

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	December 11, 2018
Time of Incident:	4:00 PM
Location of Incident:	Kedzie Ave. and Washington Blvd, Chicago, IL ²
Date of COPA Notification:	December 12, 2018
Time of COPA Notification:	11:18 AM

On December 11, 2018 Officer [REDACTED] and Officer [REDACTED] effectuated a traffic stop on a vehicle driven by [REDACTED]. Officer [REDACTED] and Officer [REDACTED] observed Ms. [REDACTED] attempt to overtake their vehicle and merge into their traffic lane while traveling northbound on Kedzie Ave. near the intersection of Washington Blvd. Ms. [REDACTED] was not successful in her merging attempt and Officer [REDACTED] illuminated her emergency lights and curbed Ms. [REDACTED] vehicle.

Officer [REDACTED] approached the driver's side and had a conversation with Ms. [REDACTED]. Ms. [REDACTED] tendered her driver's license to Officer [REDACTED] who subsequently performed a name check. Officer [REDACTED] returned to Ms. [REDACTED] and returned her driver's license. She did not issue a personal service citation. She gave Ms. [REDACTED] a verbal warning regarding merging into a lane. Officer [REDACTED] did not author a Traffic Stop Statistical Study, Driver's Information Card or an Investigatory Stop Report. Officer [REDACTED] had no interaction with Ms. [REDACTED]. He did not author a Traffic Stop Statistical Study, Driver's information card or an Investigatory Stop Report.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star #: [REDACTED] Employee ID #: [REDACTED] Date of Appointment: [REDACTED], 2016, Police Officer, Unit of Assignment, [REDACTED] District, Date of Birth: [REDACTED] [REDACTED] 1980, Female, Black
Involved Officer #2:	[REDACTED] Star #: [REDACTED] Employee ID #: [REDACTED] Date of Appointment: [REDACTED], 2018, Police Officer, Unit of Assignment: [REDACTED] District, Date of Birth: [REDACTED] [REDACTED] 1991, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1990, Female,

¹ 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. The recommendation(s) set forth herein are the recommendation(s) of COPA.

² No document captured the police encounter and thus no physical address can be attributed to the police encounter. COPA intake investigators indicated that the location of the initial encounter was 3200 West Washington Blvd., Chicago, IL.

Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. On December 11, 2018 at or about 4:00 PM, Officer ██████████ stopped the vehicle the ██████████ was driving, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Not Sustained
	2. On December 11, 2018 at or about 4:00 PM Officer ██████████ failed to inform ██████████ that her body worn camera had been activated to record, in violation of Rules 2, 3, 5, 10.	Sustained
	3. On December 11, 2018 at or about 4:00 PM Officer ██████████ failed to complete a Traffic Stop Statistical Study – Driver Information Card, in violation of Rules 2, 3, 10.	Sustained
	4. On December 11, 2018 at or about 4:00 PM Officer ██████████ failed to complete an Investigatory Stop Report, in violation of Rules 2, 3, 10.	Sustained
	5. On December 11, 2018, at or about 4:00 PM Officer ██████████ failed to issue an Investigatory Stop Receipt, in violation of Rules 2, 3, 10.	Exonerated
Officer ██████████	1. On December 11, 2018 at or about 4:00 PM, Officer ██████████ stopped the vehicle the ██████████ was driving, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Not Sustained
	2. On December 11, 2018 at or about 4:00 PM Officer ██████████ failed to inform ██████████ that his body worn camera had been activated to record, in violation of Rules 2, 3, 5, 10.	Unfounded
	3. On December 11, 2018 at or about 4:00 PM Officer ██████████ failed to complete a Traffic Stop Statistical Study – Driver Information Card, in violation of Rules 2, 3, 10.	Sustained

<p>4. On December 11, 2018 at or about 4:00 PM Officer [REDACTED] failed to complete an Investigatory Stop Report, in violation of Rules 2, 3, 10.</p>	<p>Sustained</p>
<p>5. On December 11, 2018, at or about 4:00 PM Officer [REDACTED] failed to issue an Investigatory Stop Receipt, in violation of Rules 2, 3, 10.</p>	<p>Exonerated</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 achieves it policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. Rule 5: Failure to perform any duty.
5. Rule 6: Disobedience of an order or directive, whether written or oral.
6. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
7. Rule 10: Inattention to duty.
8. Rule 11: Incompetency or inefficiency in the performance of duty.

