

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

|                              |                    |
|------------------------------|--------------------|
| Date of First Incident:      | September 20, 2018 |
| Time of First Incident:      | 6:57 a.m.          |
| Location of First Incident:  | 56 W. Walton       |
| Date of Second Incident:     | September 20, 2018 |
| Time of Second Incident:     | 11:30 a.m.         |
| Location of Second Incident: | 1160 N. Larrabee   |
| Date of COPA Notification:   | September 20, 2018 |
| Time of COPA Notification:   | 12:21 p.m.         |

On September 20, 2018, at approximately 6:57 a.m., Officer ██████ conducted a traffic stop of ██████ near Walton Street and Clark Street, and issued two traffic citations. During the stop, ██████ alleged that Officer ██████ issued him citations for incidents that did not occur, made an inappropriate racial comment (calling him a Mexican), failed to return his insurance cards and threatened to arrest him in the future. ██████ further alleged that he went to the ██████ District and Sergeant ██████ failed to initiate a CR Log number against Officer ██████. COPA determined that these allegations are exonerated and unfounded.

II. INVOLVED PARTIES

|                        |   |
|------------------------|---|
| Involved Officer #1    | ██████████<br>Star # ██████ / Employee # ██████<br>Date of Appointment: ██████, 1995<br>Unit: ██████<br>Date of Birth: ██████, 1962<br>Female / Black |
| Involved Sergeant #1   | ██████████<br>Star # ██████ / Employee # ██████<br>Date of Appointment: ██████, 2003<br>Unit: ██████<br>Date of Birth: ██████, 1964<br>Female / Black |
| Involved Individual #1 | ██████████<br>Date of Birth: ██████, 1959<br>Male / Hispanic  |

**III. ALLEGATIONS**

| Officer                   | Allegation   | Finding  |
|---------------------------|--|--|
| Officer ██████<br>██████  | <p>On September 20, 2018, at approximately 6:57 a.m. at 56 W. Walton, during a traffic stop, you:</p> <ol style="list-style-type: none"> <li>1. Stopped ██████ without justification, in violation of Rule 6.</li> <li>2. Issued ██████ false traffic citations, in violation of Rules 1, 2 and 6.</li> <li>3. Made inappropriate racial comments at ██████ and called him a “Mexican”, in violation of Rules 2 and 9.</li> <li>4. Failed to return ██████ insurance cards, in violation of Rule 10.</li> <li>5. Threatened to arrest Mr. ██████ if you saw him in the downtown area, in violation of Rule 1.</li> </ol> | <p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> |
| Sergeant ██████<br>██████ | <p>On or around September 20, 2018 at approximately 11:30 a.m. near 1160 N. Larrabee St., you:</p> <ol style="list-style-type: none"> <li>1. Failed to initiate a CR Log number against Officer ██████ upon the request of Mr. ██████ in violation of Rule 6.</li> </ol>   | <p>Unfounded</p>   |

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 1 – Violation of any law or ordinance.
2. Rule 2 – Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 6 – Disobedience of an order or directive, whether written or oral.
4. Rule 9 -- Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
5. Rule 10 – Inattention to duty.

General Orders

1. General Order 08-01-02 – Specific Responsibilities Regarding Allegations of Misconduct.

## V. INVESTIGATION<sup>1</sup>

### a. Interviews

In a statement with COPA on September 20, 2018, ██████████ stated that he was pulled over for a traffic stop, by Officer ██████████. After waiting for five minutes, he got out of his vehicle and approached her squad car. Officer ██████████ told him to return to his car. ██████████ alleged that Officer ██████████ failed to inform him of the reason for the stop and that he was being recorded. Further, Officer ██████████ asked him about his insurance card and told him that only Allstate and State Farm were accepted. He provided her with his insurance cards and she failed to return them. ██████████ accused Officer ██████████ of asking him to sign the tickets, to provide her with \$200 and when he refused, and that she threatened to arrest him next time he was in the area. According to ██████████ Officer ██████████ issued him two false citations. ██████████ told her that he was going to file a complaint against her and she said to him, “Bye Mexican,” making him feel disrespected and that he was racially profiled. ██████████ stated that he went to a friend in a notary office, had him type a letter detailing the events and went to the ██████████ District Station with his son Jose ██████████. Upon arrival, he spoke with Sergeant ██████████ who refused to do anything about the citations or Officer ██████████ behavior. Sergeant ██████████ refused to read the letter, said that Officer ██████████ did nothing wrong and refused to file a complaint on his behalf. ██████████ accused Officer ██████████ of being unprofessional, a racist, and that she provided him with the wrong court date and accused Sergeant ██████████ of failing to file a complaint on his behalf.

