

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 25, 2018
Time of Incident:	11:30 PM
Location of Incident:	3900 W. Division St.
Date of COPA Notification:	September 26, 2018
Time of COPA Notification:	12:32 PM

On September 25, 2018, the complainant, [REDACTED] was subject to a traffic stop. [REDACTED] alleged that the officers pulled him over, then gave him a ticket for pulling over in a no parking zone. COPA also brought allegations related to the officers' Body Worn Cameras (BWC) and for failing to adequately document the stop. COPA's findings are discussed in the Analysis portion of this report.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2004, Police Officer, Unit [REDACTED] (Narcotics Division), Date of Birth: [REDACTED] 1978, Male, Hispanic
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2016, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1993, Male, White
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2013, Police Officer, Unit [REDACTED] (Special Weapons and Tactics [SWAT]), Date of Birth: [REDACTED] 1984, Male, Hispanic
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1983, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Performed a traffic stop on [REDACTED] in violation of Rule 2 and Rule 6.	Exonerated

	<p>2. Gave [REDACTED] a ticket for parking in a “no parking” zone after pulling him over in said zone, in violation of Rule 2 and Rule 8.</p> <p>3. Failed to record the encounter on Body Worn Camera (BWC), in violation of Rule 6.</p> <p>4. Failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study,” in violation of Rule 6.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p>
<p>Officer [REDACTED]</p>	<p>1. Performed a traffic stop on [REDACTED] in violation of Rule 2 and Rule 6.</p> <p>2. Gave [REDACTED] a ticket for parking in a “no parking” zone after pulling him over in said zone, in violation of Rule 2 and Rule 8.</p> <p>3. Failed to record the encounter on Body Worn Camera (BWC), in violation of Rule 6.</p> <p>4. Failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study,” in violation of Rule 6.</p>	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p>
<p>Officer [REDACTED]</p>	<p>1. Performed a traffic stop on [REDACTED] in violation of Rule 2 and Rule 6.</p> <p>2. Gave [REDACTED] a ticket for parking in a “no parking” zone after pulling him over in said zone, in violation of Rule 2 and Rule 8.</p> <p>3. Failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study,” in violation of Rule 6.</p>	<p>Exonerated</p> <p>Unfounded</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **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.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.

3. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.

Special Orders

1. **S03-14:** Body Worn Camera.

2. **S04-14-09:** Illinois Traffic and Pedestrian Stop Statistical Study.

Federal Laws

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

V. INVESTIGATION¹

a. Interviews

COPA interviewed the complainant, ██████████ on September 26, 2018.² On September 25, 2018, ██████████ was driving west on Division St. and an unmarked police vehicle was driving north on Springfield. ██████████ stopped at a red light and the police car stopped behind him. When the light turned green, the squad car pulled ██████████ over. ██████████ was pulled over in a no-parking, no-standing zone. ██████████ handed his license and insurance through the window and put his window back up. ██████████ related that he refused to speak to the officers. The officers continued trying to talk to ██████████ until an officer stated they would write ██████████ a ticket for stopping in a no parking zone. ██████████ denied violating any traffic laws or city ordinances before he was pulled over. Per ██████████ the officers never related why they stopped him. ██████████ believed he was stopped because he was a black male driving an Audi on Chicago's west side.

██████████ submitted two **online complaints** to COPA on September 26, 2018, prior to his COPA interview.³ ██████████ wrote that he was pulled over and "cracked [the] window" to give an officer his license and insurance before rolling his window back up. The officer "asked to speak with" ██████████ and became upset when ██████████ "remained quiet." The officer proceeded to write ██████████ a citation for "parking in a 'no parking zone,'" where ██████████ was pulled over.

