

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 7, 2018
Time of Incident:	4:30 AM
Location of Incident:	██████████
Date of COPA Notification:	September 10, 2018
Time of COPA Notification:	11:49 AM

On September 7, 2018, the complainant, ██████████ was subject to a traffic stop by Officers ██████████ and ██████████ alleged she was stopped without justification, arrested without justification, and charged with a DUI when she was sober. ██████████ also alleged items went missing from her vehicle after the officers took possession of it. After reviewing Body Worn Camera (BWC) footage, interviewing ██████████ and reviewing available records, COPA recommends all allegations be Exonerated or Unfounded. COPA’s findings are further discussed in the Analysis portion of this report.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████ Star # ██████ Employee ID # ██████ Date of Appointment: ██████, 2016, Police Officer, █ District, Date of Birth: ██████, 1995, Male, White
Involved Officer #2:	██████████ Star # ██████ Employee ID # ██████ Date of Appointment: ██████, 2017, Police Officer, █ District, Date of Birth: ██████, 1983, Male, White
Involved Individual #1:	██████████ Date of Birth: ██████, 1986, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer ██████	1. Performed a traffic stop on ██████ without justification, in violation of Rule 1.	Exonerated
	2. Arrested ██████ without justification, in violation of Rule 1.	Exonerated

	3. Reported [REDACTED] was intoxicated when she was actually sober, in violation of Rule 2 and Rule 10.	Unfounded
Officer [REDACTED]	1. Performed a traffic stop on [REDACTED] without justification, in violation of Rule 1.	Exonerated
	2. Arrested [REDACTED] without justification, in violation of Rule 1.	Exonerated
	3. Caused [REDACTED] property to go missing including: an ear piece, a phone charger, a charger adaptor, her purse, her iPhone 8, credit cards, birth control pills, medical cards, bus fare, and her money, in violation of Rule 2 and Rule 10.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. **Rule 1:** Prohibits violation of any law or ordinance.
  
  2. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
  
  3. **Rule 10:** Prohibits inattention to duty.
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Federal Laws

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1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.
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State Laws

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1. **625 ILCS 5/12-201-B:** When lighted lamps are required.
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Municipal Code of Chicago

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1. **9-76-050(D):** Required Lighting.

**INVESTIGATION<sup>1</sup>**

**a. Interviews**

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

COPA interviewed the complainant, ██████████ on September 11, 2018.<sup>2</sup> ██████████ related that on September 7, 2018 at about 4:20 AM, she was driving home from her job as a bartender.<sup>3</sup> A police car approached and pulled her over. Officer ██████████ told ██████████ that her taillight was out and asked for her license and registration. ██████████ reached to get her license while Officer ██████████ put his head through the car window and used his flashlight to look in the car. Officer ██████████ began sniffing and asked ██████████ to exit her car. ██████████ complied and questioned why she was pulled over. Officer ██████████ then told her that her plate light was out, not her taillight. ██████████ denied that her car has a plate light. Officer ██████████ then gave ██████████ a field sobriety test, but the officer gave confusing directions and kept stopping her. After that, Officer ██████████ handcuffed ██████████ and said she was under arrest for no taillight. ██████████ stated the officer was confused as to which light was burnt out and kept alternating between telling her that her plate light was out and her taillight. Officer ██████████ called for three assisting officers, including a female officer who searched ██████████ was in the squad car with Officer ██████████ and his partner drove ██████████ car. When Officer ██████████ began driving ██████████ vehicle in front of the squad car, ██████████ said she did not see a plate light or taillight out. Officer ██████████ responded that ██████████ must have been too drunk to see clearly. The officers never told ██████████ she was being recorded. ██████████ did not know she was arrested for driving under the influence (DUI) until she was at the police station. ██████████ denied that Officer ██████████ asked her if she had been drinking or mentioned alcohol before she was at the station.

