

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	October 5, 2015
Time of Incident:	12:30 p.m.
Location of Incident:	1200 S. Canal St. Chicago, Illinois 60607
Date of COPA Notification:	June 28, 2018
Time of COPA Notification:	2:50 PM

On October 5, 2015, at approximately 12:30 p.m., near the vicinity of 1200 S. Canal St. Chicago, Illinois 60607, Officers ██████████ # ██████████ (“Officer ██████████ and ██████████ # ██████████ (“Officer ██████████) conducted the investigatory traffic stop of complainant ██████████ (██████████) alleges that during the traffic stop, assisting Officer ██████████ # ██████████ (“Officer ██████████) placed him in a squadrol without justification and called him a “motherfucker.” ██████████ further alleges that assisting squadrol Officer ██████████ # ██████████ (“Officer ██████████) grabbed his genitals.

INVOLVED PARTIES

Involved Officer #1:	██████████ Star # ██████████, Employee ID# ██████████ DOA: ██████████ Rank: Police Officer, Unit of Assignment: 1 st District, DOB: ██████████, Female, Black.
Involved Officer #2:	██████████ ██████████, Star # ██████████, Employee ID# ██████████, DOA: ██████████, Rank: Police Officer, Unit of Assignment: 1 st District, DOB ██████████, Male, White.
Involved Individual #1:	██████████ DOB: ██████████, Male, Black.

II. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████ ██████████	1. It is alleged by ██████████ that on October 5, 2105, at approximately 12:30 p.m., near	Exonerated

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.

² COPA did not bring allegations against Officer ██████████ is on leave of absence from the Chicago Police Department and is serving as the First Vice President of the Fraternal Order of Police.

	<p>the vicinity of 1200 S. Canal St. Chicago, Illinois 60607, Officer ██████ placed ██████ in a squadrol without justification in violation of Rules 1 and 2.</p> <p>2.It is alleged by ██████ that on October 5, 2015, at approximately 12:30 p.m., near the vicinity of 1200 S. Canal St. Chicago, Illinois 60607, Officer ██████ called ██████ a “motherfucker,” in violation of Rules 1 and 9.</p>	<p>Not Sustained</p>
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III. APPLICABLE RULES AND LAWS

Rules

Rule 1: Violation of any law or ordinance.

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

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Special Orders

S04-13-09 – Contact Information System

Federal Laws

United States Constitution 4th Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

IV. INVESTIGATION³

a. Interviews⁴

COPA obtained complainant ██████ written statement on July 3, 2018.⁵ ██████ declined to provide an audio recorded statement. ██████ stated that on October 5, 2015, while on his way to work in his 2003 Cadillac De Ville, license place

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ COPA attempted to conduct the interview of ██████ on October 16, 2018, however, an interview was not possible due to him no longer serving as a police officer.

⁵ Attachment 5

██████████, Officers ██████████ and ██████████ stopped him. ██████████ stated that Officer ██████████ approached his vehicle and ordered him to step out of his car and place his hands on the trunk of his vehicle. ██████████ stated Officer ██████████ placed him in handcuffs. ██████████ stated a plain-clothed male officer with a bald head and a red beard arrived and grabbed his genitals. ██████████ stated the plain-clothed officer along with Officers ██████████ and four other officers repeatedly asked him whether he hit a car. ██████████ stated the questioning lasted about 20 minutes. ██████████ stated that when he asked to be read his Miranda rights, Officer ██████████ called him a “motherfucker,” and placed him in a squadrol. ██████████ stated that as a result of being placed in the squadrol, he had a panic attack. ██████████ stated that after some time, a senior officer opened the door and told him they were working on the situation. ██████████ stated that Officer ██████████ and the plain-clothed officer eventually let him out. ██████████ stated that the plain-clothed officer continued to ask him if he hit another vehicle. ██████████ stated this continued until the plain-clothed officer pulled up a report that established the damage on ██████████ vehicle came from an accident that occurred on November 18, 2013. ██████████ stated the officers eventually left and he continued to drive to work.