COPA interviewed **Officer ██████████** on January 24, 2019.⁴ On September 25, 2018, Officer ██████████ was on patrol in the ██████████ District with Officers ██████████ and ██████████. Officer ██████████ recalled performing a traffic stop (not of ██████████ when he saw ██████████ vehicle parked in a bus lane across the street, near a liquor store. ██████████ car then sped off. The officers stopped ██████████ for having been in a bus lane near Division and Springfield and because he squealed his tires while driving off. Per Officer ██████████ was initially illegally parked at a bus stop about two blocks east of where he was eventually pulled over. ██████████ pulled over for the officers in second no parking zone. ██████████ refused to speak to the officers and he slid his license through a crack in his car window. Officer ██████████ denied that they ticketed ██████████ for refusing to speak

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

² Att. 3

³ Atts. 11, 12

⁴ Att. 18

to the officers. Per Officer ██████ they did not complete an Illinois Traffic and Pedestrian Stop Statistical Study because they issued ██████ a citation. Officer ██████ asserted that he recorded the incident on BWC.

COPA interviewed Officer ██████ on January 24, 2019.⁵ On September 25, 2018, Officer ██████ was on-duty and operating an unmarked squad car with Officers ██████ and ██████. The officers made a traffic stop after observing ██████ car parked at a bus stop at 3900 W. Division before ██████ drove off. Officer ██████ recalled the officers were going north on Springfield while ██████ was going west on Division. ██████ was pulled over on Division “just west of Pulaski.”⁶ ██████ opened his window a bit, slid his license through, and would not talk to the officers. Officer ██████ asserted ██████ was cited for being in a bus lane where he was initially observed (near 3900 W. Division), not where he was eventually pulled over (near 4000 W. Division). Officer ██████ denied that ██████ was cited because he refused to talk to the officers. Officer ██████ was confident he recorded the incident on BWC. Officer ██████ did not complete an Illinois Traffic and Pedestrian Stop Statistical Study because a ticket was issued to document the stop.

Officer ██████ was interviewed by COPA on February 14, 2019.⁷ Officer ██████ and his partners saw ██████ parked in a no parking zone. ██████ drove off and the officers stopped him about one block later. Officer ██████ denied that ██████ was cited for parking in the location where he was pulled over and asserted it was for ██████ being in a no parking zone when they initially saw him. Officer ██████ denied that ██████ was given a ticket because he refused to talk to the officers. Officer ██████ could not recall if an Illinois Traffic and Pedestrian Stop Statistical Study was completed.

b. Digital Evidence

█████ provided COPA with **cell phone video footage** that he recorded.⁸ ██████ was seen in his car with Officer ██████ shining his flashlight into ██████ windshield. Officer ██████ proceeded to stand outside of ██████ driver-side window and displayed his BWC to ██████. ██████ stated that he believed he was being ticketed because he would not speak to the officers. Officer ██████ was seen outside of ██████ car on the driver’s side. ██████ windows were rolled up until Officer ██████ approached to give ██████ his ticket.

The following **BWC footage** was obtained from the officers who performed a traffic stop on ██████ on September 25, 2018.⁹

Officer ██████

Officer ██████ BWC began at approximately 11:18 PM. Officer ██████ approached ██████ vehicle along with his partners and advised Officer ██████ to write ██████ a citation.

⁵ Att. 23

⁶ Approximately 6:01 minute mark of Att. 23

⁷ Att. 32

⁸ Att. 13

⁹ Att. 31

█████ refused to roll down his window or speak to Officer ██████. At about 11:22 PM, Officer ██████ stated. “This individual was observed [...] parked on Division and Springfield on the bus stop. Failed to put his signal when he left his parking spot and he’s refusing to talk to us.” Officer ██████ returned to the police car and terminated his BWC after Officer ██████ gave ██████ a citation at roughly 11:24 PM.

Officer ██████

Officer ██████ BWC started at approximately 11:18 PM as he was performing a traffic stop near Pulaski Ave. ██████ handed his license and insurance through a crack in his window and refused to speak to the officers. Officer ██████ announced he was going to issue a parking ticket to ██████ for parking in a bus stop. At about 11:24 PM, Officer ██████ handed ██████ the citation, then returned to the squad car and terminated his BWC after announcing the event number was ██████.