In her statement with COPA on January 10, 2019, Officer ██████████ ██████████ stated the following. During her contact with ██████████ he spoke broken English, but he responded to everything that she asked him, so Officer ██████████ believed that he understood her. During the traffic stop of ██████████ he displayed a calm demeanor until she had to provide him with the two citations that were issued. Officer ██████████ stated that she provided ██████████ ample time to search for and locate his insurance cards. Officer ██████████ stated that she was with ██████████ for approximately 20 minutes prior to issuing him a citation for no insurance, however he failed to provide an updated card. Officer ██████████ denied all the allegations made against her and indicated that her body-worn camera and in-car camera recorded the incident. Officer ██████████ stated that she remained professional and respectful toward ██████████ even after he informed her that he was filing a complaint against her because of the citations. Officer ██████████ returned to the station a few hours later and saw ██████████ speaking with Sergeant ██████████. However, she did not remain at the front desk to hear or witness their conversation.

In her statement with COPA on January 15, 2019, Sergeant ██████████ ██████████ stated that ██████████ came into the station with another individual and he was upset about the citations that were issued by Officer ██████████. ██████████ spoke English and wanted Sergeant ██████████ to take the citations back. Sergeant ██████████ explained the citation and court process and told ██████████ that there was no complaint for her to file based on citations that were issued. Sergeant ██████████

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<sup>1</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>2</sup> Atts. 7 and 17. Mr. ██████████ interview was conducted in Spanish.

<sup>3</sup> Att. 31.

<sup>4</sup> Att. 35.

stated that at no time during her interaction with [REDACTED] did he complain of mistreatment, unprofessionalism or being racially profiled. Further, [REDACTED] never informed her of any other complaints against Officer [REDACTED] other than the citations. Sergeant [REDACTED] stated [REDACTED] did not present her with any letters or any other allegations against Officer [REDACTED]. Sergeant [REDACTED] stated that Officer [REDACTED] has always being professional and friendly.

### b. Digital Evidence

The **Body Worn Camera (BWC)** and **In-Car Camera (ICC)**<sup>5</sup> videos from Officer [REDACTED] and her vehicle captured the traffic stop of [REDACTED] and their conversations in its entirety. The ICC does not capture the stop sign [REDACTED] was cited for failing to stop at, but it does show his van driving through the intersection and Officer [REDACTED] immediately start to follow him and then activate her blue lights. Early in the encounter, Officer [REDACTED] informs [REDACTED] that he is being recorded and she explains the reason for the stop. Throughout the traffic stop, Officer [REDACTED] was professional, patient and informative toward [REDACTED] who initially was calm and cooperative. [REDACTED] could not immediately provide insurance, but when he eventually did, it was identified as not being current. The traffic stop was less than 20 minutes long as Officer [REDACTED] provided [REDACTED] ample time to locate an updated insurance card, which he failed to do. The BWC captured Officer [REDACTED] providing [REDACTED] with information about his citations, court date (which also appeared on this copy of the citations) and then her name, star number, and district of assignment (including location) upon his request. The BWC did not capture Officer [REDACTED] using racial comments or calling [REDACTED] a Mexican, requesting \$200, or placing any limitations on the acceptable insurance companies, as alleged by [REDACTED]. What it did show was her as an exemplary officer who maintained a helpful and calm demeanor until the end of her interaction with [REDACTED] even after he became uncooperative.

### c. Documentary Evidence

**Traffic Citations**<sup>6</sup> were issued to [REDACTED] for failing to stop at a stop sign and failure to provide vehicle insurance.

**Clerk's Office TRIMS records**<sup>7</sup> from the Circuit Court of Cook County reflect that [REDACTED] was issued the tickets in Attachment 9 and the disposition of those tickets.

**Event Query Report**<sup>8</sup> documented a traffic stop being conducted by Officer [REDACTED]

## 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;

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<sup>5</sup> Att. 18.

<sup>6</sup> Att. 9.

<sup>7</sup> Att. 36.

<sup>8</sup> Att. 9.

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

### Officer [REDACTED]

COPA finds that **Allegations #1 - 2** against Officer [REDACTED] (that she stopped [REDACTED] without justification and issued him false citations), are **EXONERATED**. Since the actual violations alleged are not captured by the video sources, the credibility of both [REDACTED] and Officer [REDACTED] have to be considered. [REDACTED] made numerous statements to COPA that were contradicted by the available video and audio evidence. He claimed that he had to wait five minutes after being stopped for the officer, but the ICC shows that within five seconds of his van stopping and his brake lights going off, he is seen walking back towards Officer [REDACTED]. He denied being informed about the reason for his being stopped or that he was being recorded, but the audio demonstrates that Officer [REDACTED] advised [REDACTED] about both of those. [REDACTED] claimed that Officer [REDACTED] told him that Allstate and State Farm were the only acceptable insurance companies, but the evidence shows that when [REDACTED] was unable to recall the name of his insurance company, Officer [REDACTED] suggested several different companies with the idea that he contact their customer service. He accused Officer [REDACTED] of not returning his insurance cards. The video does not conclusively show all interactions where that could have occurred, but it does show when he is being presented with his tickets at the end of the encounter, he offers what he says is the current insurance. At that time, Officer [REDACTED] takes the card, looks at it, says it is expired and hands it back to [REDACTED]. [REDACTED] stated that Officer [REDACTED] gave him the incorrect court date. However, Officer [REDACTED] can be heard advising him that his court date

will be on November 15, 2018, which also appears on the driver's copy of the traffic citations<sup>9</sup> that ██████ provided to COPA. The Clerk's Office records<sup>10</sup> indicate that the initial court date for those citations was November 15, 2018. Finally, ██████ accused Officer ██████ of several things which are refuted by their absence from both videos / audios: (1) that she asked him for \$200 when he refused to sign the traffic tickets; (2) that she threatened to arrest him the next time she saw him in the area; and (3) that at the end of their encounter, she said "bye, Mexican" to him. Individually, any of these may either be explainable. Collectively, these examples lead to the conclusion that ██████ is not an accurate source of what occurred on September 20, 2018. While the alleged driving violation occurred out of the ICC view, the weight of the evidence that the violation occurred is clear and convincing. Therefore, these allegations are exonerated.