Special Orders

1. Special Order S03-14: Body Worn Cameras
2. Special Order S04-13-09: Investigatory Stop System
3. Special Order S04-14-09: Illinois Traffic and Pedestrian Stop Statistical Study

Federal Laws

1. U.S. Constitution: 4th Amendment

State Laws

1. 625 ILCS 5/11-212: Traffic and Pedestrian Stop Statistical Study

V. INVESTIGATION³

a. Interviews

On December 17, 2018 COPA interviewed and obtained the requisite affidavit⁴ of ██████████⁵ Ms. ██████████ was traveling northbound on Kedzie Ave. on December 11, 2018 at around 4:10 PM.⁶ Ms. ██████████ indicated that there were two lanes of traffic, but once she crossed the light at Washington Blvd., the lanes merge to one lane, prior to Lake St.⁷ She observed a police vehicle situated at the light while she was situated in the right lane.⁸ Ms. ██████████ stated that she saw an opening in front of the police vehicle, so she sped “up a little” in effort to merge.⁹ While attempting to merge, she had her turn signal illuminated.¹⁰ As she was about to merge, the police officer accelerated and she had to “sway back” over to her lane.¹¹ Ms. ██████████ was traveling at twenty-five (25) to thirty (30) miles per hour.¹² Ms. ██████████ then accelerated her vehicle and she was subsequently pulled over.¹³

The police officer had navigated into Ms. ██████████ lane and pulled her over.¹⁴ An African American¹⁵ woman police officer exited the police vehicle. A white male¹⁶ passenger officer came up to her vehicle, as well, and looked through her windows.¹⁷ This officer did not speak with her.¹⁸ The African American officer told Ms. ██████████ that Ms. ██████████ was trying to run her off the road.¹⁹ Ms. ██████████ responded that she was attempting to merge and not trying to run the police officer off the road.²⁰ Ms. ██████████ tendered her driver’s license to the police officer who then returned to her vehicle with Ms. ██████████ driver’s license in hand.²¹ Eventually, the African American officer returned to Ms. ██████████ vehicle and continually threatened to give her a ticket.²² The total length of the traffic stop was three (3) to five (5) minutes.²³

On January 10, 2019 COPA interviewed Accused Officer ██████████²⁴ On December 11, 2018 Officer ██████████ was on patrol with her partner, Officer ██████████ She initiated a

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachment 6.

⁵ Attachment 27.

⁶ *Id.* at 3:35.

⁷ *Id.* at 3:45.

⁸ *Id.* at 3:59.

⁹ *Id.* at 4:03.

¹⁰ *Id.*

¹¹ *Id.* at 4:14.

¹² *Id.* at 9:45.

¹³ *Id.* at 4:31.

¹⁴ *Id.* at 10:00.

¹⁵ *Id.* at 8:31.

¹⁶ *Id.* at 8:40.

¹⁷ *Id.* at 6:40.

¹⁸ *Id.* at 12:34.

¹⁹ *Id.* at 4:40.

²⁰ *Id.* at 4:45.

²¹ *Id.* at 5:05, 5:40.

²² *Id.* at 6:30.

²³ *Id.* at 11:20.

