

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	04 Mar 2015
Time of Incident:	1749 Hours
Location of Incident:	[REDACTED]
Date of COPA Notification:	05 Mar 2015
Time of COPA Notification:	1035 hours

On March 4, 2015, Officer [REDACTED] was on duty and assigned to a covert CPD team that was conducting narcotics investigations. Specifically, Officer [REDACTED] was the driver and sole occupant of a covert vehicle, a red van, on the date and time in question. While driving the covert van, Officer [REDACTED] became involved in a traffic incident with [REDACTED] during which he yelled at Ms. [REDACTED] then pointed a gun at her and the other occupants of her car. Officer [REDACTED] then took a photo of her license plate and started to drive away. Before Officer [REDACTED] left, [REDACTED] also wrote down Officer [REDACTED] license plate. After the traffic incident, Officer [REDACTED] searched [REDACTED] license plate in the LEADS system. Officer [REDACTED] was driving the enforcement car for Officer [REDACTED] narcotics team at the time. After the traffic incident, [REDACTED] then flagged down Officer [REDACTED] and Officer [REDACTED] who were routine patrol, and told them what transpired. Those officers searched Officer [REDACTED] license plate in LEADS, then left without taking any action on the information or documenting the incident in any way. [REDACTED] then told her sister, Officer [REDACTED] about what had transpired. Officer [REDACTED] subsequently used LEADS to search the license plate of the van driven by Officer [REDACTED]

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Star: [REDACTED] Employee ID: [REDACTED] Date of Appointment: [REDACTED] 2003 Rank: 9161 Unit of Assignment: [REDACTED] 189 DOB: [REDACTED] 1973 Gender: Male Race: Latino
Involved Officer #2:	[REDACTED] Star: [REDACTED] Employee ID: [REDACTED] Date of Appointment: [REDACTED] 2002 Rank: [REDACTED] Unit of Assignment: [REDACTED] DOB: [REDACTED] 1980 Gender: Male Race: Latino

<sup>1</sup> On 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.

Involved Officer #3:	Star: [REDACTED] Employee ID: [REDACTED] Date of Appointment: [REDACTED] 2003 Rank: 9161 Unit of Assignment: [REDACTED] DOB: [REDACTED] 1972 Gender: Female Race: Black
Involved Officer #4:	Star: [REDACTED] Employee ID: [REDACTED] Date of Appointment: [REDACTED] Rank: 9161 Unit of Assignment: [REDACTED] DOB: [REDACTED] 1973 Gender: Male Race: White
Involved Officer #5:	Star: [REDACTED] Employee ID: [REDACTED] Date of Appointment: [REDACTED] 2001 Rank: 9161 Unit of Assignment: [REDACTED] DOB: [REDACTED] 1978 Gender: Male Race: Hispanic
Involved Individual #1	[REDACTED] Female, Black DOB: [REDACTED] 1980

III. ALLEGATIONS

Officer	Allegation	Findings/ Recommendations
Officer [REDACTED]	1. [REDACTED] alleged that on 04 Mar 15, at approximately 1749 hours, in the vicinity of [REDACTED] you drove your assigned covert vehicle in front of her vehicle and intentionally slammed the breaks, causing her to abruptly stop and almost caused a rear-end collision.	SUSTAINED
	2. [REDACTED] alleged on 04 Mar 15, at approximately 1749 hours, in the vicinity of [REDACTED] you approached her vehicle with your gun pointed at her and her children.	SUSTAINED
	3. [REDACTED] alleged on 04 Mar 15, at approximately 1749 hours, in the vicinity of [REDACTED] you said, "I'm the fucking police, calm the fuck down, stupid bitch, crazy bitch" and "fucking [REDACTED] bitch."	SUSTAINED
	4. It is alleged on 04 Mar 15, at approximately 1749 hours, in the	SUSTAINED

	<p>vicinity of [REDACTED] you engaged in an unjustified altercation with Ms. [REDACTED]</p>	
<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged by Inv. [REDACTED] # [REDACTED] that on 04 Mar 15, at approximately 1749 hours, you, with your sign in identification number of [REDACTED] on a mobile PDT, number [REDACTED] conducted a LEADS inquiry of Illinois license plate # [REDACTED] registered to [REDACTED] without justification.</p>	<p>NOT SUSTAINED</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged that on 04 Mar 15, at approximately 1826 hours, at [REDACTED] St., ([REDACTED] District Police Station) while off-duty, you conducted a preliminary investigation into an incident involving your sister, [REDACTED] and accessed the Department's computerized information system, including LEADS inquiry on Illinois license plate # [REDACTED] for non-departmental purposes.</p>	<p>SUSTAINED</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to conduct a preliminary investigation when informed by [REDACTED] that she was involved in an altercation with an armed man in a vehicle with license plate # [REDACTED]</p> <p>2. It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to document, report, or otherwise record the misconduct by an officer alleged by [REDACTED]</p>	<p>SUSTAINED</p> <p>SUSTAINED</p>



## V. INVESTIGATION<sup>2</sup>

### a. Interviews

██████████ gave a digitally recorded statement to the Independent Police Review Authority. In her statement, Ms. ██████████ indicated the incident began at ██████████ and ██████████. However, she first noticed a black Nissan Altima and a red minivan driving erratically by running a red light and swerving in and out of traffic at ██████████ and ██████████. When they arrived at the stoplight at ██████████ the minivan pulled up to the right side of her vehicle, then cut her off, by rapidly changing into her driving lane. They continued North on ██████████ until they reached ██████████. At ██████████ the red van suddenly slammed on his brakes, then put his vehicle in park, and began exiting his vehicle. ██████████ attempted to drive around him on the left side of his vehicle.