Once at the station, Officer ██████████ forced ██████████ to take a breathalyzer test. She elaborated that Officer ██████████ told her that if she did not, he would give ██████████ additional charges. After the test, Officer ██████████ stated ██████████ blood alcohol content (BAC) was 1.2%. ██████████ believed Officer ██████████ lied about her BAC. ██████████ denied that she drank any alcohol before her arrest. ██████████ stated she brushed her teeth before work, which may have triggered the breathalyzer. ██████████ wanted a phone to call an attorney, but she was not allowed. ██████████ was allowed to call her mother on Officer ██████████ phone. While ██████████ was telling her mother where she was, Officer ██████████ grabbed the phone from ██████████ asked Officer ██████████ for her purse and cellphone. About two hours later, Officer ██████████ told ██████████ her car was impounded, and her things were left in the car.

Per ██████████ she retrieved her car when she was released, but many of her things were not present, including: an ear piece, a phone charger, a charger adaptor, her purse, her iPhone 8, credit cards, birth control pills, medical cards, bus fare, and her money. ██████████ related that while in the ██████████ District, she saw officers enter with two tip jars she had in her car that were branded by Cîroc and Grey Goose. This lead her to believe the officers took everything out of her car. ██████████ returned to the ██████████ District after her release and was told her items were not inventoried. ██████████ then went to the tow lot on ██████████ Road, where she was told the employees are not allowed to enter the vehicles. ██████████ related she had nothing illegal in her car and no open containers of alcohol. ██████████ may have had a sealed alcohol bottle in her car.

██████████ stated that during a previous DUI arrest in January 2018, Officer ██████████ responded after ██████████ was in handcuffs. ██████████ believed Officer ██████████ recognized her car

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<sup>2</sup> Att. 3

<sup>3</sup> ██████████ declined to provide COPA with the name of her employer.

from this previous arrest. When asked about details from her January 2018 arrest, ██████ stated it is ongoing and she could not speak out it.

### **b. Digital Evidence**

The following relevant Body Worn Camera (BWC) and In Car Camera (ICC) video footage was obtained from CPD.

#### **Officer ██████**

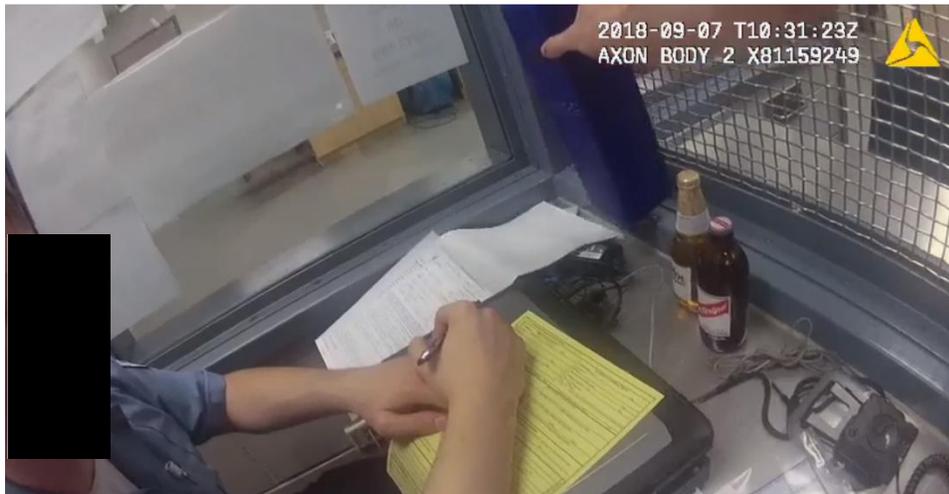
Officer ██████ approached ██████ vehicle on the driver's side at about 3:54 AM and asked if she knew that she had a plate light out, and possibly also a taillight. ██████ responded that she noticed her taillight was out. Officer ██████ asked for ██████ driver's license and insurance and looked in the backseat window with his flashlight. As ██████ handed the officer documents, he asked if she had been drinking. Her response was not audible. ██████ was reaching towards the backseat when Officer ██████ asked ██████ why she had a Modelo beer glass. ██████ continued reaching towards the backseat for about one minute before showing the officers a sealed beer bottle. ██████ also showed the officers what appeared to be a Cîroc container. Officer ██████ again asked ██████ for her driver's license at about 3:55 AM. Shortly after, ██████ told Officer ██████ she is a bartender. Officer ██████ asked if that was why she was transporting Modelo and Cîroc and repeated he was waiting on her driver's license. At about 3:57 AM, ██████ asked why she was pulled over and Officer ██████ reiterated it was for her plate light. ██████ produced an ID but not a driver's license. At roughly 3:58 AM, Officer ██████ asked ██████ to follow his finger but not move her head. He then asked how much she drank but her response was not audible. Officer ██████ went to the squad car at about 3:58 AM and learned ██████ license was suspended for DUI. Officer ██████ returned to ██████ at about 4:00 AM and asked her to turn off her vehicle and perform field sobriety tests. ██████ appeared to have difficulty understanding the directions during the tests. At approximately 4:12 AM, Officer ██████ had ██████ put her hands behind her back and he cuffed her. ██████ asked why she was being arrested and Officer ██████ related he would tell her in one second. Officer ██████ then requested a female officer for a search. At 4:14 AM, Officer ██████ told ██████ her license was suspended. ██████ then told Officer ██████ she recognized him from testifying against her in court about two months prior. ██████ accused Officer ██████ of harassing her and believed she passed the field sobriety test. Officer ██████ then explained to ██████ he pulled her over for her plate light, and her tail light was broken. Officer ██████ further related ██████ license was suspended and her field sobriety tests suggested impairment. At about 4:18 AM, Officer ██████ related they were taking ██████ to the ██████ District for a DUI investigation. The additional beat arrived at about 4:19 AM. Once Officer ██████ returned to the squad car, ██████ insisted she could see that her plate light was illuminated, but Officer ██████ stated it was not. ██████ again accused Officer ██████ of harassing her.