Officer ██████

Officer ██████ BWC began at approximately 11:19 PM. Officer ██████ approached ██████ vehicle and remained on the passenger’s side. At about 11:24 PM, Officer ██████ returned to the squad car and terminated his BWC.

c. Physical Evidence

No relevant physical evidence was obtained pertaining to the present investigation.

d. Documentary Evidence

During his COPA interview, ██████ provided a copy of the **City of Chicago Violation Notice** he received on September 25, 2018.¹⁰ Officer ██████ issued ██████ a citation for park/stand prohibited anytime. The violation occurred at 3900 W. Division at approximately 11:20 PM. COPA performed an independent search via the City of Chicago and identified that the citation was dismissed on an unknown date.¹¹ No further details were readily available.

The following relevant **Event Query Reports** were obtained from the **Office of Emergency Management and Communications (OEMC)**.

- **Event Number ██████** initiated at about 11:01 PM when Beat ██████ performed a traffic stop near 1150 N. Avers.¹² This stop was seemingly unrelated to ██████ as ██████ name, driver’s license, license plate, etc. were not searched. The event was closed at roughly 11:18 PM.

¹⁰ Att. 8

¹¹ Att. 16

¹² Att. 28

- **Event Number** [REDACTED] was initiated at approximately 11:16 PM when Beat [REDACTED] initiated a traffic stop at 1150 N. Avers.¹³ At roughly 11:18 PM, the officers ran [REDACTED] license plate and the event was closed shortly after.
- **Event Number** [REDACTED] was initiated at approximately 11:25 PM when Beat [REDACTED] performed a traffic stop near the intersection of Division and Pulaski.¹⁴ At roughly 11:26 PM, the officers searched the name [REDACTED]. The event was closed at about 11:53 PM.

e. Additional Evidence

The **map** seen below was obtained of the area(s) in which [REDACTED] was initially observed and stopped on September 25, 2018.¹⁵ Per available evidence, [REDACTED] was parked near Division and Springfield when the officers saw him, and he was stopped about two blocks west, near Division and Pulaski.



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.

¹³ Att. 14

¹⁴ Att. 29

¹⁵ Att. 38

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

Allegation 1 against all three officers, that they performed a traffic stop on ██████ is **Exonerated**. There is no question the stop occurred, but COPA believes it was valid and legal. ██████ believed he was cited because he stopped for the police in a no parking zone. In the cell phone video provided by ██████ he is seen parked outside an early learning center which COPA confirmed has an address of 4000 W. Division St (near the intersection of Division and Pulaski). ██████ citation reported that ██████ was illegally parked at 3900 W. Division (near the intersection of Division and Springfield). All three officers stated they saw ██████ car in a bus stop near Division and Springfield before he drove off and they stopped him near Division and Pulaski. This is supported by OEMC evidence that the officers ran ██████ license plate shortly before they stopped him. Had ██████ spoken with the officers, they may have related why they stopped him and where they initially saw him. Because ██████ did not have this conversation, he apparently made an assumption about why he was stopped. Based on the ticket being written for 3900 W. Division and available OEMC records, COPA finds there is sufficient evidence to demonstrate that officers did initially see ██████ illegally parked and stopped him roughly a block later. As such, this allegation is Exonerated against all three officers.

Similarly, **Allegation 2** against all three officers, that they gave ██████ a ticket for parking in a "no parking" zone after pulling him over in said zone, is **Unfounded**. As detailed above, COPA believes the officers saw ██████ illegally parked near 3900 W. Division, then stopped him near 4000 W. Division. The officers' statements and available evidence refutes ██████ claim that he was ticketed for pulling over for the police in a no parking zone, and this allegation is Unfounded.¹⁶

Allegation 3 against Officers ██████ and ██████ that they failed to record the encounter on Body Worn Camera (BWC), is **Unfounded**. COPA erroneously requested BWC from the wrong date, leading the agency to initially believe the officers did not turn on their BWC. After speaking with Officers ██████ and ██████ COPA realized the mistake, resubmitted a