As she attempted to go around, he reached back into his vehicle and reemerged with a gun. He drew a charcoal-colored gun from a holster and started pointing it at them. ██████████ her daughter, began screaming that he had a gun. He yelled at them, "I'm the fucking police,"<sup>4</sup> and told them that they needed to calm down. He called them "bitches," and told them, "I tried to make you hit me, you stupid bitch."<sup>5</sup> He went back to his car, got his cell phone, then took a picture of their license plate. Then, he got back into his vehicle. Ms. ██████████ daughter then documented his license plate number. As soon as the light changed to green, ██████████ sped off. He was still following her, initially, but did not turn with her. While she was calling 911, she spotted a police vehicle and flagged them down instead. She told them what happened, provided them the license plate number to the minivan and her own address and the officers went after the vehicle, promising to come back to her, and never did. She identified the driver of the patrol vehicle as white and the passenger as Hispanic.

After waiting for the police to return, she finally went to the 12<sup>th</sup> District Police station. She gave a brief statement to Sergeant ██████████. Sergeant ██████████ gave her a log and complaint number. The license plate of the red Dodge minivan was ██████████. She described the man as Hispanic, 5'8", weighing 230lbs, and medium build, in plain clothes, 38-40 years old. She also lost track of the black Nissan Altima.

On April 8<sup>th</sup>, 2015, ██████████<sup>6</sup>, a minor, gave a digitally recorded statement to the Independent Police Review Authority regarding the incident. Ms. ██████████ told investigators that on March 4<sup>th</sup>, 2015, she was in the passenger seat of Ms. ██████████ vehicle when she noticed a black car and a red van speeding, weaving in and out of traffic, and running a red light at ██████████. When

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Summarized from the Digitally Recorded Interview of ██████████ Attachment 22. Paraphrased and not verbatim, unless otherwise indicated.

<sup>4</sup> Attachment 22, pg. 4

<sup>5</sup> *Id.*

<sup>6</sup> Summarized from the Digitally Recorded Interview of ██████████ Attachment 28. Paraphrased and not verbatim, unless otherwise indicated.

they got to the expressway, the red van got in front of them and slammed on his brakes. The driver of the vehicle got out of the car immediately. They swerved to the left to avoid hitting him. He went back into his car, then began swearing at them. He said, “you f-in bitch, you made me try to fucking hit you.”

Then he got back out of his car, brandishing a silver gun. He was standing on the passenger side of [REDACTED] vehicle pointing his gun a few inches away from the window at [REDACTED] face. He was still on the driver’s side of his own vehicle. [REDACTED] responded by screaming and yelling and telling her mom that he had a gun. He then told them to “calm the fuck down he’s the fucking police.”<sup>7</sup>

He then put his gun away, walked to the front of their truck, took a picture, then returned to his vehicle and drove away. They had her sister, [REDACTED] write down the license plate of the red van. They continued on their way. Initially, the red van followed them until they turned off on to a side street, then he drove away completely. They found a police officer and told him what happened. Those officers told them that they would go after him and come back to them later, though they never actually returned. She described the man in the red van as Hispanic, approximately 5’6”, medium build, with thin hair. He did not have a badge or anything else that would indicate that he was an officer.

Additionally, [REDACTED] lost track of the black car during the encounter. Present in [REDACTED] vehicle during the incident were Ms. [REDACTED] two of [REDACTED] brothers (five and six), and her sister [REDACTED]

[REDACTED] gave a statement to the Independent Police Review Authority on April 8<sup>th</sup>, 2015. [REDACTED] gave a similar account of the incident as [REDACTED] and [REDACTED]. She described a Hispanic man driving a red van, weaving in and out of traffic. She said that the man slammed on his brakes really hard in front of them. According to [REDACTED] the man got out of his van with his gun. [REDACTED] began screaming that he had a gun. The man told them, “calm the fuck down, I’m the police,” while pointing the gun at [REDACTED]. He reached back into his van, got his cell phone, then took a picture of their license plate and I wrote down his license plate. Next, he got back in the van. They drove away, and he followed them for a while, but eventually diverged. As they were driving, they saw and flagged down a police officer and told him what happened. The police drove off looking for the man they encountered.

She described the man as Hispanic, medium height, possibly bald.

**Officer [REDACTED]** gave a statement to the Independent Police Review Authority on July 2, 2015. In her statement, Officer [REDACTED] told investigators that on March 4, 2015, she was off-duty at 1826 hours.<sup>10</sup> At the time of the incident, Officer [REDACTED] was assigned to Beat [REDACTED]

<sup>7</sup> Attachment 28, p.10.

<sup>8</sup> Summarized from the Digitally Recorded Interview of [REDACTED] Attachment 34. Paraphrased and not verbatim, unless otherwise indicated.

<sup>9</sup> Attachment 77

<sup>10</sup> *Id.* at p. 4.

where she drove a rapid response car. Her patrol ranged from [REDACTED] to [REDACTED] to [REDACTED].<sup>11</sup> Her shift ended at 1600 hours. Officer [REDACTED] testified that her primary purpose was to respond to calls in the area, but would also check for expired plates, registration, city stickers, and perform traffic stops, though she did not have to strictly stay in the area.<sup>12</sup> During her statement, Investigator [REDACTED] showed Officer [REDACTED] Attachment 54, a Hot Desk Inquiry showing PC usernames that conducted a search for license plate number [REDACTED]. Username [REDACTED] belonging to Officer [REDACTED] was on the list at 1826.<sup>13</sup>

Officer [REDACTED] denied knowing who ran the search and knowing to whom the vehicle was registered. Officer [REDACTED] told investigators that, if an officer does not log-off of a terminal, the officer's username would remain active and subsequent searches would be logged under that name. Officer [REDACTED] could not recall if she had forgotten to sign out on that date. She did not believe that anyone else possessed her password and login information.

