

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 15, 2018
Time of Incident:	11:03 p.m.
Location of Incident:	7900 South Oglesby Avenue Chicago, Illinois 60617
Date of COPA Notification:	February 16, 2018
Time of COPA Notification:	3:06 p.m.

On February 15, 2018, Police Officer's [REDACTED] and [REDACTED] allegedly conducted a traffic stop on [REDACTED] for no reason. It was further alleged that PO [REDACTED] called Mr. [REDACTED] a "cocksucker," and threw his ID card at him.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Appointed: [REDACTED], 1991, Police Officer, [REDACTED] [REDACTED], DOB: [REDACTED], 1964, Male, Caucasian
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Appointed: [REDACTED], 2004, Police Officer, [REDACTED]g [REDACTED], DOB: [REDACTED], 1977, Male, Caucasian
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1978, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer stopped [REDACTED] without justification in violation of Rule 6.	Not Sustained
	2. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer called [REDACTED] a "cocksucker" in violation of Rule 9.	Not Sustained

	<p>3. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer threw [REDACTED] license at [REDACTED] in violation of Rule 9.</p> <p>4. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete an Investigatory Stop Report (ISR) in violation of Rule 6.</p> <p>5. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete the Illinois Traffic and Pedestrian Statistical Study in violation of Rule 6.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained/Violation Noted and training</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer stopped [REDACTED] without justification in violation of Rule 6.</p> <p>2. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete an Investigatory Stop Report (ISR) in violation of Rule 6.</p> <p>3. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete the Illinois Traffic and Pedestrian Statistical Study in violation of Rule 6.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained/Violation Noted</p>

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 6: Disobedience of an order or directive, whether written or oral.
 2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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Special Orders

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1. Special Order S04-13-09 Investigatory Stop System (effective July 10, 2017 – present)
 2. Special Order S04-14-09 Illinois Traffic and Pedestrian Stop Statistical Study (effective May 20, 2016 – March 22, 2018)

State Laws

1. 625 ILCS 5/11-212 Traffic and Pedestrian Stop Statistical Study (TPSSS).

V. INVESTIGATION¹**a. Interviews**

On May 20, 2018, **complainant** ██████████² provided a statement to COPA. Mr. ██████ reported that on February 15, 2018, he was on his way to work and was stopped by Chicago Police officers. Mr. ██████ reported PO ██████████ approached the vehicle. Mr. ██████, who was in a hurry to get to work, asked why PO ██████████ pulled him over. Mr. ██████ reported the officer never told him why he stopped him. PO ██████████ got an attitude and told Mr. ██████ “fuck your job, give me your license.” PO ██████████ then asked Mr. ██████ “what are you looking at, you can’t look at me like that.” PO ██████████ continued to stand at his door for about a minute and repeatedly said “I dare you to keep looking at me like that.”

Mr. ██████ then called 911 and requested a supervisor. When PO ██████████ saw him on the phone requesting a supervisor, PO ██████████ called him a “cocksucker,” threw his license in the car and walked away. Mr. ██████ noticed a second officer was banging on the hood and identified himself as the supervisor. He described the second officer was a bald white male, but Mr. ██████ was unable to get his name. Mr. ██████ did not believe this officer was a supervisor and said he would just file a complaint the following day. Mr. ██████ related this is a normal scenario in his neighborhood. Mr. ██████ related that people are pulled over at random without having committed any traffic violations. Mr. ██████ related that neither officers were wearing body cameras.

On July 30, 2018, **Police Officer** ██████████³, **Star #** ██████, provided a statement to COPA. PO ██████████ related on February 15, 2018, he and his partner, PO ██████████, were in an unmarked squad car in plain clothes. PO ██████████ related he does not recall the Mr. ██████ traffic stop. He confirmed that it was his PDT number logged in the computer that ran Mr. ██████ license plate but he had no recollection of the stop and was not able to provide any information as to why he stopped Mr. ██████. PO ██████████ described his understanding of the mandatory Statistical Study “blue card” and that it should be completed after every traffic stop, as well as when to complete an Investigatory Stop Report.

On July 30, 2018, **Police Officer** ██████████⁴, **Star #** ██████, provided a statement to COPA. PO ██████████ related that on February 15, 2018, he and his partner, PO ██████████, were on patrol. PO ██████████ said he does not recall stopping Mr. ██████. PO ██████████ said he would complete an ISR and a blue traffic card in traffic stops that do not result in tickets. PO ██████████ said he does not complete an ISR for every traffic stop and went on to explain that if he stopped

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. 13.

³ Att. 22.