²⁴ Attachment 29.

traffic stop after she observed an individual driving a black sedan²⁵ who had attempted to swerve into the lane that she was traveling in.²⁶ Officer ██████ illuminated her emergency lights after a few moments of observing the vehicle continuing to drive and subsequently curbed the vehicle.²⁷ Officer ██████ indicated that she stopped the vehicle for driving at a high rate of speed²⁸ and not yielding to vehicles to the left.²⁹ The black sedan had initially come out of the passenger's blind spot of Officer ██████ vehicle, sped up and attempted to merge out in front of her police vehicle.³⁰

After curbing the vehicle, Officer ██████ approached on the driver's side of the black sedan and her partner approached on the passenger's side of the black sedan.³¹ There was a conversation with the driver and the driver tendered her driver's license.³² Officer ██████ then ran the vehicle's license plates and driver's license information through LEADS.³³ She then returned the driver's license to the driver.³⁴ She never tendered the driver's license to her partner.³⁵

Officer ██████ stated she does not recall if she completed a Traffic Stop Statistical Study, Driver's Information Card.³⁶ She does not know if Officer ██████ completed a Traffic Stop Statistical Study, Driver's Information Card for this incident.³⁷ She did not memorialize this traffic stop with the completion of any other document (including Personal Service Citation); she did not complete an Investigatory Stop Report.³⁸ She did not complete an Investigatory Stop Receipt.³⁹ She was confident that Officer ██████ did not create an Investigatory Stop Report or Receipt.⁴⁰ Officer ██████ also did not think she informed Ms. ██████ that she was being recorded on her body worn camera.⁴¹

²⁵ *Id.* at 8:22.

²⁶ *Id.* at 6:25.

²⁷ *Id.* at 6:58.

²⁸ *Id.* at 45:50. (Officer ██████ indicated that Ms. ██████ was traveling at least twenty (20) miles per hour over the speed limit).

²⁹ *Id.* at 7:32. See *Also Id.* at 7:55. (Upon further probing by COPA investigators, Officer ██████ indicated Ms. ██████ also attempted to swerve into her lane earlier, which does not appear on the dashboard camera video).

³⁰ *Id.* at 8:50. See *Id.* at 12:40 (Officer ██████ described the street layout as such: traveling northbound on Kedzie Ave. is "typically" two lanes, when south of Washington Blvd., but there are not always lines separating the lanes). See *Id.* 13:05, 13:40 (Traveling northbound on Kedzie Ave., when north of Washington Blvd., there are no double lines; people travel in the far-right lane, but there is no lane separation, there are no lane marking indicating more than one lane).

³¹ *Id.* at 16:45, 16:50.

³² *Id.* at 18:35.

³³ *Id.* at 18:40.

³⁴ *Id.* at 19:50.

³⁵ *Id.* at 19:33.

³⁶ *Id.* at 21:00.

³⁷ *Id.* at 22:25.

³⁸ *Id.* at 22:58, 23:05. See *Also Id.* at 26:03. (Officer ██████ indicated that she believed that if a person is not searched an Investigatory Stop Report does not need to be completed.) See *Also Id.* at 26:49. (Officer ██████ did not feel it was necessary to complete an Investigatory Stop Report as all she did was stop a vehicle; Investigatory Stop Reports are not completed for stopping a vehicle.) See *Also Id.* at 29:24. (Officer ██████ stated that if an individual is stopped but not searched and the stop was not a consensual encounter, an Investigatory Stop Report does not need to be completed, if it just a traffic stop, a Traffic Statistical Study, Driver's Information card, is all that is needed.)

³⁹ *Id.* at 29:50, 52:00.

⁴⁰ *Id.* at 30:00.

⁴¹ *Id.* at 31:04.

On January 10, 2019 COPA interviewed Accused Officer [REDACTED]⁴² Officer [REDACTED] was on patrol with his partner, Officer [REDACTED] on December 11, 2018. At about 4:00 PM a traffic stop was initiated because a vehicle was traveling negligently, drove through a bus stop, and tried to merge.⁴³ The vehicle was a black Hyundai Sonata and was first observed, with its signal illuminated, attempting to merge into the lane Officer [REDACTED] was traveling in.⁴⁴ Officer [REDACTED] could not give an estimate how soon the vehicle attempted to merge after it illuminated its turn signal.⁴⁵

