

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	May 17, 2016 and May 18, 2016
Time of Incident:	4:30 p.m. and 11:00 a.m.
Location of Incident:	██ and ██
Date of COPA Notification:	October 18, 2016
Time of COPA Notification:	12:55 p.m.

On May 17, 2016, Officer ██████████ was on routine patrol, assigned to Beat ██████. As he was driving westbound on ██████ street west of Greenwood Avenue, Officer ██████ observed ██████████ driving eastbound on ██████ Street. Mr. ██████ was not wearing a seatbelt. Officer ██████ made a U-Turn and followed Mr. ██████’s vehicle. Mr. ██████ made a left turn onto south Greenwood Avenue without signaling the turn. Officer ██████ then curbed Mr. ██████’s vehicle and requested a driver’s license and insurance from Mr. ██████. According to Mr. ██████, Officer ██████ approached his vehicle with a handgun pointed at him but then holstered it. Mr. ██████ was unable to produce a license or proof of insurance. Mr. ██████ reported that Officer ██████ saw that Mr. ██████ was missing front teeth, and Officer ██████ stated, “you must teach at one of those dirty west side schools.” Since Officer ██████ could not verify the identity of Mr. ██████, he called for a transport car to transport Mr. ██████ to the 002nd District for processing. Officer ██████ issued Mr. ██████ four traffic citations.

II. INVOLVED PARTIES

Involved Officer #1:	████████████████████; star # ██████; employee ID# ██████; Date of Appointment: ██████2006; Police Officer; Unit of Assignment: ██████; DOB: ██████1977; male; White.
Involved Officer #2:	Unidentified
Involved Individual #1:	████████████████████; DOB ██████, 1979; male; Black.

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.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged that Officer ██████████ pulled ██████████ over in his vehicle and pointed a handgun at him, in violation of Rule 38. 2. It is alleged that Officer ██████████ made derogatory statements to Mr. ██████████ which included, “you must teach at one of those dirty west side schools,” in violation of Rule 9.	Not Sustained Not Sustained
Unidentified Officer	1. It is alleged that on May 17, 2016, following day after his arrest, an unidentified officer working the front desk at the ██████████ nd District Station, failed to initiate a complaint on behalf of Mr. ██████████, in violation of Rule 10.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 38: Unlawful or unnecessary use or display of a weapon.
2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION²

a. Interviews

1. Complainant ██████████³

In an interview with IPRA on October 18, 2016⁴, Complainant ██████████ stated that on May 17, 2016, at approximately 4:30 p.m., he was driving east on ██████████ Street, made a left turn onto Greenwood Avenue, and parked his vehicle at approximately ██████████. Mr. ██████████ observed that Officer ██████████ made a U-Turn with his emergency lights activated and stopped behind Mr. ██████████’s vehicle. As Mr. ██████████ was exiting his vehicle, Officer ██████████ took out his firearm, pointed it at Mr. ██████████, and instructed him to remain in the vehicle. Mr. ██████████ reentered his vehicle and rolled down the window. At that time, Officer ██████████ put his firearm in his holster and asked Mr. ██████████ for his driver’s license and insurance information. Mr. ██████████ told Officer ██████████ that he did not have his driver’s license with him and that his

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 Attachments 6-7, 18-19.

⁴ Mr. ██████████ provided IPRA with a statement approximately five months after the alleged incident.

insurance was not currently valid. According to Mr. ██████, Officer ██████ requested other officers to the scene because Mr. ██████ was, “acting weird.” Mr. ██████ told Officer ██████ that he was a Chicago Public School teacher and was coming home from work. Mr. ██████ stated that Officer ██████ saw that he had no teeth in his mouth and stated that Mr. ██████, “must be one of those poor west side teachers.” This made Mr. ██████ upset but he did not argue with the officer.

According to Mr. ██████, Officer ██████ instructed him to get out of the vehicle and when he got out, Officer ██████ handcuffed him. Additional officers arrived at the scene and transported Mr. ██████ to the ██████nd District Station. Mr. ██████ stated that at the station, Officer ██████ made “derogatory” comments about him losing his job.

The following day, May 18, 2016, Mr. ██████ returned to the ██████nd District to file a complaint against Officer ██████. Mr. ██████ spoke to an unidentified white male supervisor⁵ at the front desk who listened to what he had to say and said that he would “handle it.” Mr. ██████ said that the supervisor did not write down any of the information he provided him. Furthermore, Mr. ██████ said that Officer ██████ issued him four citations; failure to use the turn signal, not wearing a seat belt, no car insurance, and no driver’s license. Mr. ██████ paid a fine for not having insurance and the other three citations were dismissed.⁶