⁴ Att. 20.

someone whose license and insurance were clear that he would not complete any paperwork for that stop. PO ██████ said his partner is usually in charge of completing the paperwork.

On August 8, 2018, **Sergeant ██████**,⁵ **Star # ██████**, provided a statement to COPA. Sgt. ██████ reported that on February 15, 2018, he has no recollection of the traffic stop involving Mr. ██████. Sgt. ██████ provided arrest reports⁶ of nearby arrests that he participated in at the same time as the Mr. ██████ traffic stop.

b. Documentary Evidence

The **Attendance and Assignment**⁷ sheet for February 15, 2018 shows beat ██████ as POs ██████ and ██████.

The **OEMC Event Query**⁸ shows that on February 15, 2018 at 10:57 p.m., a traffic stop was conducted at 7900 South Oglesby by beat ██████. The subject of the stop was ██████. Mr. ██████ driver's license was run through dispatch and came back clear.⁹ The stop was cleared at 11:26 p.m.

The **Unit Log Scan**¹⁰ shows that on February 15, 2018 at 10:55 p.m., Unit ██████ conducted a traffic stop at 7900 South Oglesby.¹¹ The unit communicated with dispatch regarding ██████ driver's license number ██████, which belongs to ██████.

The **PDT**¹² shows at 10:54 p.m., ██████ ran the ██████ license plate number ██████.¹³

COPA conducted a search of the Traffic Stop Statistical Study database in CLEAR but was unable to find any information related to this stop.¹⁴

c. Additional Evidence

The ██████ driver's license¹⁵ of ██████ shows license number ██████.

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;

⁵ Att. 25.

⁶ Att. 26.

⁷ Att. 9.

⁸ Att. 10.

⁹ The officers also ran other driver's license and license plate numbers. It is not clear whose information that was.

¹⁰ Att. 27.

¹¹ Immediately before the traffic stop, ██████ license plate number ██████, was run at 10:54 p.m.

¹² Att. 8.

¹³ On August 7, 2019, ██████ confirmed to COPA that this is his license plate number.

¹⁴ Att. 32.

¹⁵ Att. 11.

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

VII. ANALYSIS

A. Allegations against Officer ██████████

1. Stopped ██████████ without justification

According to ██████████, the officers stopped him for no reason. Neither PO ██████████ nor PO ██████████ recalled the stop. The OEMC Event Query, Unit Log Scan, and PDT show that PO's ██████████ and ██████████ did stop Mr. ██████████. However, in the absence of any evidence showing the stop was unlawful, and the officers' inability to recall the stop, COPA finds this allegation is **Not Sustained**.

2. Called ██████████ a "cocksucker"

According to ██████████, PO ██████████ called him a "cocksucker." PO ██████████ does not recall stopping ██████████ and reported he has never called anyone a "cocksucker." PO ██████████ said he has not heard PO ██████████ call anyone a "cocksucker." In the absence of any evidence to prove or disprove this allegation, this allegation is **Not Sustained**.

3. Threw ██████████ license at ██████████

According to ██████████, PO ██████████ threw Mr. ██████████ license at him. PO ██████████ does not recall stopping ██████████ and reported he has never thrown a license at anyone. PO

██████████ said he has not seen PO ██████████ throw a license at anyone. In the absence of any evidence to prove or disprove this allegation, and the PO's inability to recall the stop, COPA finds this allegation is **Not Sustained**.

4. Did not complete an Investigatory Stop Report (ISR)

Special Order S04-13-09 Investigatory Stop System (VIII)(A)(1) requires that an Investigatory Stop Report (ISR) be completed for all such stops that includes the reasonable articulable suspicion the officer used to temporarily detain the subjects and the reason for any search that takes place. PO ██████████ said he does not complete an ISR for every traffic stop and went on to explain that if he stopped someone whose license and insurance were clear that he would not complete any paperwork for that stop. PO ██████████ said his partner is usually in charge of completing the paperwork. POs ██████████ and ██████████ inability to recall this stop or what took place during this stop prevents COPA from determining whether an Investigatory Stop Report should have been completed for this traffic stop. Therefore, COPA finds this allegation is **Not Sustained**.

5. Did not complete the Illinois Traffic and Pedestrian Statistical Study

Special Order S04-14-09 Illinois Traffic and Pedestrian Stop Statistical Study (V)(C) requires that Department members who initiate a traffic stop record certain information about the stop, including the member's subjective determination of the driver's race, whether a search was conducted, and whether any contraband that was recovered. This requirement exists whether or not the stop resulted in a citation being issued. PO ██████████ reported PO ██████████ is commonly in charge of completing the paperwork. POs ██████████ and ██████████ were required to complete the Illinois Traffic and Pedestrian Statistical Study and did not do so, therefore, COPA finds this allegation is **Sustained**.

