

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 18, 2018
Time of Incident:	7:00pm
Location of Incident:	[REDACTED]
Date of COPA Notification:	October 9, 2018
Time of COPA Notification:	10:16 am

The Complainant, [REDACTED] alleged that Accused officer, [REDACTED] illegally detained her when he made her exit her vehicle and handcuffed her. [REDACTED] alleged that Officer [REDACTED] searched her purse without consent.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment [REDACTED]/2015, PO, 022, DOB [REDACTED] 1991, M, W
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1946, F, Blk

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that the accused officer illegally detained [REDACTED] when he made her exit her vehicle and handcuffed her in violation of Rule 1.	Exonerated
	2. It is alleged that the accused officer illegally searched the purse of [REDACTED] [REDACTED] in violation of Rule 1.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules
1. Violation of any law or ordinance.

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**Federal Laws**

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1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.

**V. INVESTIGATION****a. Interviews**

In her statement to COPA,<sup>1</sup> on October 10, 2018, ██████████ stated that she drove onto a restricted parking lot that was designated for police personnel. She explained that she drove onto the lot to turn around and head northbound. When she exited the parking lot, the accused officer pulled behind her, turned on his vehicle's lights and speaker, and directed her to curb her vehicle. The officer told her she had exited from a restricted lot that she should not have accessed. He told her that people hop the fence of the lot and illegally take their cars from the lot. She apologized, and he ordered her to put her hands behind her back and handcuffed her. The officer asked for her identification and she told him it was in the car. She said he reached into the car and took her identification out of her purse while she was standing behind the car. She was concerned because she was not able to see whether he was retrieving her identification or placing something into her purse. Ms. ██████████ said there were two other officers on the scene and while the accused officer stepped away to run her name in the system, one of the officers remarked that she looked like a nice lady, so he was going to take off the handcuffs. She stated that during the stop, another officer came to the scene and informed the accused officer that he had allowed her to turn around in the restricted area to exit the parking lot. She stated that after this conversation, the accused officer ended the traffic stop.

**b. Digital Evidence**

Body worn camera footage<sup>2</sup> shows, Ms. ██████████ exit the car and the accused officer direct her to come toward him. When Ms. ██████████ complies, he handcuffs her. After Ms. ██████████ handcuffed, another officer drives up and informs the accused officer that prior to the stop, he had spoken to Ms. ██████████ and that she was looking for a parking space. Another officer explains to Ms. ██████████ that the area is restricted to police personnel and that people steal cars from that restricted lot. The accused officer informs Ms. ██████████ that everything is fine and request her identification and permission to get it out of her purse. Ms. ██████████ gives him permission and he retrieves her purse from the car, stands next to her, and takes her wallet from the purse. At this point, realizing she is still handcuffed, he directs an officer to remove the handcuffs. The accused officer proceeds to his vehicle to document the stop and the footage concludes.

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<sup>1</sup> Att. 1

<sup>2</sup> Att. 6

**c. Documentary Evidence**

The Chicago Police Department Investigatory Stop Report<sup>3</sup> documents the fact that Ms. [REDACTED] was in a restricted area of the police lot, the traffic stop, and that the officer found out Ms. [REDACTED] had mistakenly entered the restricted area.

**VI. 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 "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.

**VII. ANALYSIS**

Officer [REDACTED] was reasonable in his belief that there was probable cause to arrest Ms. [REDACTED]. Ms. [REDACTED] was observed exiting a police parking lot that was clearly marked, by signage, designating it as a restricted area for police personnel only. Officer [REDACTED] also had prior knowledge that people sneak onto the lot and remove their vehicles are they have been impounded. (will send to [REDACTED] for legal analysis)

**VIII. CONCLUSION**

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<sup>3</sup> Att. 5

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged that the accused officer illegally detained [REDACTED] when he made her exit her vehicle and handcuffed her in violation of Rule 2. It is alleged that the accused officer illegally searched the purse of [REDACTED] in violation of Rule 1.	Exonerated  Exonerated

Approved:

[REDACTED SIGNATURE]

[REDACTED]  
First Deputy Chief Administrator

3-20-19

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	[REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]
<b>*Attorney:</b>	[REDACTED]