COPA also finds that **Allegations #3 - 5** (that she made inappropriate racial comments and called him a Mexican, failed to return ██████ insurance cards and threatened ██████ with arrest) are **UNFOUNDED**. The Body-Worn Camera of Officer ██████ as well as the in-car camera video, clearly capture the traffic stop of ██████ in its entirety. It depicted a professional, respectful and helpful police officer. Officer ██████ was patient with ██████ when he could not locate his insurance cards and provided him with information to further assist him in obtaining his vehicle insurance information. Officer ██████ waited patiently for ██████ to locate his insurance cards and returned the ones that he provided which were expired. Officer ██████ explained the traffic stop, the citations and court information to ██████ provided her name and star number upon request and was never heard to mistreat or verbally abuse ██████ in any way, let alone with racial comments or calling him a "Mexican." Officer ██████ denied all the allegations made against her and the videos from the BWC and in-car camera all support her account. The evidence is not only clear and convincing, but overwhelming, that these allegations did not occur and are unfounded.

### Sergeant ██████

COPA finds that **Allegations #1** against Sergeant ██████ is **UNFOUNDED**. General Order G08-01-02 sets forth the policy when instances arise where a Department member becomes aware of an allegation of misconduct. That order specifically states that "[a]llegations involving only difference of opinion between a Department member and a member of the public as to whether [a] . . . Personal Service Citation . . . should have been issued, absent an allegation of misconduct, will not be subject to a Complaint Investigation."<sup>11</sup> Sergeant ██████ indicated that ██████ came to the station to complain about the traffic citations he was issued and never made any other complaints of racial or verbal abuse against Officer ██████. Officer ██████ returned to the station and saw ██████ complaining to Sergeant ██████ about his citations and never about any misconduct on her part. Sergeant ██████ stated that at no time were any allegations of misconduct made by ██████ or his son. The BWC of Officer ██████ captured the traffic stop and it clearly showed that ██████ made false allegations against Officer ██████. Due to ██████ credibility issues and the lack of witnesses or cooperation from ██████ son, Jose ██████ COPA finds that this allegation is unfounded.

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<sup>9</sup> Att. 9.

<sup>10</sup> Att. 36.

<sup>11</sup> Chicago Police Department General Order G08-01-02(II)(B)(5) (effective May 4, 2018).

**VIII. CONCLUSION**

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

| Officer                          | Allegation   | Finding  |
|----------------------------------|--|--|
| Officer ██████████<br>██████████ | <p>On September 20, 2018, at approximately 6:57 a.m. at 56 W. Walton, during a traffic stop, you:</p> <ol style="list-style-type: none"> <li>1. Stopped ██████████ without justification, in violation of Rule 6.</li> <li>2. Issued ██████████ false traffic citations, in violation of Rules 1, 2 and 6.</li> <li>3. Made inappropriate racial comments at ██████████ and called him a “Mexican,” in violation of Rules 2 and 9.</li> <li>4. Failed to return ██████████ insurance cards, in violation of Rule 10.</li> <li>5. Threatened to arrest Mr. ██████████ if you saw him in the downtown area, in violation of Rule 1.</li> </ol> | <p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> |
| Sergeant ██████<br>██████████    | <p>On or around September 20, 2018 at approximately 11:30 am near 1160 N. Larrabee St., you:</p> <ol style="list-style-type: none"> <li>1. Failed to initiate a CR Log number against Officer ██████████ upon the request of Mr. ██████████ in violation of Rule 6.</li> </ol>   | <p>Unfounded</p>   |

Approved:

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

October 21, 2019

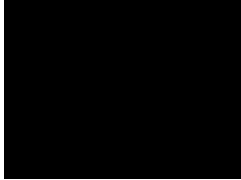
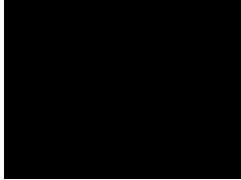
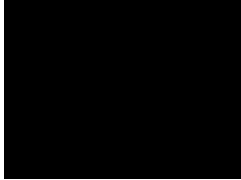
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Date

*Deputy Chief Administrator – Chief Investigator*

Appendix A

Assigned Investigative Staff

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|                                    |  |
|------------------------------------|--|
| <b>Squad #:</b>                    | 5  |
| <b>Investigator:</b>               |  |
| <b>Supervising Investigator:</b>   |  |
| <b>Deputy Chief Administrator:</b> |  |