Officer ██████ BWC began again at roughly 4:38 AM. ██████ was inside the police station with Officer ██████ seated across from her. ██████ continued stating Officer ██████ was at her court date in May 2018. ██████ believed there was a connection between him pulling her over and the previous court date. At approximately 4:39 AM, Officer ██████ read ██████ a motorist warning and ██████ told the officer he was "full of shit." ██████ again asked what

she pulled over for and argued as Officer █████ continued reading the warning. At approximately 5:34 AM. Officer █████ read █████ her Miranda Rights. █████ only responded that she had a lawyer.

**Officer █████**

Officer █████ BWC initiated at approximately 4:07 AM, after █████ was out of her vehicle. Officer █████ observed while █████ performed field sobriety tests for Officer █████ was confused why she was pulled over with why she was arrested, and vice versa. Officer █████ and her two partners arrived at about 4:19 AM. Officer █████ performed a pat-down on █████ and █████ was put in Officers █████ and █████ vehicle. █████ continued asking what she was pulled over for and arguing with the officers. Officer █████ got into █████ car at roughly 4:21 AM and drove it to the police station. Officer █████ arrived at the police station at approximately 4:30 AM. At approximately 5:23 AM, Officer █████ went to █████ vehicle on the street. He proceeded to search the car and was seen putting her purse on the car floor at about 4:24 AM. Officer █████ returned to the police station at about 4:30 AM. Officer █████ brought a sealed bottle of Red Stripe beer, a sealed bottle of Modelo beer, and a Cîroc tin into the station (see photo below). Officer █████ also had another container and told Officer █████ he thought it contained Jell-O shots. At 4:32 AM, Officer █████ asked his partner if he should get █████ purse and cellphone from her car before turning off his BWC.



Officer █████ resumed his BWC at approximately 5:34 AM. Officer █████ and Officer █████ went into █████ cell and Officer █████ read █████ her Miranda Rights. The officers left the cell and Officer █████ asked where █████ money was. █████ related her tip jar was in the vehicle, but she did not know how much money was in it. Officer █████ told █████ he already took the Cîroc tin and █████ stated she wanted anything else left in her car. At about 5:38 AM, Officer █████ told █████ her car was going to be impounded because she was being charged with DUI. Officer █████ related that if someone refuses the breathalyzer it is an automatic DUI. Officer █████ then told █████ she blew 0.14 for the breathalyzer.<sup>4</sup> █████ stated that was lie and Officer █████ said she wrong. Officer █████ ended the

<sup>4</sup> Approximately 5:39 AM.

conversation by saying he was going to leave everything in [REDACTED] car except for the contraband the officers removed.