2. Police Officer ██████⁷

In a statement to COPA on August 15, 2018, Officer ██████ #█████, stated that he had no recollection of the incident with Mr. ██████. After reviewing the arrest report of Mr. ██████, Officer ██████ stated that he was working as a Traffic Violations Officer⁸. Officer ██████ also reviewed the central booking photograph of Mr. ██████ and the four traffic citations⁹ issued to him but still had no independent recollection of the incident. Officer ██████ reviewed the narrative of the arrest report and stands by what he documented in the report. Officer ██████ denied pointing a firearm at Mr. ██████ or directing derogatory statements to him. Officer ██████ explained that if something outside the ordinary would have happened during the incident, he would have documented it in the arrest report. Furthermore, Officer ██████ could only answer specific questions relative to what is documented in the arrest report of Mr. ██████ as a hypothetical or based on his experience.

b. Documentary Evidence

The Arrest Report (CB#█████)¹⁰ of ██████ indicates that on May 17, 2016, at approximately 4:36 p.m., at ██████, Officer ██████ observed Mr. ██████ eastbound on east ██████th Street, west of the Greenwood Avenue stop sign. Officer ██████ was

⁵ Mr. ██████ did not provide a name or physical description of the White male supervisor.

⁶ Mr. ██████ paid \$414.00 dollars in traffic fines and was ordered to community service for the improper turn signal.

⁷ Attachment 19.

⁸ Duties include, responding to calls for service for motor vehicle accidents, observing DUI’s and other traffic violations. Officer ██████ has been a Traffic Violations officer most of his career at the ██████nd District Station.

⁹ Failure to signal a turn, not wearing a seat belt, failure to produce and driver’s license, and vehicle insurance.

¹⁰ Attachment #9.

westbound on east █ Street. Officer █ observed that Mr. █ was not wearing a seat belt. Officer █ made a U-Turn and followed Mr. █ who made a northbound turn onto south Greenwood Avenue. Mr. █ failed to signal his turn and Officer █ curbed his vehicle. Officer █ approached Mr. █'s vehicle and asked for a driver's license and insurance to which Mr. █ could not produce. As a result, Officer █ could not establish Mr. █'s identity and he was placed in custody. The arrest report further indicates that Mr. █ was argumentative and would speak over Officer █ as he attempted to explain the reason for the stop. Mr. █ was transported to the █nd District for processing.

The Circuit Court of Cook County Trims Traffic Citation Report,¹¹ indicates that Mr. █ received four tickets; TK-█ (improper turn signal), TK-█ (failure to wear a seat belt), TK-█ (operating an uninsured motor vehicle), and TK-█ (failure to produce a driver's license). The dispositions of the citations were community service and a fine of \$414.00.

VI. ANALYSIS

COPA recommends a finding of Not sustained for Allegations #1-#2, that Officer █ pulled Mr. █ over and pointed a handgun at him and directed derogatory statements such as, "you must teach at one of those dirty west side schools." There were no independent witnesses to the incident. According to Mr. █, Officer █ pointed a firearm at him as he approached his vehicle but then placed it into the holster after Officer █ instructed Mr. █ to get back in the vehicle and Mr. █ complied. According to Officer █, he had no recollection of the incident but stated that if he would have pointed a firearm at Mr. █, he would have had documented this in the arrest report. The arrest report does not indicate or document that Officer █ displayed or unholstered his weapon, thus Officer █ denied pointing his weapon at Mr. █. Because Officer █ admittedly does not recollect the incident, but denies displaying his weapon, determining the whether the incident occurred as alleged is not possible.

Mr. █ further stated that Officer █ made derogatory statements during the incident. Officer █ denies making such statements and documented in the arrest report that Mr. █ was argumentative and would speak over him. However, there are no independent witnesses to either account of the incident. Mr. █ acknowledges that Officer █ called for a transport vehicle because Officer █ believed he was acting "weird." Mr. █ did not register a complaint with IPRA until five months after the alleged incident, thus limiting the available evidence in the investigation. Therefore, the evidence is insufficient to prove or disproves either account of the incident.

COPA recommends a finding of Not sustained for Allegation #1, that an unidentified officer failed to register a complaint on behalf of Mr. █. Mr. █ walked into the 002 District station and allegedly spoke to the unidentified officer, but the information Mr. █ provided was insufficient to identify the accused officer. Therefore, there is no evidence that proves or disproves the allegation.

¹¹ Attachments #11, 17.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged that Officer ██████ pulled ██████ over in his vehicle and pointed a handgun at him, in violation of Rule 38. 2. It is alleged that Officer ██████ made derogatory statements to Mr. ██████ which included, “you must teach at one of those dirty west side schools,” in violation of Rule 9.	Not Sustained Not Sustained
Officer Unidentified	1. It is alleged that on May 17, 2016, following his arrest, an unidentified officer working the front desk at the ██████nd District Station, failed to initiate a complaint on behalf of Mr. ██████.	Not Sustained

Approved:

████████████████████
████████████████████

12/19/18

██████████
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	██████
Major Case Specialist:	████████████████████
Supervising Investigator:	██████████████
Deputy Chief Administrator:	████████████████████