

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 29, 2018
Time of Incident:	3:40 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	January 7, 2019
Time of COPA Notification:	4:01 PM

On December 29, 2018, at approximately 3:40 PM, Police Officer [REDACTED] and Probationary Police Officer [REDACTED] (PPO [REDACTED] working the [REDACTED] District as Beat no. [REDACTED] stopped [REDACTED] after observing him riding his bicycle on the sidewalk.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2016, Police Officer, Unit [REDACTED] DOB: [REDACTED] 1980, Male/White.
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2017, Probationary Police Officer, Unit [REDACTED] DOB: [REDACTED] 1985, Female/Hispanic.
Involved Individual #1:	[REDACTED]

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that on December 29, 2018, at approximately 3:40 PM, Officer [REDACTED] stopped him without justification for riding his bicycle on a sidewalk, in violation of Rule 1.	Unfounded
	2. It is alleged that on December 29, 2018, at approximately 3:40 PM, Officer [REDACTED] threatened to arrest him if he refused to provide name for the purpose of performing a name check, in violation of Rule 1.	Unfounded

PPO [REDACTED]	<p>1. It is alleged that on December 29, 2018, at approximately 3:40 PM, PPO [REDACTED] stopped him without justification for riding his bicycle on a sidewalk, in violation of Rule 1.</p> <p>2. It is alleged that on December 29, 2018, at approximately 3:40 PM, PPO [REDACTED] threatened to arrest him if he refused to provide name for the purpose of performing a name check, in violation of Rule 1.</p>	<p>Unfounded</p> <p>Unfounded</p>
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IV. APPLICABLE RULES AND LAWS

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- Rules
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1. Rule 1: Violation of any law or ordinance.
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- General Orders
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1. Mission Statement and Core Values, General Order 01-01.
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- Municipal Code
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1. Chapter 9-52, Bicycles – Operation.
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- State Laws
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1. 625 ILCS 5/Illinois Vehicle Code, Article XV, Bicycles.
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V. INVESTIGATION

a. Interviews

On January 7, 2019, [REDACTED] initiated a **Web Complaint**¹ and forwarded to COPA a detail typed statement² that was accompanied by a Sworn Affidavit. Mr. [REDACTED] stated that on December 29, 2018, at 3:45 PM, at [REDACTED] Ave., he was stopped while riding his bicycle on the sidewalk by Officer [REDACTED] and PPO [REDACTED] who were driving a marked police vehicle (Beat # [REDACTED]). Officer [REDACTED] approached Mr. [REDACTED] and informed him that he had violated a city ordinance that prohibited him from riding a bicycle on a sidewalk. Mr. [REDACTED] told Officer [REDACTED] since

¹ Att. 4, Web Complaint initiated by Mr. [REDACTED]

² Att. 5, Typed statement and Sworn Affidavit provided by Mr. [REDACTED]

there were no bicycle lines marked on [REDACTED] Avenue, Illinois Law and Chicago Municipal Code allow bicyclists to ride on a sidewalk. Mr. [REDACTED] also told Officer [REDACTED] that under Chicago Code, if there are no signs prohibiting cycling on a sidewalk you are allowed to ride on the sidewalk. Mr. [REDACTED] further stated that regardless of any city code or ordinance, he has the right to travel by bicycle on any public way, road and any sidewalk. Officer [REDACTED] requested to see his identification and Mr. [REDACTED] said, "What if I refused." Officer [REDACTED] explained to Mr. [REDACTED] that he would be arrested for riding his bicycle on a sidewalk and transported to the police station. Mr. [REDACTED] felt that a refusal to provide his name would embolden the officers to retaliate by enforcing an unconstitutional ordinance and his right to remain silent. Mr. [REDACTED] stated that Officer [REDACTED] and PPO [REDACTED] are ignorant of the law and believes he was illegally detained. Mr. [REDACTED] related that he made an inquiry into Officer [REDACTED] work history and discovered that he had complaints against him for illegal search. It should be noted, that a review of reported incidents made against Officer [REDACTED] since his date of appointment, December 12, 2016, revealed no such reported incident(s).

b. Digital Evidence

Body Worn Camera (BWC)³ video from December 29, 2018, captured Officer [REDACTED] and PPO [REDACTED] exiting their police vehicle and approach Mr. [REDACTED] who was riding his bicycle on the sidewalk. Officer [REDACTED] waved at Mr. [REDACTED] to stop and informed him that he was not in trouble, but that it was against the law to ride a bicycle on the sidewalk. Officer [REDACTED] requested identification from Mr. [REDACTED] who became argumentative and said that it was not illegal to ride on a sidewalk. Mr. [REDACTED] asked Officer [REDACTED] if he typically stops and issues people citations for riding on the sidewalk. Officer [REDACTED] replied that he does, but only issues warnings and not citations. Officer [REDACTED] spoke to Mr. [REDACTED] in a professional manner and explained in detail the circumstances of what would happen if he refused to provide his identification. At that point, Mr. [REDACTED] pulled out his identification and gave to Officer [REDACTED]

c. Documentary Evidence

The Investigatory Stop Report (ISR)⁴ states that on December 29, 2018, at 3:50 PM, at [REDACTED], complainant [REDACTED] was stopped after being observed riding his bicycle on the sidewalk. Mr. [REDACTED] was informed that it was illegal to ride his bicycle on the sidewalk and the officers requested to see his identification. Mr. [REDACTED] became argumentative about producing his identification and was informed that riding a bicycle was a Municipal Code of Chicago violation (9-52-020). Mr. [REDACTED] was informed that if he refused to provide his identification, he would be detained and transported to the police station. Mr. [REDACTED] produced his identification was released.

