

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	November 6, 2018
Time of Incident:	7:55 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	November 8, 2018
Time of COPA Notification:	10:05 a.m.

On November 6, 2018, Officer [REDACTED] observed Complainant [REDACTED] attempting to solicit a fare at [REDACTED] ([REDACTED]). He recognized [REDACTED] as a known fare solicitor, having previously issued citations to [REDACTED] for the same actions. Officer [REDACTED] issued [REDACTED] three citations but did not arrest him. [REDACTED] alleged that Officer [REDACTED] committed misconduct. COPA reviewed these allegations.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] # [REDACTED] Employee ID # [REDACTED] Police Officer, Appointment Date: [REDACTED], 1994, Unit [REDACTED] DOB [REDACTED] 1956, male, Hispanic
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1959, male, unknown

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	It is alleged by [REDACTED] that on or about November 6, 2018, at or near [REDACTED] [REDACTED] Officer [REDACTED] # [REDACTED]  1. issued citations without justification.  2. stated words to the effect of, "Where are you from?"  3. stated words to the effect of, "You don't belong here."	Unfounded  Not Sustained  Exonerated

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 1: Violation of any law or ordinance.
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

#### V. INVESTIGATION

##### a. Interviews

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In his November 8, 2018 COPA statement, ██████████ stated on November 6, 2018 he went to ██████████ to pick up a fare.<sup>2</sup> As soon as he entered the terminal, Officer ██████████ told him he did not belong at the airport. He also asked ██████████ where he was from. Then, Officer ██████████ issued him three citations. ██████████ claimed that Officer ██████████ had issued him citations multiple times in the past and he believed that Officer ██████████ was going too far by repeatedly issuing him citations. He added that he wanted Officer ██████████ to stop bothering him.

*Officer ██████████*

In his February 7, 2019 statement to COPA, Officer ██████████ stated that on November 6, 2018<sup>4</sup> he was on duty at ██████████ when he observed ██████████ attempting to illegally solicit a fare in ██████████ by standing in the baggage claim area and asking passengers if they needed a ride. Officer ██████████ asked ██████████ for his license and then issued him three citations related to illegal solicitation. Officer ██████████ estimated that he had encountered ██████████ at least ten times at ██████████ and had written him citations numerous times. Officer ██████████ did not recall asking that day where ██████████ was from.

Officer ██████████ stated that he tells drivers who illegally solicit fares that they do not belong in the terminal because they are not there for a legal purpose. Officer ██████████ stated that he did not recall telling ██████████ he did not belong at ██████████ but if he did, it was because ██████████ was illegally soliciting fares. Officer ██████████ added that it would have had nothing to do with ██████████ immigration status. He also said that he issued ██████████ citations because ██████████ was breaking the law.

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<sup>1</sup> Attachment 6

<sup>2</sup> ██████████ is self-employed as a livery driver. He presented COPA with a screenshot from his cell phone that he claimed proved he was picking up a fare, however, this screenshot does not establish whether he was picking up a fare in accordance with local law. (Attachment 10)

<sup>3</sup> Attachment 22

<sup>4</sup> During his statement Officer ██████████ reviewed the three citations he issued and stated that this event took place on November 4, 2018, based on the date listed on one citation. However, two of Officer ██████████ three citations list the date as November 6, 2018. ██████████ also claims that this even took place on November 6, 2018. Both parties agree that Officer ██████████ issued ██████████ three citations during this event.

Officer ██████ explained that illegal fare solicitation is a large problem at ██████ and happens constantly. He said that if he observes a driver illegally soliciting a fare, he will issue that driver citations. Officer ██████ stated that professional drivers who comply with the law may spend hours waiting in a taxi chute or ride share lot to pick up a fare. He also said that regulations require drivers to pay an airport fee for every fare. Officer ██████ further explained that some drivers try to get around waiting in line and paying the fee by illegally soliciting passengers.

## b. Documentary Evidence

### *Citations<sup>5</sup>*

Administrative Notice of Violation # ██████ documented that Officer ██████ observed ██████ enter the ██████ baggage claim area and solicit a fare. The citation also reflected that Officer ██████ instructed ██████ not to return to the airport, or else face arrest. Administrative Notice of Violation # ██████ noted that ██████ a “known taxi solicitor”, was not able to produce a valid livery/taxi order for a pre-arranged passenger, as required by law. Finally, Administrative Notice of Violation # ██████ cited ██████ for criminal trespass to property.

## VI. ANALYSIS

COPA reached a finding of unfounded for allegation 1 against Officer ██████

██████ alleged that Officer ██████ issued him citations without justification. ██████ also admitted that he was at the airport to pick up a fare. Officer ██████ stated in his COPA statement that he observed ██████ actively soliciting passengers at baggage claim, and this is also reflected in the citations he wrote at the time of the event. Officer ██████ and ██████ both said that Officer ██████ issued ██████ citations for the same acts multiple times prior to this incident. Since it is illegal to solicit passengers at the airport, it was justifiable for Officer ██████ to issue ██████ citations.

COPA reached a finding of not sustained for allegation 2 against Officer ██████

██████ alleged that Officer ██████ stated words to the effect of, “Where are you from?” Officer ██████ denied saying it. There is insufficient available evidence to either sustain or refute this allegation.

COPA reached a finding of exonerated for allegation 3 against Officer ██████

██████ alleged that Officer ██████ told him that he did not belong here. Officer ██████ citations specifically state that he warned ██████ not to return to the airport, or else he would face arrest. Officer ██████ also stated that he tells drivers who illegally solicit fares that they do not belong at the airport without a legal purpose. Although Officer ██████ does not remember explicitly telling ██████ that he did not belong at the airport that day, we find that it is likely that Officer ██████ did so upon issuing ██████ citations for illegally soliciting a fare. This is

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<sup>5</sup> Attachment 9

further supported by the citation Officer [REDACTED] issued for trespass, which indicates that [REDACTED] should not have been at the airport at that time. As such, allegation 3 against Officer [REDACTED] is exonerated.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer [REDACTED] [REDACTED]	It is alleged by [REDACTED] that on or about November 6, 2018, at or near [REDACTED] [REDACTED] Officer [REDACTED] # [REDACTED] <ol style="list-style-type: none"> <li>1. issued citations without justification.</li> <li>2. stated words to the effect of, "Where are you from?"</li> <li>3. stated words to the effect of, "You don't belong here."</li> </ol>	Unfounded  Not Sustained  Exonerated

Approved:

[REDACTED]

*Deputy Chief Administrator – Chief Investigator*

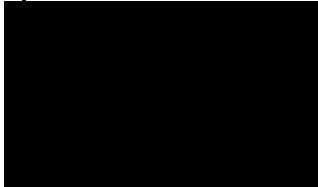
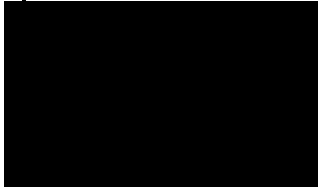
March 23, 2019

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad:</b>	3
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	