Officer [REDACTED] told investigators that the complainant, [REDACTED] is her sister.<sup>14</sup> Officer [REDACTED] told investigators that she ran a plate for [REDACTED] after [REDACTED] called her hysterically and told her that "she was involved in a road rage and the person got outta the car and pointed the gun at 'er and said he was the police and then she flagged down two officers... She gave me the plate and I ran it and it came back to some type of rental company...I just left because I found out it was the police, I was gonna report him to IAD myself...but then she told me that she was gonna go into the station and report it or whatever."<sup>15</sup> The statement was ended.<sup>16</sup>

Officer [REDACTED] gave an **Accused Officer Statement**<sup>17</sup> on June 15, 2018. In her statement, Officer [REDACTED] told investigators that her normal hours were 0700 hours to 1600 hours. She stated that when she received the call from her sister, she was off duty. Officer [REDACTED] stated that her sister told her that someone got out of a vehicle, walked to her car, and pointed a gun at them, while claiming to be a police officer. [REDACTED] told Officer [REDACTED] that she had flagged down two officers and they went after him but had not returned. Officer [REDACTED] encouraged [REDACTED] to go into a police station to make a complaint. Officer [REDACTED] then made the decision to go into her district to help the process along by running the license plate herself, as she believed her Watch Commander would have asked her to do that anyway.

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<sup>11</sup> *Id.* at p. 6.

<sup>12</sup> *Id.* at pgs. 6-7.

<sup>13</sup> *Id.* at p. 9.

<sup>14</sup> *Id.* at p. 14.

<sup>15</sup> *Id.* at pg2. 14-15.

<sup>16</sup> Following her statement, Officer [REDACTED] came to IPRA to give a statement as an accused officer, at which time she told investigators that she believed she had been interviewed as an accused officer before. The interview was cancelled so that further research could be done. Subsequently, Officer [REDACTED] agreed to enter into mediation with IPRA, a process that would require her to admit fault and accept responsibility, in exchange for a mitigated discipline. Prior to the conclusion of this mediation process, all mediations were suspended pending changes in the City. After the changes took effect, mediation was no longer an option for police officers accused of misconduct, so an interview as an accused officer became necessary.

<sup>17</sup> Attachment 120

According to Officer [REDACTED] the search results came back showing that the car was registered to a rental agency and not the police, so she logged off and left. She reasoned that the driver of the vehicle must have been lying about being a police officer, so there was nothing else that she could do with the case. She did not talk to anyone about the search. She stated that her intention was to report it, if the search came back with more easily traced information such as a name, instead of a rental company. Officer [REDACTED] stated that she was aware that LEADS cannot be used for personal matters but considered this to be a criminal matter. Officer [REDACTED] stated that she was aware that she was prohibited from investigating incidents involving family members, but she believed that because this was a criminal matter and that it was her obligation as an officer to look into the complaint.

Officer [REDACTED]<sup>18</sup> gave a witness statement to the Independent Police Review Authority on July 2, 2015. In his statement, Officer [REDACTED] stated that he could not recall being flagged down by a black female civilian on the date in question regarding a man in a red minivan with a gun. Officer [REDACTED] believed that he was likely partnered with Officer [REDACTED] on that date. Officer [REDACTED] was shown Attachments 57, 58, and 59, and confirmed username [REDACTED] belonged to him. The attachments confirmed that [REDACTED] searched license plate number [REDACTED] which belonged to the red minivan.

Officer [REDACTED] gave an **accused statement**<sup>19</sup> on September 25, 2018. In his statement, Officer [REDACTED] did not recall any of the events in question. Officer [REDACTED] did not recognize [REDACTED] name or photograph. Officer [REDACTED] did not recognize Officer [REDACTED] by name or photograph. Officer [REDACTED] stated that he has never been flagged down by anyone claiming that a police officer pulled a gun on them. Officer [REDACTED] said that if he had been approached by someone making such a complaint, he would write down as much information as possible, then pursue the suspect. Officer [REDACTED] said that the strategy for reconnecting with the victim would vary by situation. He also said that the information would have been shared with dispatchers and officers in the zone through radio or flash message. Based on the description of where the events occurred, Officer [REDACTED] believed it would have bordered his beat and could have occurred near his location.

Officer [REDACTED]<sup>20</sup> gave a witness statement to Independent Police Review authority investigators on June 30, 2015. Officer [REDACTED] could not recall an interaction with [REDACTED] nor could he recall searching license plate [REDACTED]

Officer [REDACTED] gave an **accused statement**<sup>21</sup> on September 13, 2018. Similarly, in his statement, Officer [REDACTED] did not recall any of the events in question. Officer [REDACTED] did not recognize [REDACTED] name or photograph. Officer [REDACTED] did not recognize Officer [REDACTED] by name or photograph. Officer [REDACTED] also had no recollection of being flagged down by anyone claiming that a police officer pulled a gun on them. Based on the description of

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<sup>18</sup> Attachment 78

<sup>19</sup> Attachment 122

<sup>20</sup> Attachment 81

<sup>21</sup> Attachment 123

where the events occurred, Officer ██████ believed it would have bordered his beat and could have occurred near his location.

Sergeant ██████<sup>22</sup> gave a statement to Independent Police Review Authority investigators on September 3, 2015. In his statement, Sergeant ██████ said that he was unaware of any incident involving Officer ██████ and could not recall any specific incident that day. Sergeant ██████ told investigators that Officer ██████ could have been driving a red Dodge Caravan, but he could not recall specifically. Sergeant ██████ also stated that Officer ██████ usually drives the enforcement car, and, if Officer ██████ is not available, Officer ██████ drives the enforcement vehicle. Officer ██████ usually drives a black Nissan Altima as does Officer ██████

Sergeant ██████ told investigators that the enforcement car is an unmarked vehicle equipped with lights and sirens for the purpose of pulling over vehicles. The enforcement car is the only car with a PDT computer system. To communicate between cars, they used pushed-to-talk communication. If they wanted to follow a car, they communicated through push-to-talk with the enforcement car and asked the enforcement car for information. The enforcement car would communicate LEADS information to the rest of the team along with identifying information about the vehicle to keep the other members of the team informed. Sergeant ██████ stated that typically his team would meet in the morning and drive out separately, though they were typically in communication and in fairly close proximity to each other for team safety and strategy reasons.

