

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	March 10, 2016
Time of Incident:	12:00 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	March 10, 2016
Time of COPA Notification:	4:34 PM

Officers [REDACTED] and [REDACTED] curbed a vehicle that [REDACTED] was driving. After the traffic stop, [REDACTED] and his siblings, who were also passengers in the vehicle, allege that a gun was pointed at them and they were threatened by the officers.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], Star# [REDACTED], Employee ID#: [REDACTED], Date of Appointment: [REDACTED] 1998, Rank: Police Officer, Unit of Assignment: [REDACTED]-Area [REDACTED], DOB: [REDACTED] 1974, Male, White
Involved Officer #2:	[REDACTED], Star# [REDACTED], Employee ID# [REDACTED], Date of Appointment: [REDACTED] 2005, Rank: Police Officer, Unit of Assignment: [REDACTED]-Area [REDACTED], DOB: [REDACTED] 1980, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED] 1991, Male, Black
Involved Individual #2:	[REDACTED], DOB: [REDACTED] 1994, Male, Black
Involved Individual #3:	[REDACTED], DOB: [REDACTED] 2002, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. On March 10, 2016, at [REDACTED], Officer [REDACTED] pointed his weapon in the	Not Sustained

¹On 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.

	<p>direction of [REDACTED], [REDACTED] and [REDACTED], without justification, in violation of Rules 2, 3 and 8.</p> <p>2. On March 10, 2016, at [REDACTED], when Officer [REDACTED] was asked why he pointed his gun at [REDACTED], [REDACTED] and [REDACTED], he responded with words to the effect of, "because you are black males," in violation of Rules 2, 3 and 8.</p> <p>3. On March 10, 2016, at [REDACTED], Officer [REDACTED] stated to complainant [REDACTED] words to the effect of, "Get back or I am going to slam you down to the ground and taser you," in violation of Rules 2, 3 and 8.</p> <p>4. On March 10, 2016, at the District Station, Officer [REDACTED] referred to complainant [REDACTED] as "ignorant," in violation of Rules 2, 3 and 8.</p> <p>5. On March 10, 2016, Officer [REDACTED] refused to identify himself in violation of Rule 37.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer [REDACTED]</p>	<p>1. On March 10, 2016, while at [REDACTED], Officer [REDACTED], when asked why Officer [REDACTED] pointed his weapon at complainants [REDACTED], [REDACTED] and [REDACTED], responded with words to the effect of, "We don't know; you're a black male," and "because you are all black males," in violation of Rules 2, 3 and 8.</p> <p>2. On March 10, 2016, Officer [REDACTED] refused to identify himself in violation of Rule 37.</p> <p>3. On March 10, 2016, Officer [REDACTED] stated words to the effect of telling complainant [REDACTED] to, "shut the fuck up or I am going to slam you to the ground," in violation of Rules 2, 3 and 8.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

4. On March 10, 2016, Officer ██████ stated words to the effect of, "This is bullshit," in violation of Rules 2, 3 and 8.

Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
 4. **Rule 37:** Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.
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V. INVESTIGATION²

a. Interviews

On March 12, 2016, complainant ██████ ("█████"), gave IPRA an audio recorded interview. ██████ stated on March 10, 2016, he was driving northbound on ██████ Avenue near Madison. ██████ stated after crossing Madison, he stopped for children crossing the street in front of his vehicle. ██████ stated while he was stopped, his brother, ██████ ("█████"), and sister ██████ ("█████"), were exiting a store and got into the vehicle. ██████ stated he observed a CPD marked vehicle driving behind him.³ ██████ stated he continued driving approximately fifty to sixty feet on Madison, activated his left turn signal, and drove into the alley. ██████ stated immediately thereafter, Officers ██████ and ██████ activated their vehicle's emergency lighting and horn, and followed him into the alley.

█████ stated he immediately stopped, put the vehicle in park and raised his hands. ██████ stated he turned around in his front driver's seat and saw the driver of the marked CPD vehicle, Officer ██████, exit and approach his driver's side with a gun pointed at the occupants. ██████ stated Officer ██████ said, "show me your hands."⁴ ██████ stated Officer ██████ re-holstered his gun upon reaching the rear driver's side of ██████'s vehicle. ██████ stated he

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 The officers in the vehicle were later identified as Officer ██████ and Officer ██████.

