s a ticket”. Subject 1 informed Officer A that they were waiting for the parking spot. Officer A responded that they were taking too long, and then shoved the ticket at Subject 1’s face. Subject 1 said the ticket hit her cheek and she suffered a “hairline papercut” that became irritated and red. Subject 1 and her husband then traveled to a nearby police station and filed a complaint. Subject 1 said they had been waiting for the parking spot for about five to seven minutes before Officer A arrived.

In his February 23, 2018 **statement to COPA**⁴, Officer A stated that on April 24, 2017, he was on routine patrol of Chicago’s Museum Campus when he saw Subject 1’s vehicle parked illegally on Solidarity Drive. Officer A approached from behind, put his police vehicle in park, and began to write a ticket. He then observed their vehicle beginning to drive away. Officer A finished writing the parking ticket, then drove up to the passenger side of Subject 1’s vehicle. As Officer A attempted to give Subject 1 and her husband the ticket, they became loud and argumentative. Officer A turned on his body worn camera and continued his attempt to give the ticket to Subject 1 through the passenger window. Officer A explained to Subject 1 that she had been parked illegally and asked repeatedly if she was going to take the ticket. At this point Officer A decided to toss the parking ticket through Subject 1’s passenger side window towards her dashboard. Officer A explained that because he was working alone, and because Subject 1 and her husband were being hostile, he believed that getting out of his vehicle to put the ticket on their windshield was potentially dangerous, especially if they decided to drive away. As he was pulling away, Officer A quoted a line from the movie *Tombstone*⁵ with an affected voice, saying, “Bye, bye”. Officer A explained that he was reciting the line to himself. He did not make the comment until he was driving away and no longer within earshot of other people. He also added that Subject

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 Attachment 10

⁴ Attachment 27

⁵ *Tombstone* is 1993 American Western film.

1 and her husband were more aggressive before he activated his body worn camera, and once he announced that the camera was on, they softened their demeanor.

b. Digital Evidence

Officer A's **body worn camera footage**⁶ begins with Officer A driving up to a large, white vehicle while holding a parking ticket in his left hand. Officer A stops next to the vehicle with his outstretched left arm holding the ticket towards Subject 1's open window. Officer A talks with the people in the vehicle for approximately twenty seconds before the camera's sound recording activates. Once the sound comes on, Officer A asks if they would like to take the ticket. Subject 1 and her husband argue with Officer A and refuse to take the ticket, insisting that they were not in a no parking zone. Subject 1's husband asks Officer A if he is blind, to which Officer A responds, "I think I am actually blind, sir." He again asks if they would like the ticket, Subject 1 and her husband refuse it, and then Officer A leans over and tosses the ticket through the passenger side window. Once he has begun to drive away, Officer A says, "Bye, bye" in an affected tone.

Evidence Technician photographs⁷ of Subject 1's face taken on April 24, 2017 do not depict a laceration on her right cheek.

c. Documentary Evidence

City of Chicago Violation Notice 0068164506⁸ cites license plate XXXXXXXX with parking in a prohibited zone.

VI. ANALYSIS

COPA recommends a finding of **UNFOUNDED** for all allegations against Officer A.

Subject 1 alleged that Officer A tossed a parking ticket at her that lacerated her right cheek. The physical evidence does not support this allegation. Specifically, the ET photos do not reflect any laceration to her right cheek. Furthermore, Subject 1's version of events do not align with the body worn camera footage. During her statement to COPA, Subject 1 did not mention that her husband drove away from the scene before Officer A attempted to give them the ticket. She further failed to mention that she and her husband argued with and insulted Officer A prior to him tossing the ticket. Officer A offered a plausible explanation for why he did not get out of his vehicle and instead tossed the ticket. The body worn camera footage clearly shows that Subject 1 and her husband were uncooperative and hostile. Since Officer A was working alone, his apprehension to engage Subject 1 and her husband outside his police vehicle was understandable and his decision to toss the ticket was not inappropriate. Considering that the physical evidence disproves her claim that she sustained an injury, as well as the fact that Subject 1 omitted relevant information during her statement, Allegation #1 is unfounded.

⁶ Attachment 17

⁷ Attachment 15

⁸ Attachment 8

Regarding Allegation #2 that Officer A was unprofessional, the body worn camera casts light on the interaction between Subject 1, her husband and Officer A. Specifically, Subject 1 and her husband were argumentative and disrespectful to Officer A. Subject 1’s husband can even be heard insulting Officer A by facetiously asking if he is blind. Officer A’s response, although slightly sarcastic, was in response to an ill-mannered provocation and did not contain any vulgarity or insults. Further, when Officer A did make a snide remark, it was only after he had driven away and was no longer within Subject 1’s earshot. As such, Officer A was not rude and unprofessional to Subject 1 by his overall demeanor.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. It is alleged that Officer A threw a ticket at Subject 1, striking her on the upper right cheek area, in violation of Rules 8 and 9.	Unfounded
	2. It is alleged that Officer A was rude and unprofessional to Subject 1 by his overall demeanor, in violation of Rule 8.	Unfounded

Approved:

 [Deputy Chief Administrator – Chief Investigator A

 Date

Appendix A

Assigned Investigative Staff

Squad:	X
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A