Officer ██████ gave a statement to Independent Police Review Authority investigators on August 11, 2015. Officer ██████ admitted that the pc username that ran ██████ license plates belonged to him; however, he did not recall why he ran it or any other detail about that car or any of the other cars he ran that day. He could not recall if ██████ was the subject of any of his investigations. Officer ██████ could not recall whether Officer ██████ asked him to run the plates. In his statement, Officer ██████ shared that he would have been the only member of the team with access to a PDT at that time. It was common that team members would radio via push-to-talk phone communication for additional information such as running license plates. Officer ██████ did not recall being present during any traffic incident involving Officer ██████

Officer ██████ gave a statement to the Independent Police Review Authority on December 7<sup>th</sup>, 2016. At the beginning of the statement, Investigator ██████ recited the complaint as alleged by ██████ in her initial complaint to the Chicago Police Department<sup>25</sup> and provided it to Officer ██████ for his recollection. He did not recall and was not aware of the complaint. After having his memory refreshed, Officer ██████ stated his belief that he may have driven a red Dodge Caravan on the date in question. Officer ██████ stated that the only time a covert unit would stop a vehicle is in a life-threatening emergency. Officer ██████ could not recall any of the details of the complaint.

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<sup>22</sup> Attachment 94

<sup>23</sup> Attachment 89

<sup>24</sup> Attachments 116

<sup>25</sup> Original Case Incident Report, Attachment 5.

Officer [REDACTED] is a Hispanic male, five-feet and ten-inches in height, and weighing one-hundred eighty-five pounds. In his picture, Officer [REDACTED] has faint, thin dark hair.<sup>26</sup>

### b. Documentary Evidence

In a **To From Report** <sup>27 28</sup> written by Sergeant [REDACTED] Sergeant [REDACTED] summarized his interview of [REDACTED]. According to Ms. [REDACTED] she was driving northbound on [REDACTED] Avenue at [REDACTED] when a red minivan cut her off. Both vehicles continued northbound until they came to a red light on [REDACTED] where the red minivan slammed on its brakes, causing the complainant to swerve toward the driver side of the red minivan to avoid a collision. The driver of the red minivan exited the vehicle and yelled at the complainant, “you better calm down, I’m a police officer,” and then pointed a gun at her daughter in the passenger seat. [REDACTED] described the man as Hispanic, between the ages of 30 and 40, with short black hair.

The driver of the minivan then took a picture of the complainant’s license plate, then got back in his vehicle and drove off. [REDACTED] also took a picture of his license plate, # [REDACTED] flagged down a police car and told them what happened, then the police car sped off in pursuit of the red minivan. Sergeant [REDACTED] ran the plates provided by Ms. [REDACTED] and they came back belonging to [REDACTED] located at [REDACTED]. **LEADS** <sup>29</sup> Search results for plate number [REDACTED] reveal the same.

The **Inventory Listing Report** <sup>30</sup> shows that the van bearing license plate # [REDACTED] was linked to [REDACTED] and assigned to Officer [REDACTED]

The **A&A reports** for unit 189 on March 4, 2015, show that [REDACTED] was assigned to Officer [REDACTED]<sup>31</sup>

**CPD Unit Query** <sup>32</sup> shows that [REDACTED] license plate number, [REDACTED] was queried by [REDACTED] and workstation [REDACTED]

**Hot Desk Inquiry** on [REDACTED]<sup>33</sup> revealed that [REDACTED] operated by the username [REDACTED] which is linked to Officer [REDACTED] searched [REDACTED] plate number on March 04, 2015 at 17:49:38.

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<sup>26</sup> Attachment 48

<sup>27</sup> Attachment 4

<sup>28</sup> Original Case Incident Report for Event # [REDACTED] by Officer [REDACTED] contains nearly identical information.

<sup>29</sup> Attachment 12

<sup>30</sup> Attachment 14

<sup>31</sup> Attachment 15

<sup>32</sup> Attachment 46

<sup>33</sup> Attachment 53

**Hot Desk Inquiry** on [REDACTED]<sup>34</sup> revealed that Officer [REDACTED] searched the license plate of the red van on March 04, 2015, at 17:50 hrs. It also revealed that Officer [REDACTED] searched the same plates on March 04, 2015, at 18:26 hrs.

**A&A Sheet**<sup>35</sup> for March 04, 2015, Officer [REDACTED] was on duty from 0800 hours to 1700 hours.

**Photo Spread Viewing**<sup>36 37</sup> conducted on April 13, 2015, [REDACTED] and [REDACTED] daughter of [REDACTED] identified Officer [REDACTED] as the accused.

**GPS DATA for Beat** [REDACTED]<sup>38</sup> on March 4, 2015, immediately prior to searching the license plate, the GPS data shows beat [REDACTED] near [REDACTED]. Later, at 1752 hours, GPS shows the car in the vicinity of [REDACTED] at 1752 hours. Shortly thereafter, the car is shown at [REDACTED].

### c. Additional Evidence

The **Bureau of Internal Affairs**<sup>39</sup> determined that Officer [REDACTED] was on duty and was legally allowed to make traffic stops in his covert capacity and therefore his conduct was not a criminal matter.

On March 16, 2015, Independent Police Review Authority Investigator [REDACTED] went to look for evidence near the incident. He memorialized his findings in a **Video Viewing Memorandum**. While there were two exterior cameras at Ombudsman School, located at [REDACTED] and [REDACTED] the cameras were facing the wrong direction and did not capture any of the events.

## VI. ANALYSIS

### Allegations against Officer [REDACTED]

COPA finds **Allegation #1**, that Officer [REDACTED] drove his assigned covert vehicle in front of [REDACTED] and applied the brakes in an effort to stop her vehicle is **SUSTAINED** as a violation of rules 1 and 6.

Rule 1 prohibits an officer from violating any rule or ordinance. Under 625 ILCS 5/11-503, a person commits reckless driving when a person drives any vehicle with a willful or wanton disregard for the safety of persons or property. Rule 6 prohibits an officer from being disobedient of an order or directive, whether written or verbal. Bureau of Patrol Special Order 09-06 section

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<sup>34</sup> Attachment 54

<sup>35</sup> Attachment 60

<sup>36</sup> Attachment 48

<sup>37</sup> Attachment 49

<sup>38</sup> Attachment 125

<sup>39</sup> Attachment 96

III(A) states that “covert vehicles will only be used for surveillance, intelligence gathering and undercover police operation.” Section III(B) states that “covert vehicles will not be used by department members for general patrol duties. Based on the evidence discussed above, Officer ██████ engaged in a road rage altercation in violation of state law and rule 1. He also violated rule 6 and Special Order 09-06 by identifying himself as a police officer and using the tools of his office to investigate a driver involved in a routine traffic incident, which is a routine patrol duty.