⁴ Attachment 4 at 10:05

did not know if Officer ██████ had drawn his gun. ██████ stated Officer ██████ got to the driver's window and asked for his driver's license and insurance. ██████ stated he asked Officer ██████ why he drew his gun pointing it at the vehicle's occupants. ██████ stated Officer ██████ said, "We don't know what you have, you may have a gun on you."⁵ ██████ stated Officer ██████ took his documents and returned to the CPD marked vehicle. ██████ stated his brother, complainant ██████, said to the passenger officer, Officer ██████ "Why would we have a gun on us? There's a little girl [complainant ██████] in here, he [██████] just picked us up. You saw us get into the car with him."⁶ ██████ stated Officer ██████, replied, "We don't know what you have, you're a black male."⁷ ██████ stated he told ██████ to calm down. ██████ stated Officer ██████ returned to the marked CPD vehicle and spoke with Officer ██████. ██████ stated both officers returned to the side of his vehicle and told him he was under arrest. ██████ stated Officer ██████ had his hand on his gun, but it was not drawn. ██████ stated he exited his vehicle asking why he was under arrest. ██████ stated the officers said the vehicle had an improper plate. ██████ stated he was handcuffed and placed in the backseat of the marked CPD vehicle.

██████ stated Officer ██████ called for assistance because a crowd was gathering while Officer ██████ told ██████ and ██████ to exit the vehicle. ██████ stated Officer ██████ got into ██████'s vehicle and drove it to the ██████ District. ██████ stated Officer ██████ followed in the marked CPD vehicle transporting him to the ██████ District. ██████ stated ██████ and ██████ were left standing in the alley with six to seven uniformed CPD officers that responded to Officer ██████'s assistance call. ██████ stated Officer ██████ searched his vehicle in the parking lot of the ██████ District while he sat in the marked CPD vehicle. ██████ stated while he was in the parking lot of the ██████ District, Officer ██████ said he was ignorant.⁸

On March 12, 2016, complainant ██████, ("██████"), gave IPRA an audio recorded interview. ██████ stated on March 10, 2016, he and ██████, were walking from the store. ██████ stated he flagged down his brother, ██████, on ██████ Avenue near Madison. ██████ stated he believed that CPD police officers, identified as Officers ██████ and ██████, observed him flagging down ██████. ██████ stated he and ██████ got into ██████'s vehicle, which proceeded to make a left into an alley. ██████ stated Officers ██████ and ██████, activated the emergency lights on their marked CPD vehicle, and made a left turn behind ██████ to stop the vehicle. ██████ stated the driver of the marked CPD vehicle, Officer ██████, exited and pointed his weapon at ██████'s vehicle. ██████ stated ██████ asked Officer ██████ why he pulled his weapon and pointed at them. ██████ stated the passenger officer, identified as Officer ██████, said it was because he was a black male. ██████ stated Officer ██████ then returned to the marked CPD vehicle. ██████ stated Officers ██████ and ██████ returned to the vehicle driven

⁵ Id at 11:00

⁶ Id at 11:08

⁷ Id at 11:16

⁸ Attachment 4

by [REDACTED] and said he was under arrest. [REDACTED] stated Officers [REDACTED] and [REDACTED] never asked [REDACTED] for his driver's license and registration. [REDACTED] stated [REDACTED] was handcuffed and taken by Officers [REDACTED] and [REDACTED] to the marked CPD vehicle. [REDACTED] stated Officer [REDACTED] yelled at [REDACTED], saying "get back or I'm going to slam you down to the ground and taser you."⁹ [REDACTED] stated Officer [REDACTED] drove off in [REDACTED]'s vehicle. [REDACTED] stated Officer [REDACTED] then drove off in a marked CPD vehicle with [REDACTED].¹⁰

