

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date / Time of Incident:	October 7, 2016 at approximately 3:42 p.m.
Location of Incident:	At or near 2056 E. 71 st Street, Chicago, Illinois 60649
Date / Time of COPA Notification:	October 7, 2016 at approximately 3:42 p.m.

On-duty Chicago Police Department (“CPD”) officers pulled over ██████████ (██████████) for failure to stop at a stop sign. While officers were preparing the ticket, ██████████ wife, ██████████ (██████████) appeared on the scene and became belligerent with the officers for giving her husband a ticket. Officer ██████████ (“Officer ██████████”) placed ██████████ in handcuffs for impeding a traffic stop and failure to provide identification. ██████████ contends that Officer ██████████ improperly placed her in handcuffs, was rough with her, and lied to her. After reviewing the evidence, COPA has determined by clear and convincing evidence that the officer’s conduct did not constitute misconduct.

II. INVOLVED PARTIES

Involved Officer #1:	Officer ██████████ Star # ██████████ Employee # ██████████ Date of appointment ██████████ 2013, Rank: Police Officer, Unit of Assignment: ██████████ DOB: ██████████ 1985, Male, WWH
Involved Individual #1:	██████████ DOB: ██████████ 1974, Female, B

III. ALLEGATIONS^{2,3}

Officer	Allegation	Finding / Recommendation
Officer ██████████ ██████████	1. On October 7, 2016, at approximately 3:42 p.m., at or near 2056 E. 71 st Street, Chicago, Illinois 60649, the accused wrongfully placed complainant in handcuffs and then placed her in the back of the police car without sufficient legal cause.	Unfounded

¹ On September 15, 2017, 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.

² Due to several factors, COPA declined to advance ██████████ complaint (failure to take a complaint of misconduct) against Sergeant ██████████. After an initial review, the case is past the 18-month period in which discipline is required to be brought against a Sergeant as a result of misconduct. In addition, due to the age of this case the probative value of any interview of Sergeant ██████████ about what he said almost three years ago has diminished. Furthermore, most of what Sergeant ██████████ tells the complainant is indecipherable from the in-car camera video tape.

³ Formal allegations were not served on Officer ██████████

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8, CPD Rules of Conduct (Prohibits officers from being disrespectful to or maltreating any person, while the officer is on or off duty)
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V. INVESTIGATION⁴

a. Interviews

██████████ gave an audio recorded interview on October 11, 2016.⁵ In the interview, ██████████ essentially maintained that Officer ██████████ placed her in handcuffs for no reason, slammed her against the police vehicle, and lied to her. She stated that she came upon the scene, because she had been looking for her husband, and when she called him, he told her that he had been stopped, but he did not know the reason. According to ██████████ when she initially came to the officers' vehicle, she merely asked what was going on and Officer ██████████ told her to get the fuck away from the car. She then said that she was talking in a normal tone of voice, as she was during the interview, and told the officer that she was merely trying to find out what was going on in order to find out if they needed her to remove her son from her husband's vehicle. She said that Officer ██████████ jumped out of his vehicle and came around. She said that Officer ██████████ then walked her to the back of the vehicle and told her that she was being cuffed because she failed to provide her identification when asked. She said she told the officer that he never asked her for her identification. While in the back of the police vehicle, ██████████ calls 911 asking for a supervisor to come to the scene.

According to ██████████ when the Sergeant came on the scene, she told him what had happened, and he said, "are you serious," it's not even worth the paperwork. ██████████ claims that the Sergeant told the officer not to even write the ticket and to release her, but the ticket had already been written. ██████████ also stated that Officer ██████████ shoved her against the vehicle when he handcuffed her. Although she never sought medical treatment.

b. Digital Evidence

In-Car Camera ("ICC")

COPA viewed ICC footage depicting the Officer ██████████ conduct with respect to the complainant, ██████████⁶ The footage demonstrates that when ██████████ came on the scene of this traffic stop, she was immediately belligerent.

⁴The following is a summary of the material evidence relied upon by COPA in our analysis.

⁵Attachment 5 is an audio-video recording of the ██████████ October 11, 2016 interview.

⁶Attachment 29 is video footage that depicts the traffic stop.

ICC shows that when she came on the scene, she asked the officers what was going on, and when they told her that they were conducting a traffic stop for her husband's failure to stop at a stop sign, [REDACTED] immediately began arguing with them, maintaining that with all of the drug dealers, it was crazy that they were arresting a man when he was picking up his son.

The video demonstrates that when [REDACTED] was yelling and swearing, Officer [REDACTED] in a calm tone, asked [REDACTED] how he could help her, and explained that they were investigating a traffic stop. She told Officer [REDACTED] that he was lying that her husband did not fail to stop at a stop sign.

The video further shows that when Officer [REDACTED] did get out of his vehicle, [REDACTED] had already come from the passenger window to the front of the vehicle on the driver's side and was coming towards Officer [REDACTED]

Finally, at no time during the video does Officer [REDACTED] throw/push [REDACTED] up against a vehicle. However, Officer [REDACTED] does handcuff [REDACTED] and briefly detains [REDACTED] in the rear of a police vehicle.

c. Documentary Evidence

Traffic Ticket

The ticket relating to the traffic stop⁷ describes the reasons for the traffic stop. The ticket indicates that at approximately 3:42 on October 7, 2016, Officers stopped [REDACTED] for failure to come to a complete stop at a stop sign.

VI. ANALYSIS

COPA finds by clear and convincing evidence the [REDACTED] allegations are without merit.

We find that the ICC footage shows [REDACTED] as immediately aggressive, argumentative, and combative. It further demonstrates that while [REDACTED] was yelling, Officer [REDACTED] was attempting to talk to her in a calm manner. He asked her how he could help her, and then she screamed at him. When Officer [REDACTED] explained that they were investigating a traffic stop, [REDACTED] called him a liar and stated that her husband did not fail to make a complete stop, despite the fact that she was not in the vehicle with her husband at that time.

While [REDACTED] claimed in her interview that she was talking to the officers in a normal tone of voice, the video shows that she very quickly raised her voice and was yelling and swearing at the officer while Officer [REDACTED] calmly spoke to her.

The video does not show Officer [REDACTED] telling [REDACTED] to get the fuck away from the vehicle.

⁷ Attachment 13.

Moreover, contrary to ██████ claim that she was merely trying to find out if she needed to remove her son from her husband’s vehicle, there is no indication on the video that she ever asked about her son.

Finally, ██████ alleged that Officer ██████ threw her against the police car when he cuffed her, the video refutes this.

In sum, we find that the evidence proves ██████ general allegation of a lack of professionalism on Officer ██████ part to be baseless. We further find that Officer ██████ temporary detention of ██████ was reasonable and justified when considering ██████ overall behavior, her interference with the traffic stop, and Officer ██████ interest in controlling the scene of the traffic stop.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer ██████ ██████	1. On October 7, 2016, at approximately 3:42 p.m., at or near 2056 E. 71 st Street, Chicago, Illinois 60649, the accused wrongfully placed complainant in handcuffs and then placed her in the back of the police car without sufficient legal cause.	Exonerated

Approved:

████████████████████
████████████████████
████████████████████

July 15, 2019

Andrea Kersten
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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