COPA conducted witness **Officer ██████████ # ██████████** (“Officer ██████████” audio statement on October 10, 2018.⁷ Officer ██████████ stated that on October 5, 2015, she was a Probationary Police Officer working beat ██████████ with field training Officer ██████████. Officer ██████████ stated that after looking at the Office of Emergency and Communications (OEMC) Event Query Report 1527805811, she could see that she and Officer ██████████ followed a fleeing vehicle traveling westbound on Canal and Roosevelt Rd. Officer ██████████ stated that she did not recall that incident. Officer ██████████ stated she did not recall working with other officers on October 5, 2015, other than Officer ██████████. Officer ██████████ stated she also did not recall making any traffic stops on the day of the alleged incident. After looking at a photograph of ██████████ vehicle, Officer ██████████ stated she did not recall seeing that vehicle on October 5, 2015. After looking at a photograph of ██████████, Officer ██████████ stated she did not recall encountering ██████████ on October 5, 2015. Officer ██████████ stated she is good at recognizing faces and she does not recognize ██████████. Officer ██████████ stated that while she was a Probationary Police Officer on October 5, 2015, she had the same responsibilities as any other officer. Officer ██████████ stated she would act at the direction of her Field Training Officer. Officer ██████████ stated that while the Chicago Police Department does not have a practice of chasing fleeing vehicles, if the vehicle were traveling at a reasonable pace, the vehicle would be curbed if it matched information relayed by dispatch.

COPA conducted witness **Officer ██████████ # ██████████** (“Officer ██████████” audio statement on October 11, 2018.⁸ Officer ██████████ stated that on October 5, 2015, she was on duty working beat ██████████ with Officer ██████████. Officer ██████████ stated that while she does not recall the event, she could see on the event query that her beat number chased a fleeing vehicle traveling westbound on Canal and Roosevelt Rd. Officer ██████████ stated she did not recall any of the officers who assisted her on the traffic stop of the fleeing vehicle. Officer ██████████ stated she did not recall working with Officer ██████████ or there being a squadrol on scene. After being shown a

⁶ Attachment 16. COPA could not identify Officer ██████████. The attendance and assignment sheets for October 5, 2015, of the 1st District, do not list an Officer ██████████.

⁷ Attachment 28

⁸ Attachment 30

photograph of [REDACTED] vehicle and of [REDACTED] she stated she did not recall encountering either on October 5, 2015. Officer [REDACTED] stated she did not recall seeing any officer place [REDACTED] in a squad car, call him a motherfucker, or grab him by the genitals.

COPA conducted witness Officer [REDACTED] # [REDACTED] (“Officer [REDACTED]” audio statement on October 10, 2018.⁹ Officer [REDACTED] stated that on October 5, 2015, he was on duty working beat [REDACTED] Officer [REDACTED] stated that according to the OEMC event query report [REDACTED] he responded to an auto accident involving an injured robbery victim at approximately 11:47, near the vicinity of 1910 S. State St. Officer [REDACTED] stated he did not recall what actions he took on scene. Officer [REDACTED] stated he could imagine he took protocol actions to make the scene safe and identify all parties. Officer [REDACTED] stated he did not recall any other officers responding to the scene. After being told that Sergeant [REDACTED] (“Sergeant [REDACTED]” Officers [REDACTED] # [REDACTED] (“Officer [REDACTED]” # [REDACTED] (“Officer [REDACTED]” and [REDACTED] responded to the accident, Officer [REDACTED] stated Sergeant [REDACTED] was retired. Officer [REDACTED] stated he knows Officer [REDACTED] to be a male white approximately 5’8 with blondish reddish hair. Officer [REDACTED] stated he did not recall a squadrol being on scene. After being shown the photograph of [REDACTED] vehicle and of [REDACTED] Officer [REDACTED] stated he did not recall seeing either the vehicle or [REDACTED] on scene at 1910 S. State St. Officer [REDACTED] stated he did not recall ever coming into contact with [REDACTED] or seeing any other officer come into contact with him. Officer [REDACTED] stated he did not recall assisting Officers [REDACTED] and [REDACTED] in the traffic stop of [REDACTED] Officer [REDACTED] further stated he did not recall making the remark listed on the OEMC event query report stating that the vehicle pertaining to [REDACTED] was not involved in the auto accident at 1910 S. State St. Officer [REDACTED] stated he did not recall seeing any officer place [REDACTED] in a squad car, call him a motherfucker, or grab him by the genitals.

COPA conducted witness Officer [REDACTED] # [REDACTED] (“Officer [REDACTED]” audio statement on October 16, 2018.¹⁰ Officer [REDACTED] stated that on October 5, 2015, she was on duty working beat [REDACTED] Officer [REDACTED] stated that on October 5, 2015, she assisted Officers [REDACTED] and [REDACTED] on a traffic stop. Officer [REDACTED] stated the reason for stopping the vehicle was because it was involved in an accident and it left the scene. After looking at a picture of [REDACTED] vehicle, Officer [REDACTED] stated it looked like the car that she stopped. Officer [REDACTED] stated the car was pulled over after receiving a flash message that a vehicle with substantial damage had fled the scene. After looking at a picture of [REDACTED] Officer [REDACTED] stated she was not sure whether he was the person involved in the stop. Officer [REDACTED] stated that on scene her role was to be a guard officer, which meant that she needed to make sure Officers [REDACTED] and [REDACTED] were safe. Officer [REDACTED] stated that when she arrived on scene, Officers [REDACTED] and [REDACTED] were already on scene. Officer [REDACTED] stated the individual in the vehicle was asked to step out of the vehicle and was questioned about the accident. Officer [REDACTED] stated the individual stated he was not involved in any accident. Officer [REDACTED] stated that while there were many units present due to the nature of the incident, she did not recall what officers were on scene assisting. Officer [REDACTED] stated she believed a squadrol was on scene for transport. Officer [REDACTED] stated she was not sure whether the individual was placed in the squadrol. Officer [REDACTED] stated she did not see any officer grab the individual by the genitals.