It is more likely than not that the altercation occurred because of the consistency of the witnesses’ statements relative to the verifiable evidence contrary to Officer ██████ lack of memory. Witnesses all reported that the red minivan sped in front of them, abruptly slammed on the brakes, causing ██████ to swerve to the side to avoid a collision. They were consistent in saying that a man got out of the van, pointed a gun at them, told them to calm down, then identified himself as a police officer. They recalled that the man took a photograph of their license plate, then followed them down the street before finally driving away. They stated that they also recorded his license plate number. They shared the same story of flagging down police officers who went after the man in the van. All of these statements are consistent with the evidence collected.

At 1749 hours, Officer ██████ a member of Officer ██████ unit, searched ██████ license plate “██████” through LEADS with his in-car computer system. Officer ██████ drove the enforcement car for the unit, which was the only car in the unit with a PDT computer system. It is unlikely that Officer ██████ would search ██████ license plate by pure coincidence, at the time of the event, given Officer ██████ only searched four license plates that day in more than ten hours of duty. In ██████ statement, she told investigators that she flagged down the first police officer she encountered after the incident and provided him with a description of Officer ██████ vehicle and license plate number “██████”. At 1750 hours, Officer ██████ searched the license plate number “██████” from his in-vehicle PDT. ██████ stated that she called her sister, Officer ██████ after the incident and provided her with the facts of the incident including a description of the red van and the license plate number. Officer ██████ later searched plate number “██████” in a computer at her district. Later, the witnesses identified Officer ██████ in separate photographic spreads, on separate days, amid several very similar faces. Because of the strong link between the statements of the witnesses and verifiable evidence, it is more likely than not that the altercation occurred as alleged by the witnesses.

Officer ██████ statements indicated his willfulness to engage in reckless driving. The witnesses stated that Officer ██████ either said, “I tried to make you hit me, you stupid bitch” or “you f-in bitch, you made me try to fucking hit you.” Either statement speaks heavily toward the intentionality of his actions when viewed in the context of what appears to have been an emotionally-charged traffic dispute or a road rage incident. Officer ██████ behavior and statements indicate that he intentionally got in front of ██████ slamming on his brakes with the intent of forcing ██████ to stop her vehicle, which could have caused a collision. He was driving with a disregard for the potential of causing an accident which is reckless driving in violation of rule 1 and 625 ILCS 5/11-503.

Further, evidence shows that on March 4, 2015, Officer ██████ was assigned to drive a covert red Dodge Caravan. Because Officer ██████ was driving a covert vehicle when he engaged in the altercation, he is also subject to the rules and regulations for operating a covert

vehicle. Bureau of Patrol Special Order 09-06 prohibits an officer in a covert vehicle from engaging in general patrol duties, such as making traffic stops. Based on the credible testimony of the witnesses, Officer [REDACTED] drove in the manner he did to force [REDACTED] to stop her vehicle with the purpose of scolding her and obtaining her license plate number for further investigation.

After Officer [REDACTED] successfully stopped [REDACTED] vehicle by braking in front of her, he exited his vehicle and approached [REDACTED] vehicle. [REDACTED] attempted to drive around him, fearing for her family's safety. In response, Officer [REDACTED] reached back into his vehicle to get his gun, which he pointed at the passenger window of [REDACTED] vehicle to force [REDACTED] to stay still while he got her license plate number. As [REDACTED] daughter screamed at the gun, Officer [REDACTED] told them, "calm the fuck down, I'm the police." When Officer [REDACTED] identified himself as an officer, he invoked the power of his office to compel [REDACTED] compliance. In effect, Officer [REDACTED] effected a traffic stop by using his vehicle to stop hers, using his firearm to restrain [REDACTED] motion, and identifying himself as an officer to exert his authority. In doing so, Officer [REDACTED] violated of rule 6 and Bureau of Patrol Special Order 09-06. Officer [REDACTED] told investigators that the only reason a covert vehicle would make a traffic stop is in a life-threatening emergency. However, there is no evidence to suggest such an emergency existed in this incident.

For the foregoing reasons, the allegation that Officer [REDACTED] drove his assigned covert vehicle in front of the vehicle driven by [REDACTED] and intentionally slammed the brakes, causing her to abruptly stop and almost cause a rear end collision is **SUSTAINED**.

COPA finds **Allegation #2** that Officer [REDACTED] pointed his gun in the direction of [REDACTED] vehicle and its occupants is **SUSTAINED** as a violation of rules 9 and rule 38. Rule 9 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Rule 38 prohibits an officer from engaging in any unlawful or unnecessary use or display of a weapon. An unjustified display of a weapon to threaten any person who has not demonstrated themselves to be an active threat would be a violation of all of the above.

As discussed above, the witnesses are credible and consistent about their interaction with Officer [REDACTED]. According to [REDACTED] Officer [REDACTED] pulled out his gun and told her she, "better calm down." Following the incident, [REDACTED] stated that she flagged down a squad car and informed them of her allegations. This is consistent with the search history of Officer [REDACTED] in-car computer, showing that he ran the license plate associated with the red minivan driven by Officer [REDACTED] approximately two or three minutes after the incident. There is no reason to believe [REDACTED] would not have informed Officer [REDACTED] of the entire incident, including the display of the gun, which likely prompted Officer [REDACTED] to run the license plate of the minivan.

In the Original Case Incident Report, written by Officer [REDACTED] at 2338 hours at the 12<sup>th</sup> District Police Station, [REDACTED] again recounted to Officers how Officer [REDACTED] got out of his vehicle, said, "you better calm down, I'm a police officer," and pointed his gun at them, before taking a picture of their license plate and driving away. In the interview of Officer [REDACTED] told investigators that [REDACTED] had called her hysterically and told her that "she was involved in a road rage and the person got outta the car and pointed the gun at her and said he was the police and then she flagged down two officers."