On March 12, 2016, complainant [REDACTED] gave IPRA an audio recorded interview. [REDACTED] stated she was walking with [REDACTED] from the store. [REDACTED] stated as she and [REDACTED] left the store walking on [REDACTED] Avenue, [REDACTED] drove up in his vehicle. [REDACTED] stated a marked CPD vehicle pulled up behind [REDACTED]'s vehicle. [REDACTED] stated she and [REDACTED] got in [REDACTED]'s vehicle, and proceeded to turn left into an alley then the CPD vehicle pulled them over. [REDACTED] stated the CPD officer that was driving, identified as Officer [REDACTED], exited his vehicle with a gun in his hand. [REDACTED] stated Officer [REDACTED] told [REDACTED] to put his hands up. [REDACTED] stated [REDACTED] said to Officer [REDACTED], "You have your gun out and my little sister is in the back."¹¹ [REDACTED] stated Officer [REDACTED] put his gun away while his partner went to the passenger side of the vehicle where [REDACTED] was sitting. [REDACTED] stated [REDACTED] said to Officer [REDACTED] that he pulled his gun while his sister was sitting in the back. [REDACTED] stated Officer [REDACTED] said, "You're a black male, we don't know if you have a gun in your car."¹² [REDACTED] stated Officer [REDACTED] then walked away saying, "This is a bunch of bullshit."¹³ [REDACTED] stated both officers walked backed to the CPD vehicle and then returned. [REDACTED] stated Officers [REDACTED] and [REDACTED] walked to the driver's side of the vehicle, telling [REDACTED] to exit the car because he was under arrest. [REDACTED] stated she and [REDACTED] exited the passenger side of the vehicle. [REDACTED] stated she was screaming and crying and talking on her phone with her mother. [REDACTED] stated Officer [REDACTED] told [REDACTED] that if she was not quiet he was going to throw her on the ground. [REDACTED] stated afterwards Officer [REDACTED] drove off in [REDACTED]'s car and Officer [REDACTED] drove off with [REDACTED] in the CPD vehicle.¹⁴

On August 8, 2016, accused **Police Officer [REDACTED]**, ("**Officer [REDACTED]**"), **Star# [REDACTED]**, gave IPRA an audio recorded interview. Officer [REDACTED] stated on March 10, 2016, he and his partner, Officer [REDACTED], were in their vehicle when they observed a vehicle doubled parked with inoperable brake lights on [REDACTED] Avenue. Officer [REDACTED] stated he and Officer [REDACTED] followed the vehicle northbound and as it made a left turn into an alley. Officer [REDACTED] stated he activated his vehicle's emergency lights and stopped the vehicle. Officer [REDACTED] stated three occupants were observed inside the vehicle. Officer [REDACTED] stated when he exited his vehicle, he asked the stopped vehicle's driver (now known as [REDACTED]) to show his hands.

⁹ Attachment 5 at 4:05

¹⁰ Attachment 5

¹¹ Attachment 6 at 4:30

¹² Id at 4:35

¹³ Id at 5:05

¹⁴ Attachment 6

Officer [REDACTED] stated he repeatedly asked [REDACTED] to show his hands, but he failed to comply. Officer [REDACTED] stated for officer safety, his firearm was out while giving [REDACTED] repeated commands to show his hands. Officer [REDACTED] stated eventually he approached the vehicle and asked [REDACTED] for his driver's license and insurance. Officer [REDACTED] stated after receiving the documents from [REDACTED], he and Officer [REDACTED] returned to their vehicle. Officer [REDACTED] stated after performing a license plate query on [REDACTED]'s vehicle, he ascertained that the registration was expired. Officer [REDACTED] stated [REDACTED] was issued several traffic citations.

Officer [REDACTED] stated during an inventory search of [REDACTED]'s vehicle, Officer [REDACTED] recovered one clear zip lock baggie containing a crushed leafy substance of suspect cannabis. Officer [REDACTED] stated [REDACTED] was then placed under arrest. Officer [REDACTED] stated neither he nor Officer [REDACTED] pointed their weapons at the three occupants. Officer [REDACTED] stated neither he nor Officer [REDACTED] made comments to complainants [REDACTED] or [REDACTED] about being black males as the reason for pointing a gun at them. Officer [REDACTED] stated he nor Officer [REDACTED] told any of the complainants to get back or they would slam them to the ground and tase them. Officer [REDACTED] stated that he did not call complainant [REDACTED] ignorant while in the parking lot of the [REDACTED] District. Officer [REDACTED] stated that neither he nor Officer [REDACTED] refused to identify themselves when asked.¹⁵