B. Allegations against Officer ██████████

1. Stopped ██████████ without justification

PO ██████████ said he does not recall stopping ██████████. As noted above in Allegation 1 against PO ██████████, in the absence of any evidence showing the stop was unlawful, COPA finds this allegation is **Not Sustained**.

2. Did not complete an Investigatory Stop Report (ISR)

As noted in Allegation 4 against PO ██████████, POs ██████████ and ██████████ inability to recall this stop or what took place during this stop prevents COPA from determining whether an Investigatory Stop Report should have been completed for this traffic stop. Therefore, COPA finds this allegation is **Not Sustained**.

3. Did not complete the Illinois Traffic and Pedestrian Statistical Study

In his statement to COPA, PO [REDACTED] described his understanding of the mandatory Statistical Study “blue card” and that it should be completed after every traffic stop. As noted in Allegation 5 against PO [REDACTED], POs [REDACTED] and [REDACTED] were required to complete the Illinois Traffic and Pedestrian Statistical Study and did not do so. Therefore, COPA finds this allegation is **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer [REDACTED]

i. Complimentary and Disciplinary History

PO [REDACTED] has been a CPD member since November 18, 1991. In that time, he has received 193 Honorable Mentions, 7 Department Commendations, 4 Complimentary Letters, 3 Special Commendations, 3 Honorable Mention Ribbon Awards, 2 Unit Meritorious Performance Awards, 1 Superintendent’s Award of Merit, and 1 Superintendent’s Award of Tactical Excellence. In the last seven years, PO [REDACTED] has received no discipline.

ii. Recommended Penalty, by Allegation

COPA recommends Violation Noted and retraining on Special Order S04-14-09. PO [REDACTED] could not recall this incident and could not explain why the appropriate paperwork was not completed for the traffic stop statistical study. PO [REDACTED] explained to COPA that he may not complete any paperwork for certain traffic stops and appeared to be unclear on when the blue card for the traffic stop statistical study was needed, although he noted that his partner was usually the one who wrote their reports. His extensive complimentary history and lack of disciplinary history in the last seven years demonstrates that this was not an intentional failure to complete the necessary report. With retraining on this matter, PO [REDACTED] will be better prepared to know when to complete reports in the future.

b. Officer [REDACTED]

i. Complimentary and Disciplinary History

PO [REDACTED] has been a CPD member since November 29, 2004. In that time, he has received 131 Honorable Mentions, 8 Department Commendations, 2 Complimentary Letters, 2 Special Commendations, 2 Honorable Mention Ribbon Awards, 2 Unit Meritorious Performance Awards, 1 Life Saving Award, and 1 Superintendent’s Award of Tactical Excellence. In the last seven years, PO [REDACTED] has received no discipline.

ii. Recommended Penalty, by Allegation

COPA recommends Violation Noted. PO [REDACTED] could not recall this incident and could not explain why the appropriate paperwork was not completed for the traffic stop statistical study. PO [REDACTED] explained to COPA what his normal process is during traffic stops, which includes completing this paperwork. His extensive complimentary history and lack of disciplinary history in the last seven years demonstrates that this is an isolated incident.

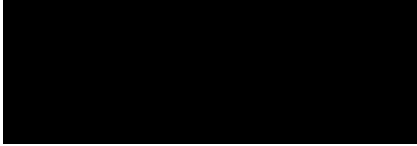
IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer ██████ ██████	<p>1. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer stopped ██████ without justification in violation of Rule 6.</p> <p>2. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer called ██████ a "cocksucker" in violation of Rule 9.</p> <p>3. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer threw ██████ license at ██████ in violation of Rule 9.</p> <p>4. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete an Investigatory Stop Report (ISR) in violation of Rule 6.</p> <p>5. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete the Illinois Traffic and Pedestrian Statistical Study in violation of Rule 6.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained/Violation Noted and training</p>
Officer ██████ ██████	<p>1. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer stopped ██████ without justification in violation of Rule 6.</p> <p>2. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete an Investigatory Stop Report (ISR) in violation of Rule 6.</p> <p>3. It is alleged, that on February 15, 2018, at approximately 11:03 PM, at 7900 S. Oglesby Ave., the accused officer did not complete the</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained/Violation Noted</p>

Illinois Traffic and Pedestrian Statistical Study in violation of Rule 6.

Approved:



October 27, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Major Case Specialist:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Andrea Kersten