

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 21, 2019
Time of Incident:	7:57 pm
Location of Incident:	10007 South Parnell Avenue, Chicago, IL 60628
Date of COPA Notification:	January 23, 2019
Time of COPA Notification:	12:30 pm

On January 21, 2019, at approximately 7:57 pm, Officers [REDACTED] and [REDACTED] performed a traffic stop on a vehicle driven by [REDACTED] ([REDACTED] near 10007 South Parnell Avenue. Officer [REDACTED] issued [REDACTED] two citations as a result of the stop, for failing to use a turn signal and for an obstruction on his rearview mirror.

[REDACTED] argued the validity of the stop and insisted he be allowed to read the citations because he did not trust the officers. The officers informed [REDACTED] that his signature is not an admission of guilt and his driver’s license would be retained if he did not sign the citations.

[REDACTED] deliberately began to read and arguing the contents of the citations slowly, resulting in Officer [REDACTED] decision provide him with a copy of the unsigned citations and keep his license.

II. INVOLVED PARTIES

Involved Officer #1:	Isabel [REDACTED] Star # [REDACTED] Employee ID# [REDACTED], Date of Appointment: [REDACTED], 2017, Police Officer, District [REDACTED], Date of Birth: [REDACTED] 1994, Female, Hispanic
Involved Officer #2	Tiffany [REDACTED] Star # [REDACTED], Employee ID# [REDACTED], Date of Appointment: [REDACTED] 2017, Police Officer, Police Officer, District [REDACTED], Date of Birth: [REDACTED], 1987, Female, Hispanic
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1976, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on January 21, 2019 you conducted a traffic stop of [REDACTED] without justification.	Exonerated
	2. It is alleged that on January 21, 2019 you kept [REDACTED] driver’s license without justification.	Exonerated

	3. It is alleged that on January 21, 2019, engaged in an unnecessary of force when you grabbed [REDACTED] arm without justification.	Unfounded
Officer [REDACTED]	1. It is alleged that on January 21, 2019 you conducted a traffic stop of [REDACTED] without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Special Order: Special Order S06-13

United States Constitution, Amendment IV: Prohibits unlawful searches and seizures

V. INVESTIGATION¹

a. Interviews

[REDACTED]

In an interview with COPA on January 23, 2019, Mr. [REDACTED] ([REDACTED] stated he first encountered Officers [REDACTED] and [REDACTED] when he stopped at a stop sign at 105th and Halsted traveling south. The officers were parked on the median. [REDACTED] made eye contact with the officers as he stopped, then continued on his way. [REDACTED] was driving in the right lane and switched to the left lane using his turn signal, then turned from the left lane onto 107th street using his turn signal. Shortly after turning onto 107th Street, [REDACTED] was pulled over by the officers. Officer [REDACTED] told [REDACTED] he was pulled over for his failing to use his turn signal, which upset him. Officer [REDACTED] also explained he was pulled over because of his air freshener. [REDACTED] was vocal in arguing he did use his turn signal and his vision was not obstructed by the pine tree air freshener.

[REDACTED] said the officers went back to the squad car with his license. After several minutes, the officers returned with citations and instructed him to sign. [REDACTED] refused to sign without reading the tickets first because he did not trust them. Officer [REDACTED] told him that if he did not sign the tickets, they would keep his license. He then began reading the tickets. As he was reading the tickets, Officer [REDACTED] told him “forget it, we’ll keep your license,” then drove away. [REDACTED] also said that at some point during the encounter, Officer [REDACTED] gave him the entire ticket book to read and he rolled up his window with the ticket book inside. Officer [REDACTED] then opened his door and began grabbing him unnecessarily.

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. 9

██████ described the officers as Latino, Hispanic females between 25 and 30 years old. ██████ described Officer ██████ as approximately 5 feet 7 inches with blonde hair, wearing glasses and dressed as a plainclothes officer wearing a vest with jeans. He then described Officer ██████ as wearing a Chicago Police uniform, standing approximately 5 feet 2 inches weighing between 105 and 115 pounds.

██████ claimed he was being harassed by officers in his neighborhood and provided an investigatory stop receipt by Officer ██████ from a different encounter. ██████ implied he was being harassed by Latino officers because they're mad.

b. Digital Evidence
Body Worn Camera³⁴

Officer ██████ BWC shows her walking towards the driver side of ██████ vehicle and asking ██████ for his license and insurance. Officer ██████ explains to ██████ he was stopped for two reasons when he asks why he was pulled over: failing to use a turn signal and obstruction on his rearview mirror. ██████ disagrees saying he used his turn signal. Officer ██████ asks ██████ for his license and insurance again and notifies him it is all on video. ██████ provides his license and insurance. Officers ██████ and ██████ return to their police vehicle where they discuss writing citations for obstruction on the rearview mirror and failing to use a turn signal. They also discuss keeping ██████ license if he fails to sign the citations.

Officer ██████ BWC shows her walking to the driver side and she informs ██████ he is receiving two citations that he needs to sign if he wants his license back. Officer ██████ tells ██████ signing is not an admission of guilt. ██████ tells Officer ██████ he intends to contest the tickets. ██████ requests the officers' names and badge numbers while arguing the air freshener does not obstruct his view. Officer ██████ informs him her name and badge number are on the citations. ██████ argues he was profiled, and hopes they are reprimanded.

Officer ██████ presents the two citations on top of the ticket book to ██████. ██████ takes the ticket book into his vehicle and raises his window, prompting Officer ██████ to open the driver side door to retrieve the ticket book. Officer ██████ makes her way towards the driver side of the vehicle as ██████ and Officer ██████ argue over whether ██████ will sign the citations. ██████ states he needs to read what he is signing for himself because he does not trust the officers. ██████ tells the officers they misled him and did not have a legitimate reason to pull him over.