**Beat [REDACTED] (Officers [REDACTED] and [REDACTED] – ICC**

The ICC for Beat [REDACTED] began at approximately 4:18 AM, with [REDACTED] in the backseat of the squad car. [REDACTED] argued with Officer [REDACTED] as he transported her to the police station.

**Officer [REDACTED] and Officer [REDACTED]**

At approximately 4:13 AM, Officer [REDACTED] spoke with Officer [REDACTED] and related she would perform a search for other officers. Officers [REDACTED] and [REDACTED] arrived at the scene of [REDACTED] arrest at approximately 4:19 AM. At roughly 4:19 AM, Officer [REDACTED] performed a pat-down on [REDACTED]

Video footage was obtained from a **Police Observation Device (POD)** located near [REDACTED] and [REDACTED] St.<sup>6</sup> Nothing of note was captured by the POD.

**c. Documentary Evidence**

[REDACTED] **Arrest Report** was obtained from **September 7, 2018.**<sup>7</sup> [REDACTED] was charged with a misdemeanor DUI, a felony aggravated DUI/license suspended or revoked, and traffic citations for: no license plate light, DUI, and no head/tail/side light. [REDACTED] 2009 Jeep Jeepster was impounded. While monitoring traffic, Officers [REDACTED] and [REDACTED] saw [REDACTED] vehicle did not have “any license plate light and appeared to have a taillight out.” The officers stopped [REDACTED] and Officer [REDACTED] related her “plate lights were out.” [REDACTED] was “making a concerted effort to avoid eye contact.” Further, when [REDACTED] reached into the backseat for her license, she was “hanging on the center arm rest, for an extended period of time and slowly brought herself back upright.” [REDACTED] eyes were also “observed to be glassy.” [REDACTED] denied drinking and produced a driver’s license. When Officer [REDACTED] searched her name, he learned she had “a suspended driver’s license with an active statutory summary.” [REDACTED] field sobriety tests “indicated impairment” and she was arrested for DUI. Officer [REDACTED] performed a custodial search and [REDACTED] was taken to the [REDACTED] District. Officer [REDACTED] gave [REDACTED] a breathalyzer test at about 5:17 AM, which returned a blood alcohol content of “.149g/210L.” Per this report, “Ms. [REDACTED] made multiple incoherent statements, slurred her speech, stuttered, displayed echolalia by repeating the same words/phrases multiple times and became quite angry while in custody.” Additionally, “Ms. [REDACTED] asked multiple times why she was pulled over and kept confusing probable cause with her own assertions.”

An **Office of Emergency Management and Communications Event Query Report** was located.<sup>8</sup> Officer [REDACTED] and Officer [REDACTED] (Beat [REDACTED] initiated a traffic stop at about 4:02 AM. At roughly 4:13 AM, the officers requested a female officer. Beat [REDACTED] (Officers [REDACTED]

<sup>5</sup> CPD reported Officer [REDACTED] had no BWC footage related to this event.

<sup>6</sup> Atts. 7, 9

<sup>7</sup> Att. 5

<sup>8</sup> Att. 11

██████ and ██████ went to assist. At approximately 4:22 AM, Beat ██████ reported going to the ██████ District with one female for a DUI investigation.

**PDT Messages** were obtained from the arresting and assisting officers.<sup>9</sup> At approximately 4:02 AM, Beat ██████ searched ██████ license plate. ██████ name was searched shortly after. Beat ██████ searched ██████ name at roughly 4:11 AM. At about 4:22 AM, Beat ██████ wrote “SHE WAS LOUD.... [...] “reaaaaaaly loud. show us is ██████ for an additional search.”

**Inventory Sheets** were located from ██████ September 7, 2018 arrest.<sup>10</sup> The only inventoried items were an empty Cîroc container, an empty Grey Goose container, nine plastic containers of suspect alcohol, and two bottles of beer.

██████ **Arrest Report** from **January 26, 2018** was also located.<sup>13</sup> ██████ was charged with misdemeanor driving under the influence of alcohol and traffic citations for striking fixtures/other property and for driving on sidewalks/parkways. was listed as an arresting officer.