³ Att. 16, CD of BWC of Officer [REDACTED] and PPO [REDACTED]

⁴ Att. 8, Investigatory Stop Report (ISR).

Municipal Code of Chicago, 9-52-020, Riding bicycles on sidewalks and certain roadways.⁵

(a) Unless the prohibition imposed by subsection (c) applies, a person may ride a bicycle upon a sidewalk within a business district, but only if such sidewalk has been officially designated and marked as a bicycle route, or such sidewalk is used to enter the nearest roadway, intersection or designated bicycle path, or to access a bicycle share station.

(b) Unless the prohibition imposed by subsection (c) applies, a person 12 or more years of age may ride a bicycle upon any sidewalk in any district, but only if such sidewalk has been officially designated and marked as a bicycle route, or such sidewalk is used to enter the nearest roadway, intersection or designated bicycle path, or to access a bicycle share station.

(c) Bicycles shall not be operated on Lake Shore Drive or on any public way where the operation of bicycles has been prohibited and signs have been erected indicating such prohibition.

Illinois Vehicle Code, (625 ILCS 5/11-1512) Bicycles on sidewalks.⁶ (b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

An Arrest History search of ██████████ indicated that ██████████ was arrested on two other occasions, March 25, 2013 and January 3, 2013 for riding a bicycle on the sidewalk. On both times, Mr. ██████████ was uncooperative and was placed under arrest.

VI. ANALYSIS

Officer ██████████ and PPO ██████████ were on patrol when they observed the complainant ██████████ riding his bicycle on the sidewalk and the entire incident was captured on Body Worn Camera (BWC). The account as described by Mr. ██████████ differs from the BWC footage and therefore COPA recommends the allegations made against Officer ██████████ and PPO ██████████ are Unfounded. The BWC showed the officers exiting their police vehicle and waving at Mr. ██████████ to stop. Officer ██████████ told Mr. ██████████ that he was not in trouble but informed him that he was in violation of the law for riding his bicycle on the sidewalk. When Officer ██████████ asked Mr. ██████████ for his identification, Mr. ██████████ became argumentative and said that he had the right to ride his bicycle on the sidewalk. Mr. ██████████ asked the for an explanation on what would happen if he refused to provide his identification. Officer ██████████ explained to Mr. ██████████ that he would be detained and transported to the police station if he refused to provide his identification. Officer ██████████ told Mr. ██████████ that he required his identification to complete their report. Officer ██████████ told Mr. ██████████ that he was going to give him a warning and not a citation.

An arrest history search revealed that Mr. ██████████ was arrested on two other occasions for same offense, "Riding Bicycle on Sidewalk" and was uncooperative and refused to provide his identification. On December 29, 2018, Mr. ██████████ for the third time violated the Municipal Code

⁵ Att. 13, Municipal Code of Chicago, 9-52-020, Riding bicycles on sidewalks and certain roadways.

⁶ Att. 14, Illinois Vehicle Code, (625 ILCS 5/11-1512) Bicycles on sidewalks.

⁷ Atts. 17-18, Arrest Reports of ██████████

of Chicago, 9-52-020⁸ and State Law, 625 ILCS 5/11-1512⁹ when he rode his bicycle on the sidewalk. It is apparent that Mr. [REDACTED] has a disregard for the law since he already has repeatedly violated the same offense, "Riding Bicycle on Sidewalk." Officer [REDACTED] and PPO [REDACTED] maintained their composure and spoke to Mr. [REDACTED] with professionalism, dignity and respect and were in compliance with the Mission Statement and Core Values¹⁰ established by CPD.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged that on December 29, 2018, at approximately 3:40 PM, Officer [REDACTED] stopped him without justification for riding his bicycle on a sidewalk. 2. It is alleged that on December 29, 2018, at approximately 3:40 PM, Officer [REDACTED] threatened to arrest him if he refused to provide name for the purpose of performing a name check.	Unfounded Unfounded
PPO [REDACTED]	It is alleged that on December 29, 2018, at approximately 3:40 PM, PPO [REDACTED] stopped him without justification for riding his bicycle on a sidewalk. 2. It is alleged that on December 29, 2018, at approximately 3:40 PM, PPO [REDACTED] threatened to arrest him if he refused to provide name for the purpose of performing a name check, in violation of Rule 1.	Unfounded Unfounded

⁸ Att. 13, Municipal Code of Chicago, 9-52-020, Riding bicycles on sidewalks and certain roadways.

⁹ Att. 14, Illinois Vehicle Code, (625 ILCS 5/11-1512) Bicycles on sidewalks.

¹⁰ Att. 19, General Order 01-01, Mission Statement and Core Values.

[Handwritten signature]
[Redacted]

[Redacted]

5-23-19

Date

Appendix A

Assigned Investigative Staff

Squad #11

[Redacted]