██████████ told a very similar story to Independent Police Review Authority investigators on March 9, 2015, just four days later. ██████████ children also gave similar accounts to investigators, in addition to identifying him in a photo array a month after the incident. The complainant and her family demonstrated an accurate and specific memory of the event. They all independently recalled details such as Officer ██████████ appearance, the black Nissan Altima that was driving with Officer ██████████ and where they were when everything happened. These details remained consistent throughout their multiple interviews regarding this incident. For these reasons, we found the Complainant and witnesses to be credible in alleging that Officer ██████████ pointed a gun at her vehicle and children.

There is nothing to indicate that Officer ██████████ was attempting to take ██████████ into custody or even engage in an intentional and lawful traffic stop. He did not ask for license or registration. He did not issue a citation. He did not radio for the enforcement car, which was the protocol in such a situation. He did not indicate that she had committed any kind of traffic violation for which she was being stopped. He simply yelled profanities at her, then told them to “calm the fuck down.” Moreover, he was dressed in civilian clothes, with no identifying police apparel, driving a covert red minivan. Even if he did attempt to detain ██████████ there was no discernible difference between Officer ██████████ and an irate driver with road rage, which would give her every reason to resist.

Based on the available evidence, there is also nothing to indicate that the complainant or her family presented a threat to Officer ██████████ that would necessitate displaying his weapon. Further, at the time of the incident, Officer ██████████ was acting out of the scope of his duties as a covert officer at the time of the incident, which suggests that he did not have the legal authority to engage with ██████████ in the way that he did. The allegation that Officer ██████████ unnecessarily displayed his weapon and pointed it at the Complainant and her family is **SUSTAINED** by a preponderance of the evidence.

COPA finds **Allegation #3**, that Officer ██████████ directed profanities and insults at ██████████ is **SUSTAINED**. Rule 8 prohibits an officer from disrespecting or mistreating any person, while on or off duty. Insulting and swearing at someone would clearly be a disrespectful act and mistreatment of that person. As stated earlier, Officer ██████████ cannot recall anything related to this incident, so the assessment is based on the credibility and consistency of the complainant and witnesses. Here, the Complainant and the witnesses are consistent in their allegations that Officer ██████████ directed profanities at them. Specifically, according to ██████████ he told them to “calm the fuck down he’s the fucking police.” According to ██████████ Officer ██████████ told them, “calm the fuck down, I’m the police.” According to ██████████ Officer ██████████ said, “calm the fuck down he’s the fucking police.” ██████████ and ██████████ are also consistent in saying Officer ██████████ called ██████████ a “fucking bitch.” Accordingly, this allegation is Sustained, by a preponderance of the evidence.

COPA finds **Allegation #4**, that Officer ██████████ engaged in an unjustified altercation with Ms. ██████████ is **SUSTAINED**. Rule 9 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Any of the conduct alleged

would suffice to meet this allegation, let alone all of it in combination. Based on the evidence presented, Officer ██████ used his covert vehicle to initiate a traffic stop of a vehicle against Department policy without any identified, lawful purpose. Officer ██████ then directed profanities at her and pointed his weapon at her and her children. There is no evidence to suggest any legal justification for Officer ██████ initiating the traffic stop, engaging in a verbal altercation with ██████ and her passengers, or displaying his firearm. Specifically, Officer ██████ offers no recollection of the incident at all and there are no Department reports or communication that memorialize any lawful purpose or justification for Officer ██████ actions. Accordingly, this allegation is Sustained by a preponderance of the evidence.

#### **Allegations against Officer ██████**

COPA finds the allegation that Officer ██████ used LEADS to conduct an inquiry of ██████ license plate without justification is **NOT SUSTAINED**. Rule 6 prohibits an officer from being disobedient of an order or directive, whether written or verbal. General Order 09-01-01(VI)(A)(2) limits the access of computerized information to official police business. While the evidence is clear that Officer ██████ driving the enforcement vehicle on March 4, 2015, searched the license plate of ██████ there is no evidence of his motivation for doing this. As discussed above, it is standard procedure for members of the covert unit to radio information back to the enforcement car. Here, we have no evidence of the conversation that preceded the search. Further, we know that Officer ██████ was on duty at the time of the search, so it is possible that he ran the search in the normal course of his duties. Similarly, as discussed above, members of the covert unit frequently drive separately to the locations of interest and there is no evidence to suggest that Officer ██████ was present for this stop. Accordingly, there is insufficient evidence to prove or disprove this allegation.

#### **Allegations against Officer ██████**

COPA finds the allegation that Officer ██████ accessed the Department's computerized information systems, including LEADS, for non-departmental purposes **SUSTAINED**. Rule 6 prohibit an officer from being disobedient of an order or directive, whether written or verbal. General Order 04-01(III)(B)(4) expressly states that members will not: "investigate or arrest an individual when the member investigating or arresting is personally or financially involved or when the member's family member, friend, acquaintance, tenant, landlord, or other individual with personal or financial ties is involved." Here, we know that Officer ██████ and ██████ are sisters.

As discussed above, Officer ██████ was off duty when she received a call from ██████ stating that a man claiming to be a police officer pulled a gun on her and her family. Officer ██████ returned to her district, logged on to a computer, and began searching for the suspect. When Officer ██████ did not find anything useful, Officer ██████ left the police station. Officer ██████ did not disclose her search to anyone. Officer ██████ did not inform Internal Affairs Division when she believed it was a police officer, nor did she make a complaint on her sister's behalf when she believed that the suspect was a civilian.

General Order 09-01-01(VI)(A)(2) limits the access of computerized information to official police business. The use of computerized information for personal reasons is strictly prohibited. Officer ██████ use of LEADS was to investigate for a family member. Further, Officer ██████ stated that she abandoned the investigation when she learned that ██████ was going to come in and make the complaint herself. Officer ██████ candor about her investigative actions gives credibility to her stated intent.