## V. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. **Sustained** - where it is determined the allegation is supported by a preponderance of the evidence;
2. **Not Sustained** - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. **Unfounded** - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. **Exonerated** - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a

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<sup>9</sup> Atts. 12, 14

<sup>10</sup> Att. 10

<sup>13</sup> Att. 13

“degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

## VI. ANALYSIS

**Allegation 1** against both officers, that they performed a traffic stop on ██████████ without justification, is **Exonerated**. ██████████ alleged that Officer ██████████ first said her taillight was broken but later related her plate light was out. BWC indicates Officer ██████████ stopped ██████████ because her plate light was out, then observed she also had a broken taillight. It appears ██████████ was confused because what she was stopped for was not what she was ultimately arrested for. Once ██████████ was stopped, the officers learned her license was suspended and suspected she was intoxicated, so she was arrested. Based on city and state law, drivers are required to have to working taillights and a working plate light. BWC shows Officer ██████████ articulate the basis for the stop. Moreover, ██████████ stated that she noticed her taillight out, therefore COPA finds that the officer had probable cause to stop ██████████ vehicle. The allegation is Exonerated.

**Allegation 2** against both officers, that they arrested ██████████ without justification, is **Exonerated**. ██████████ was driving while her license was suspended for a statutory summary suspension based on the the prior DUI. Therefore, she committed a misdemeanor offense and her arrest was valid. This allegation Exonerated.

**Allegation 3** against Officer ██████████ that he reported ██████████ was intoxicated when she was sober, is **Unfounded**. There is no reason to believe Officer ██████████ fabricated ██████████ intoxication levels. Both officers filmed ██████████ field sobriety test. During the testing, ██████████ was confused, unstable, and argumentative – all indicators of intoxication. While at the station, BWC depicted that ██████████ continued arguing with the officers and was confused about why she was arrested. There was alcohol found in ██████████ car, suggesting she had been drinking. Additionally, Officer ██████████ asked ██████████ if she had been drinking and asked about alcohol numerous times.

Most importantly, the officers reported ██████████ blew almost twice the legal limit. ██████████ suggested to COPA that her toothpaste may have caused a misreading of her breathalyzer test, but not denying the results. While it would have been ideal if the officers filmed ██████████ performing her breathalyzer and the results. However, the evidence suggests ██████████ was intoxicated, this allegation is Unfounded.

**Allegation 3** against Officer ██████████ that he caused ██████████ property to go missing including: an ear piece, a phone charger, a charger adaptor, her purse, her iPhone 8, credit cards, birth control pills, medical cards, bus fare, and her money, is **Unfounded**. During her COPA interview, ██████████ believed Officer ██████████ brought her belongings inside the station, but they were not inventoried and therefore lost. However, when asked, ██████████ specifically told Officer ██████████ to leave her items in her car. BWC shows that Officer ██████████ made it explicitly clear to ██████████ that he was going to leave everything in her car that was not contraband. Officer ██████████ is not responsible for what happened once the car was towed and impounded, as such this allegation is Unfounded.

**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer [REDACTED]	1. Performed a traffic stop on [REDACTED] without justification, in violation of Rule 1.  2. Arrested [REDACTED] without justification, in violation of Rule 1.  3. Reported [REDACTED] was intoxicated when she was actually sober, in violation of Rule 2 and Rule 10.	Exonerated  Exonerated  Unfounded
Officer [REDACTED]	1. Performed a traffic stop on [REDACTED] without justification, in violation of Rule 1.  2. Arrested [REDACTED] without justification, in violation of Rule 1.  3. Caused [REDACTED] property to go missing including: an ear piece, a phone charger, a charger adaptor, her purse, her iPhone 8, credit cards, birth control pills, medical cards, bus fare, and her money, in violation of Rule 2 and Rule 10.	Exonerated  Exonerated  Unfounded

Approved:

[REDACTED SIGNATURE]

*Deputy Chief Administrator – Chief Investigator*

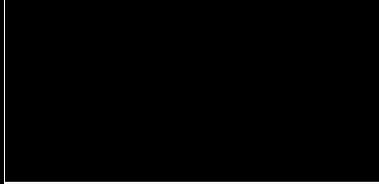
April 30, 2019

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	Four
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	