Officer ██████ reiterates to ██████ his signature was not an admission of guilt. ██████ argues he needs to read the tickets. Both officers ask ██████ to sign the citations as they allow him to read the tickets. ██████ then argues and critiques the instructions on the citations. After approximately five minutes, Officer ██████ ends the discussion by telling ██████ to keep his tickets as the officers walk back to the police vehicle with ██████ license in Officer ██████ possession.

³ Att. 17

⁴ Att. 17

In Car Camera footage⁵ captures the traffic stop in its entirety and records the events as described in the officers BWC. The footage is inconclusive on whether ██████ used a turn signal.

c. Documentary Evidence

On January 21, 2019 at approximately 9:21 pm, ██████ submitted a web complaint⁶ to COPA alleging a racial profiling traffic stop. ██████ alleged he was pulled over and issued tickets for not using a turn signal and for having a little air freshener tree hanging from the mirror. ██████ said the officers used a lie to pull him over so he wanted to read the tickets before signing them because he did not trust them. ██████ identified Officer ██████ as the officer who told him to 'keep your tickets, we're going to keep your license' before getting in their vehicle and driving off.

An Office of Emergency Management and Communications (OEMC) event query⁷ shows Beat ██████ conducted a traffic stop at 107th and Parnell on January 21, 2019 at 7:54 pm. The officers performed a license plate check of ██████ and a name check of ██████⁸

Officer ██████ issued ██████ two citations for the traffic stop.⁹

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with 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 conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

⁵ Att. 17

⁶ Att. 4

⁷ Att. 5

⁸ Att. 15

⁹ Att. 12, The copies are illegible but the citations are for disobey turn signal and view obstructed.

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 **Allegation 1**, that Officer [REDACTED] conducted a traffic stop of [REDACTED] without justification, EXONERATED. Even though the ICC footage is inconclusive on whether [REDACTED] used his turn signal, Officer [REDACTED] immediately informs [REDACTED] that he was being pulled over due to his failure to use his turn signal and the obstruction of the air freshener. The air freshener is visible in the ICC footage and the officers' BWC after [REDACTED] vehicle was stopped. [REDACTED] also admitted in his COPA statement that he made eye contact with both officers, prior to the stop, when they were parallel to one another, giving the officers a clear view inside [REDACTED] vehicle. Additionally, [REDACTED] never denies having the air freshener hanging from his rearview mirror only that it did not obstruct his view when Officer [REDACTED] informs him the reasons for the traffic stop.

Therefore, there is clear and convincing evidence that the officers had reason to perform a traffic stop on [REDACTED]. Therefore, Allegation 1 is EXONERATED.

COPA finds **Allegation 2**, that Officer [REDACTED] kept [REDACTED] driver's license without justification, EXONERATED. Special Order S06-13 – Bond Procedures (III)(A), state that Illinois residents charged with petty traffic offences may execute a promise to comply by signing the white copy of each citation. If they refuse to sign, normal bonding procedures will apply including, posting a valid Illinois Driver's License. Officers [REDACTED] and [REDACTED] explain to [REDACTED] that signing the citations are not an admission of guilt but that if he does not sign, they will take his license.

While offering [REDACTED] the ability to read the citations he continues arguing his use of the turn signal and points to his air freshener and says it is not obstructing his view. It is clear from observing the officers' BWC and ICC footage, [REDACTED] is unnecessarily prolonging the traffic stop by arguing the merits of it and his insistence to read the citations in their entirety. [REDACTED] also clearly states that he believes the officers are misleading him. The officers plead with [REDACTED] multiple times to sign so they can get him on his way. Rather than sign, [REDACTED] continues the discussion and is increasingly noncompliant with their requests to sign. These actions are consistent with a refusal to sign. Therefore, there is clear and convincing evidence that [REDACTED] was refusing to sign the citations and the officers acted within their power and duty (Special Order S06-13) to keep his driver's license. As a result, Allegation 2 is EXONERATED.

COPA finds **Allegation 3**, that Officer [REDACTED] grabbed [REDACTED] without justification, UNFOUNDED. Officer [REDACTED] BWC shows [REDACTED] took possession of the officer's ticket book to read the citations issued to him, afterward raising his window. The ICC footage clearly

shows Officer [REDACTED] using her right hand to open the driver’s side door, transferring his driver’s license from her left hand to her right hand and using her left hand to secure her ticket book without touching [REDACTED] does not complain that he was touched at all at this point on BWC. There is clear and convincing evidence this allegation did not occur as alleged. Therefore, Allegation 3 is UNFOUNDED.

Officer [REDACTED]

COPA finds Allegation 1, Officer [REDACTED] conducted a traffic stop of [REDACTED] without justification, EXONERATED for the reasons explained above regarding Allegation 1 against Officer [REDACTED]

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on January 21, 2019 you conducted a traffic stop of [REDACTED] without justification.	Exonerated
	2. It is alleged that on January 21, 2019 you kept [REDACTED] driver’s license without justification.	Exonerated
	3. It is alleged that on January 21, 2019 you grabbed [REDACTED] without justification.	Unfounded
Officer [REDACTED]	1. It is alleged that on January 21, 2019 you conducted a traffic stop of [REDACTED] without justification.	Exonerated

Approved:

[REDACTED]

Deputy Chief Administrator – Chief Investigator

October 27, 2019

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	