While we can empathize with Officer ██████ sincere desire to help her sister, we recognize that these are the exact actions the rule was designed to prevent. There should be no question of whether an officer would misuse information discovered in an investigation because an officer should not be personally vested in that information. The allegation that Officer ██████ conducted a preliminary investigation in a matter involving a family member is **SUSTAINED**.

### **Allegations against Officer ██████**

COPA finds **Allegation #1**, that Officer ██████ failed to conduct a preliminary investigation when a information by ██████ that she was involved in an altercation with an armed man **SUSTAINED** as a violation of rule 6. Rule 6 prohibits an officer from violating any order or directive. General Order G04-01, section III requires an officer to, among other things, “conduct a thorough and accurate investigation,” “convey a sense of concern and general interest to all persons in need of police service,” and “complete and submit all necessary reports and notifications.” Section IV requires an officer to “alert other police units by sending a flash message,” when appropriate. It also requires an officer to inform the dispatcher of their pursuit of an offender. There is evidence that upon hearing ██████ account of her incident with Officer ██████ Officers ██████ and ██████ failed to take many of these required actions.

█████ alleged that at approximately 1749 hours she had an altercation with Officer ██████ Immediately following the altercation, ██████ flagged down the first patrol car that she encountered somewhere near ██████ Avenue. ██████ maintained across multiple statements to multiple people on multiple days, including in a report to the police, that she flagged down a patrol car with two officers in it, told them what happened, and provided them the suspect’s license plate of ██████ According to ██████ the officers told her to wait at home and they would find her later, then drove off in pursuit of the suspect. After several hours passed with no communication from the officers, ██████ then went into the police station to make another report of the incident.

We find ██████ account more credible than those of Officer ██████ and Officer ██████ The evidence shows that on March 4, 2015, Officer ██████ and Officer ██████ were assigned to Beat ██████ On that date, Beat ██████ was assigned to car ██████ GPS tracking results for beat ██████ for that time period showed Officers ██████ and ██████ to be within blocks of where ██████ allegedly flagged officers down. Both Officers admitted that the location of the incident bordered their patrol area. ██████ identified the two officers she flagged down as a white male and Hispanic male. Officer ██████ is a white male. Officer ██████ is a Hispanic male.

Immediately prior to the alleged interaction with ██████ Officers ██████ and ██████ were responding to a domestic disturbance at ██████, again, within blocks of where

alleged the events occurred. In the middle of that event, someone in car using Officer PC username, searched the license plate at 1750 hours, which was the same plate number alleged that she provided the officers she flagged down. According to the officers then drove off in the direction of the suspect, who she stated continued down after she turned off. GPS for beat hit at or near Avenue, the direction Officer was alleged to have gone.

Ten minutes later, someone in vehicle resumed searching other license plates. Neither Officer nor Officer made any radio transmission, flash message, or report about this incident. Officers and did not offer an alternative explanation. Neither officer recalled any part of this incident, nor could they explain the search of that license plate at that time. The alignment of all of these events could not possibly be a coincidence. While a substantial amount of time has passed since this incident occurred, their answers have not changed since they were first interviewed as witnesses less than six months after it occurred, which was then to say that they did not recall what happened.

Based on the evidence, Officer violated rule 6 in failing to perform his duties under General Order G04-01. Specifically, Officer failed to conduct a thorough and accurate investigation by discontinuing the search after only ten minutes; failed to convey a sense of concern and general interest to all persons in need of police service by failing to follow up with and failed to complete and submit all necessary reports and notifications by failing to make any notification about the incident at all. This allegation is **SUSTAINED**.

COPA finds **Allegation #2**, that Officer failed to document, report or otherwise record the misconduct by an officer **SUSTAINED** as a violation of rule 3. Rule 3 prohibits an officer from engaging in conduct that is contrary to the Department's goals and policies. Specifically, "this rule prohibits any omission or failure to act by any member of the department, whether on or off duty, which would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisor and other members who, through carelessness, inefficiency or design fail to report to the Department any and all known violations of the same..." Based on the evidence discussed above, approached Officer with a credible account that Officer pulled a gun on her during a traffic dispute. Instead of reporting the allegations to the Department, Officer drove away and never took any action on the information.

Policy 5 discusses the duty of Department members to be a positive reflection of the Department because of the publicity of the role, saying, "an officer's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted or unjustified he, and the Department are criticized far more severely than comparable conduct of persons in other walks of life." Rule 3 would require the disclosure of allegations to the Department because the conduct alleged would have been unwarranted or unjustified and would reflect poorly upon the Department. The allegation is sustained because the evidence shows that Officers and received the complaint from and failed to make a disclosure about it to anyone, regardless of whether they believed that the suspect was a police officer or not.

**Allegations against Officer [REDACTED]**

It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to conduct a preliminary investigation when informed by [REDACTED] that she was involved in an altercation with an armed man in a vehicle with license plate # [REDACTED]

This allegation is **SUSTAINED**. For the reasons mentioned above in Allegation 1 against Officer [REDACTED]

It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to document, report, or otherwise record the misconduct by an officer alleged by [REDACTED]

This allegation is **SUSTAINED**. For the reasons mentioned above in Allegation 2 against Officer [REDACTED]

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer [REDACTED]**

**i. Complimentary and Disciplinary History**

1. Officer [REDACTED] Complimentary history was taken into consideration when deciding the recommended discipline in this case.
2. Officer [REDACTED] does not have a history of discipline.

**ii. Recommended Penalty**

The incident that gave rise to the allegations in this case occurred March 4, 2015. Here, COPA has sustained four allegations related to Officer [REDACTED] reckless use of his covert vehicle, unnecessarily pointing his firearm at civilians, including minors; his use of profanity and unnecessarily engaging in an altercation with the Complainant and her children. Officer [REDACTED] was not forthcoming in his COPA interview. Officer [REDACTED] conduct was unnecessary and egregious. COPA also considers the fact that Officer [REDACTED] conduct occurred in 2015 and he does not have a history of discipline. Due to the severity of the situation and Officer [REDACTED] favorable history, COPA recommends a 15-day suspension.