⁹ Attachment 29

¹⁰ Attachment 31

Officer ██████ stated that if the individual was placed in the squadrol he would have been searched to make sure he did not have any weapons that could hurt the officers. Officer ██████ stated she did not recall if the individual was handcuffed. Officer ██████ stated she did not hear any officer call the individual a “motherfucker.” Officer ██████ stated that the procedure she would take if she were stopping a vehicle fleeing from a traffic accident would be to take the individual out of the car, pat the person down, and call other units for assistance. Officer ██████ further stated that if the individual was not cooperative with the initial investigation, she would place him in handcuffs to make sure she was safe. Officer ██████ stated that if the individual was loud and boisterous, she would place him in the squad car to continue the investigation.

COPA conducted a **second interview** with Officer ██████ ██████ as an accused officer on November 1, 2018.¹¹ Officer ██████ stated that on October 5, 2015, she did assist a unit in the traffic stop of ██████ at approximately 12:30 p.m. near the vicinity of 1200 S. Canal St. Officer ██████ stated that she would have had personal contact with ██████ to make sure he was under control while the other units conducted the investigation. Officer ██████ stated that she did not recall placing ██████ in a squadrol. Officer ██████ stated she did not recall calling ██████ “motherfucker,” and the use of any profanity is out of her character.

b. Digital Evidence

The **Photograph** of ██████ vehicle depicts a silver 2003 Cadillac De Ville with substantial rear end damage on the passenger’s side.¹²



c. Physical Evidence

¹¹ Attachment 38

¹² Attachment 5

Medical Records from the University of Chicago Medicine on October 28, 2015, indicate that ██████████ suffered from shortness of breath for the month previous.¹³ ██████████ described a sensation of having to think about breathing which lead to nervousness and anxiety. ██████████ was diagnosed with Dyspnea¹⁴ and was prescribed an Albuterol inhaler.

d. Documentary Evidence

(OEMC) Event Query Report 1527805811 indicates that on October 5, 2015, at 11:37 a.m. near the vicinity of 1910 S. State St. Chicago, Illinois 60610, there was an auto accident involving an injured robbery victim.¹⁵ The report further indicates that Sergeant ██████████ and Officers ██████████ ██████████ and ██████████ responded to the accident. At 11:51 a.m., dispatch noted that there was a suspicious person. At 11:52 a.m., Officer ██████████ ran the license plate of ██████████. At 12:20 p.m., it is indicated that Officers ██████████ and ██████████ were following a fleeing vehicle traveling westbound on Canal and Roosevelt Rd. that stopped at 12:21 p.m. At 12:23 p.m., Officer ██████████ and ██████████ ran the driver's license of ██████████. At 12:24 p.m., Officer ██████████ assisted Officers ██████████ and ██████████ in the stop. At 12:46 p.m., Officer ██████████ and ██████████ cleared the scene. Officer ██████████ cleared the scene at 12:53 p.m. and at approximately 2:00 p.m., Officer ██████████ noted that ██████████ was not involved in the auto accident involving the injured robbery victim.

OEMC Event Query Report ██████████ indicates that at 11:49 a.m., a caller by the name of ██████████ called emergency with information for the police.¹⁶ At approximately 11:57 a.m., a comment is entered indicating that the hit and run vehicle from the accident at the location of 1910 S. State St. was a champagne Cadillac, license plate number ██████████ that was last seen turning westbound on Archer Ave.¹⁷

Contact Card ██████████ indicates that on October 5, 2015, at 1:00 p.m., near the vicinity of 240 W. Roosevelt Rd. Chicago, Illinois 60607, Officers ██████████ and ██████████ conducted the traffic stop of ██████████.¹⁸ The traffic stop was conducted because ██████████ vehicle matched the description of a vehicle involved in a traffic crash.

Chicago Police Department Body Worn Camera Search Results Report indicates that the in-car camera in the vehicle driven by Officers ██████████ and ██████████ on October 5, 2015, was not found and purged. The report further indicates that there were no body worn cameras for CPD units on October 5, 2015.

V. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence

¹³ Attachment 10

¹⁴ Difficult or labored breathing

¹⁵ Attachment 24

¹⁶ Attachment 19

¹⁷ COPA attempted to contact caller ██████████ at the listed number on September 28, 2018 and October 8, 2018. Both attempts were unsuccessful.

¹⁸ Attachment 14

standard. It is alleged by ██████ that Officer ██████ placed him in a squadrol without justification and called him a “motherfucker.” ██████ further alleges that Officer ██████ grabbed him by the genitals.

Documentary evidence shows that on October 15, 2015, at 11:37 a.m., there was an auto accident involving an injured robbery victim near 1910 S. State St. At 11:49 a.m., caller ██████ stated to dispatch that the vehicle involved in the auto accident at 1910 S. State St. was a Champagne Cadillac with the license plate ██████ travelling westbound on Archer Ave. Officer ██████ and ██████ stopped ██████ at approximately 12:21 p.m. due to the vehicle matching the color, make, and license plate of the tip relayed by dispatch.

The traffic stop of ██████ was an investigatory stop. An investigatory stop is a temporary questioning of an individual without arrest. An officer, after having identified themselves may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit, or has committed an offense. The officer may additionally conduct a protective pat-down of an individual if the officer reasonably believes him to be armed and/or dangerous. The detention and temporary questioning will be conducted in the vicinity of where the person was stopped.¹⁹ During such an investigatory stop, the officer may only temporarily restrict a person’s freedom of movement as long as reasonably necessary to dispel or confirm the officer’s reasonable articulable suspicion of criminal activity.²⁰ In 2015, if an investigatory stop was conducted, the officer must have completed a Contact Information Card containing the facts and circumstances of the investigatory stop including a statement of the facts establishing reasonable articulable suspicion to stop the individual.²¹

While ██████ was not the individual involved in the hit and run accident at 1910 S. State St., Officers ██████ and ██████ did have reasonable articulable suspicion to believe that he was involved in the accident due to the information provided to dispatch from ██████ and the appearance of ██████ vehicle. It would follow that after conducting the traffic stop, Officers ██████ and ██████ called for assistance believing they were encountering the subject in the hit and run accident. As part of the investigatory stop, it is possible that Officers ██████ and ██████ asked ██████ to exit his vehicle to question him about his possible involvement in the auto accident. Moreover, it is reasonable to infer that ██████ was upset with being detained while on his way to work for an auto accident in which he had no involvement. Officer ██████ explained that when an individual is not cooperative on scene, the individual may be handcuffed, patted down, and placed in a police vehicle for safety.

After reviewing all the evidence, COPA determined that ██████ was stopped as part of a hit and run auto accident investigation. Officers ██████ and ██████ contact card further supports that conclusion. Due to the lack of evidence, COPA could not determine whether ██████ was placed in a squadrol or was grabbed by the genitals, however, it is possible that in

¹⁹ S04-13-09 Contact information System (II) Illinois State Law effective date January 7, 2015, rescinded April 4, 2015.

²⁰ S04-13-09 Contact information System (III)(B) effective date January 7, 2015, rescinded April 4, 2015.

²¹ S04-13-09 Contact information System (III)(C) effective date January 7, 2015, rescinded April 4, 2015.

order to keep a safe and secure scene, an officer may have patted down [REDACTED] including around his genitals before placing him in a squadrol. In this case such actions would have been justified since responding officers did have reason to believe [REDACTED] fled the hit and run accident where the robbery victim was injured leading officers to infer that [REDACTED] was dangerous and possibly armed.

For the aforementioned reasons, COPA recommends the finding of Exonerated for the legal detention and the possible pat down. COPA further could not determine whether an officer used profanity during the stop and recommends the finding of Not Sustained. COPA did not believe it was appropriate to serve Officers [REDACTED] and [REDACTED] with these allegations.

VI. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged by [REDACTED] that on October 5, 2015, at approximately 12:30 pm, near the vicinity of 1200 S. Canal St. Chicago, Illinois 60607, you placed [REDACTED] in a squadrol without justification in violation of Rules 1 and 2. 2. It is alleged by [REDACTED] that on October 5, 2015, at approximately 12:30 pm, near the vicinity of 1200 S. Canal St. Chicago, Illinois 60607, you called [REDACTED] a,“motherfucker,” in violation of Rules 1 and 9.	Exonerated Not Sustained
Officer [REDACTED]	1. It is alleged by [REDACTED] that on October 5, 2015, at approximately 12:30 pm, near the vicinity of 1200 S. Canal St. Chicago, Illinois 60607, you grabbed [REDACTED] genitals in violation of Rules 1 and 8.	Exonerated



Approved:

 Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	