¹⁶ COPA confirmed via Google Maps that there is a bus stop on the northeast corner at the intersection of Springfield and Division streets.

request, and obtained the relevant footage. As such, this allegation was rescinded for Officer [REDACTED] prior to his interview and Unfounded for Officers [REDACTED] and [REDACTED]

Allegation 3 against Officer [REDACTED] and **Allegation 4** against Officers [REDACTED] and [REDACTED] that they failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study,” is **Sustained**. Based on this Special Order, officers “who initiate a traffic stop that results in the issuance of a Personal Service Citation for an Illinois Vehicle Code, Traffic Code of Chicago, and compliance violation will [...] issue the citation,” and “complete a Traffic Stop Statistic Study Sticker.” The officers failed to adhere to this directive and the allegation is Sustained against all three officers.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer [REDACTED]

i. Complimentary and Disciplinary History

Officer [REDACTED] has eighty (80) honorable mentions, two (2) problem solving awards, four (4) department commendations, one (1) lifesaving awards. Officer [REDACTED] has no publishable disciplinary history.

ii. Recommended Penalty, by Allegation

1. Allegation No. 4: Failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study.”

There is no indication the officers failed to follow the directive intentionally. Each officer believed their obligation was completed by the issuance of the ticket. COPA recommends a violation noted.

b. Officer [REDACTED]

i. Complimentary and Disciplinary History

Officer [REDACTED] has fifteen (15) honorable mentions. Officer [REDACTED] has one prior reprimand for a preventable accident.

ii. Recommended Penalty, by Allegation

1. Allegation No. 4: Failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study.”

Again, there is no indication the officers failed to follow the directive intentionally. For the reasons articulated above. COPA recommends a violation noted.

c. Officer [REDACTED]

i. Complimentary and Disciplinary History

Officer [REDACTED] has twenty-three (23) honorable mentions, one (1) department commendation, and (1) traffic stop of the month awards. Officer [REDACTED] has one prior reprimand for a preventable accident.

ii. Recommended Penalty, by Allegation

1. Allegation No. 3: Failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study.”

For the same reasons articulated above, COPA recommends a violation noted.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Performed a traffic stop on [REDACTED] in violation of Rule 2 and Rule 6. 2. Gave [REDACTED] a ticket for parking in a “no parking” zone after pulling him over in said zone, in violation of Rule 2 and Rule 8. 3. Failed to record the encounter on Body Worn Camera (BWC), in violation of Rule 6. 4. Failed to comply with Special Order S04-14-09 “Illinois Traffic and Pedestrian Stop Statistical Study,” in violation of Rule 6.	Exonerated Unfounded Unfounded Sustained
Officer [REDACTED]	1. Performed a traffic stop on [REDACTED] in violation of Rule 2 and Rule 6. 2. Gave [REDACTED] a ticket for parking in a “no parking” zone after pulling him over in said zone, in violation of Rule 2 and Rule 8. 3. Failed to record the encounter on Body Worn Camera (BWC), in violation of Rule 6.	Exonerated Unfounded Unfounded

	4. Failed to comply with Special Order S04-14-09 "Illinois Traffic and Pedestrian Stop Statistical Study," in violation of Rule 6.	Sustained
Officer [REDACTED]	1. Performed a traffic stop on [REDACTED] in violation of Rule 2 and Rule 6.	Exonerated
	2. Gave [REDACTED] a ticket for parking in a "no parking" zone after pulling him over in said zone, in violation of Rule 2 and Rule 8.	Unfounded
	3. Failed to comply with Special Order S04-14-09 "Illinois Traffic and Pedestrian Stop Statistical Study," in violation of Rule 6.	Sustained

Approved:

[REDACTED]

June 25, 2019

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	████████████████████
Supervising Investigator:	██
Deputy Chief Administrator:	Andrea Kersten, █