**iii. Recommended Penalty, by Allegation**

- |                     |                   |
|---------------------|-------------------|
| 1. Allegation No. 1 | Suspension 15-day |
| 2. Allegation No. 2 | Suspension 15-day |
| 3. Allegation No. 3 | Suspension 15-day |
| 4. Allegation No. 4 | Suspension 15-day |

**b. Officer [REDACTED]**

**i. Complimentary and Disciplinary History**

1. Officer [REDACTED] Complimentary history was taken into consideration when deciding the recommended discipline in this case.
2. Officer [REDACTED] does not have a history of discipline.

**ii. Recommended Penalty**

The incident that gave rise to the allegations in this case occurred March 4, 2015. Here, COPA has sustained one allegation related to Officer [REDACTED] misuse of LEADs for personal purposes. Officer [REDACTED] was forthcoming in her COPA interview. Although COPA believes there was no malicious intent and Officer [REDACTED] only desired to help her sister, the misuse of LEADs access is serious and Officer [REDACTED] actions were a clear violation of CPD general orders. Therefore, COPA recommends a 1-day Suspension.

**iii. Recommended Penalty, by Allegation**

- 1. Allegation No. 1                      Suspension 1-day**

**a. Officer [REDACTED]**

**i. Complimentary and Disciplinary History**

1. Officer [REDACTED] Complimentary history was taken into consideration when deciding the recommended discipline in this case.
2. Officer [REDACTED] does not have a history of discipline.

**ii. Recommended Penalty**

The incident that gave rise to the allegations in this case occurred March 4, 2015. Here, COPA has sustained two allegations related to Officer [REDACTED] failure to assist a civilian in distress and failure to report misconduct of an officer. Officer [REDACTED] was not forthcoming in his COPA interview. COPA takes these allegations seriously and believes it is an upmost priority for officers to protect citizens, even against another officer. However, COPA recognizes that the facts in this case occurred in 2015 and Officer [REDACTED] does not have a history of discipline. Therefore, COPA recommends a 5-day Suspension.

**iii. Recommended Penalty, by Allegation**

- 1. Allegation No. 1                      Suspension 5-day**
- 2. Allegation No. 2                      Suspension 5-day**

**b. Officer [REDACTED]**

**i. Complimentary and Disciplinary History**

1. Officer [REDACTED] Complimentary history was taken into consideration when deciding the recommended discipline in this case.
2. Officer [REDACTED] does not have a history of discipline.

**ii. Recommended Penalty**

The incident that gave rise to the allegations in this case occurred March 4, 2015. Here, COPA has sustained two allegations related to Officer [REDACTED] failure to assist a civilian in distress and failure to report misconduct of an officer. Officer [REDACTED] was not forthcoming in his COPA interview. COPA takes these allegations seriously and believes it is an upmost priority for officers to protect citizens, even against another officer. However, COPA recognizes that the facts in this case occurred in 2015 and Officer [REDACTED] does not have a history of discipline. Therefore, COPA recommends a 5-day Suspension.

**iii. Recommended Penalty, by Allegation**

- |                     |                  |
|---------------------|------------------|
| 1. Allegation No. 1 | Suspension 5-day |
| 2. Allegation No. 2 | Suspension 5-day |

**VIII. CONCLUSION**

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

Officer	Allegation	Findings/ Recommendations
Officer [REDACTED]	5. [REDACTED] alleged that on 04 Mar 15, at approximately 1749 hours, in the vicinity of [REDACTED] you drove your assigned covert vehicle in front of her vehicle and intentionally slammed the breaks, causing her to abruptly stop and almost caused a rear-end collision.	SUSTAINED
	6. [REDACTED] alleged on 04 Mar 15, at approximately 1749 hours, in the vicinity of [REDACTED] you	SUSTAINED

	<p>approached her vehicle with your gun pointed at her and her children.</p> <p>7. [REDACTED] alleged on 04 Mar 15, at approximately 1749 hours, in the vicinity of [REDACTED] you said, "I'm the fucking police, calm the fuck down, stupid bitch, crazy bitch" and "fucking [REDACTED] bitch."</p> <p>8. It is alleged on 04 Mar 15, at approximately 1749 hours, in the vicinity of [REDACTED] you engaged in an unjustified altercation with Ms. [REDACTED]</p>	<p>SUSTAINED</p> <p>SUSTAINED</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>2. It is alleged by Inv. [REDACTED] # [REDACTED] that on 04 Mar 15, at approximately 1749 hours, you, with your sign in identification number of [REDACTED] on a mobile PDT, number [REDACTED] conducted a LEADS inquiry of Illinois license plate # [REDACTED] registered to [REDACTED] without justification.</p>	<p>NOT SUSTAINED</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>2. It is alleged that on 04 Mar 15, at approximately 1826 hours, at [REDACTED], ([REDACTED] District Police Station) while off-duty, you conducted a preliminary investigation into an incident involving your sister, [REDACTED] and accessed the Department's computerized information system, including LEADS inquiry on Illinois license plate # [REDACTED] for non-departmental purposes.</p>	<p>SUSTAINED</p>

<p>Officer [REDACTED] [REDACTED]</p>	<p>3. It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to conduct a preliminary investigation when informed by [REDACTED] that she was involved in an altercation with an armed man in a vehicle with license plate # [REDACTED]</p> <p>4. It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to document, report, or otherwise record the misconduct by an officer alleged by [REDACTED]</p>	<p>SUSTAINED</p> <p>SUSTAINED</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>3. It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to conduct a preliminary investigation when informed by [REDACTED] that she was involved in an altercation with an armed man in a vehicle with license plate # [REDACTED]</p> <p>4. It is alleged that on March 4, 2015, at approximately 1750 hours, Officer [REDACTED] failed to document, report, or otherwise record the misconduct by an officer alleged by [REDACTED]</p>	<p>SUSTAINED</p> <p>SUSTAINED</p>

Approved:

[REDACTED]

*Deputy Chief Administrator – Chief Investigator*

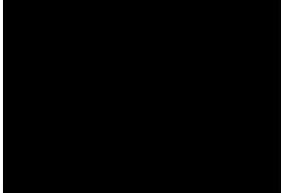
January 31, 2019

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	6
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	