On August 6, 2016, **accused Police Officer [REDACTED]**, (“Officer [REDACTED]”), Star# [REDACTED], gave IPRA an audio recorded interview. Officer [REDACTED] stated that on March 10, 2016, he and Officer [REDACTED] observed a vehicle commit several traffic violations. Officer [REDACTED] stated their vehicle's emergency lights were activated and the violating vehicle was stopped in an alley near [REDACTED]. Officer [REDACTED] stated Officer [REDACTED] approached the violating vehicle's driver side while he approached the passenger side. Officer [REDACTED] stated he heard Officer [REDACTED] tell the driver, [REDACTED], “let me see your hands.”¹⁶ Officer [REDACTED] stated [REDACTED] initially refused to comply. Officer [REDACTED] stated eventually [REDACTED] complied and showed his hands. Officer [REDACTED] stated Officer [REDACTED] asked [REDACTED] for his driver's license and insurance. Officer [REDACTED] stated [REDACTED] did produce them. Officer [REDACTED] stated that upon further investigation of complainant [REDACTED]'s vehicle, the officers ascertained the plate had a false registration tag. Officer [REDACTED] stated at that moment, complainant [REDACTED] was going to be arrested for that traffic offense. Officer [REDACTED] stated as he and Officer [REDACTED] attempted to arrest [REDACTED], he initially refused to exit the vehicle. Officer [REDACTED] stated that [REDACTED] eventually complied, and they placed him into custody and transported him to the [REDACTED] District. Officer [REDACTED] stated there were three occupants in the vehicle, the arrestee [REDACTED], [REDACTED], and [REDACTED]. Officer [REDACTED] stated [REDACTED] was crying and that [REDACTED] was disrespectful and uncooperative during the investigation. Officer [REDACTED] stated neither he nor Officer [REDACTED] said to the vehicle occupants that the reason why Officer [REDACTED] pointed his gun at them was because they were black males. Officer [REDACTED] stated that neither he nor Officer [REDACTED] refused

¹⁵ Attachment 34

¹⁶ Attachment 33 at 4:20

to identify themselves to the complainants, nor did they say to ██████ that if she was not quiet they would throw her to the ground. Officer ██████ stated that neither he nor Officer ██████ said to the vehicle occupants, "this is bullshit."¹⁷

b. Documentary Evidence

A CPD Arrest Report states that on March 10, 2016, at approximately 12:08 PM, near ██████, Near ██████ Officers ██████ and ██████ arrested ██████ for Possession of Cannabis-Less 2.5 Grams, as well as various traffic offenses for which he received traffic citations.¹⁸

VI. ANALYSIS

a. 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,

¹⁷ Attachment 33 at 8:45

¹⁸ Attachments 11 and 28

produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” Id. at ¶ 28.

b. COPA cannot prove or disprove the allegations made by the ██████████ family

The Chicago Police Department delineates criteria for its members to conduct an investigatory stop.¹⁹ Specifically, for investigatory stops, CPD members must possess reasonable articulable suspicion based upon specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense. Per the statements of Officers ██████████ and ██████████, they curbed and approached ██████████’s vehicle after observing it commit traffic offenses. There are conflicting statements between the officers and the ██████████ family. COPA was unable to make a credibility determination that made one version of the story more likely to have been true than the other. Therefore, COPA cannot prove or disprove any of the allegations, and they are therefore Not Sustained.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer ██████████	1. On March 10, 2016, at ██████████, Officer ██████████ pointed his weapon in the direction of ██████████, ██████████ and ██████████, without justification, in violation of Rules 2, 3 and 8.	Not Sustained
	2. On March 10, 2016, at ██████████, when Officer ██████████ was asked why he pointed his gun at ██████████, ██████████ and ██████████, he responded with words to the effect of, “because you are black males,” in violation of Rules 2, 3 and 8.	Not Sustained
	3. On March 10, 2016, at ██████████, Officer ██████████ stated to complainant ██████████ words to the effect of, “Get back or I am going to slam you down to the ground and taser you,” in violation of Rules 2, 3 and 8.	Not Sustained
	4. On March 10, 2016, at the ██████████ District, Officer ██████████ referred to complainant ██████████ as “ignorant,” in violation of Rules 2, 3 and 8.	Not Sustained

¹⁹ Special Order S04-13-09, *Investigatory Stop System*, Chicago Police Department

	<p>5. On March 10, 2016, Officer ██████ refused to identify himself in violation of Rule 37.</p>	<p>Not Sustained</p>
<p>Officer ██████</p>	<p>1. On March 10, 2016, while at ██████ Street, Officer ██████, when asked why Officer ██████ pointed his weapon at complainants ██████ and ██████, responded with words to the effect of, “We don’t know; you’re a black male,” and “because you are all black males,” in violation of Rules 2, 3 and 8.</p> <p>2. On March 10, 2016, Officer ██████ refused to identify himself in violation of Rule 37.</p> <p>3. On March 10, 2016, Officer ██████ stated words to the effect of telling complainant ██████ to, “shut the fuck up or I am going to slam you to the ground,” in violation of Rules 2, 3 and 8.</p> <p>4. On March 10, 2016, Officer ██████ stated words to the effect of, “This is bullshit,” in violation of Rules 2, 3 and 8.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

Approved:

 ██████
 Deputy Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	████████████████████
Deputy Chief Administrator:	████████████████████████████████████████