After the vehicle was curbed, Officer [REDACTED] approached on the passenger side of the Hyundai and his partner approached on the driver's side.⁴⁶ Officer [REDACTED] indicated that he "barely heard" the conversation between the driver and Officer [REDACTED] he did not remember the contents of the conversation.⁴⁷ He did not have a conversation with the driver.⁴⁸ Eventually Officer [REDACTED] and his partner return to their police vehicle and his partner conducted a name check on the PDT.⁴⁹ His partner had the driving license of the driver, which was never tendered to Officer [REDACTED].⁵⁰ Officer [REDACTED] did not issue a personal service citation.⁵¹ He had no personal contact with the driver.⁵² He did not complete a Traffic Stop Statistical Study, Driver's Information Card.⁵³ He was not aware if his partner completed a Traffic Stop Statistical Study, Driver's Information Card.⁵⁴ He did not memorialize the traffic stop with any other document and did not authored a Investigatory Stop Report.⁵⁵ There was no search and the driver was not taken out of the vehicle.⁵⁶

b. Digital Evidence

COPA obtained the **body worn camera video of Officer [REDACTED]**⁵⁷ The video began with Officer [REDACTED] exiting her vehicle and approaching the driver's side of a curbed vehicle. A conversation was had between the driver, Ms. [REDACTED] and Officer [REDACTED]. Ms. [REDACTED] indicated to Officer [REDACTED] that Officer [REDACTED] would not let her over in Officer [REDACTED] lane. Officer

⁴² Attachment 28.

⁴³ *Id.* at 6:18.

⁴⁴ *Id.* at 6:35, 7:26, 9:15. See *Id.* at 10:18. (Officer [REDACTED] described that Kedzie Ave., south of Washington Blvd., as "almost a two lane", as there are not proper lane markings). See *Id.* at 10:51. (The road becomes more narrow north of Washington Blvd. because of the bus stop and train station). See *Id.* at 11:50. (There are no lane markings northbound of Washington Blvd., indicating two lanes).

⁴⁵ *Id.* at 9:30.

⁴⁶ *Id.* at 12:23.

⁴⁷ *Id.* at 12:48. See *Also Id.* at 13:15. (Officer [REDACTED] indicated that the passenger's window was rolled up when he first approached).

⁴⁸ *Id.* at 13:00.

⁴⁹ *Id.* at 15:04.

⁵⁰ *Id.* at 15:50.

⁵¹ *Id.* at 20:00.

⁵² *Id.* at 20:47.

⁵³ *Id.* at 21:20.

⁵⁴ *Id.* at 21:30. See *Id.* at 22:04, 22:37. (Officer [REDACTED] indicated that Traffic Stop Statistical Study, Driver's Information Card, should have been completed and that both himself and his partner had a responsibility to complete the card).

⁵⁵ *Id.* at 23:14, 23:30.

⁵⁶ *Id.* at 24:00.

⁵⁷ Attachment 24, [REDACTED].mp4

██████████ indicated that the lane Ms. ██████████ was in was not a lane of traffic. Officer ██████████ asked Ms. ██████████ for her license and proof of insurance. Ms. ██████████ tendered her driver's license to Officer ██████████. Officer ██████████ returned to her police vehicle as Ms. ██████████ attempted to obtain her insurance information from her cell phone. Officer ██████████ ran Ms. ██████████ information through her PDT unit. Shortly thereafter, Officer ██████████ returned to Ms. ██████████ vehicle and verified Ms. ██████████ insurance. Officer ██████████ tendered Ms. ██████████ her driver's license and explained the reasoning for curbing her vehicle, failing to yield to Officer ██████████ vehicle which was positioned in another lane. Officer ██████████ then returned to her vehicle. The total duration of the encounter was less than six (6) mins.

COPA obtained the **body worn camera video of Officer ██████████**⁵⁸ The video began with Officer ██████████ exiting his vehicle and approaching the passenger's side of the curbed vehicle. Upon arriving on the passenger side, the passenger side window was observed rolled up. The video showed the interaction between Officer ██████████ and the driver of the motor vehicle; however, no conversation can be heard on Officer ██████████ body worn camera video. The video does not show any interaction between Officer ██████████ and Ms. ██████████. The video confirmed that the duration of the encounter was less than six (6) minutes.

dashboard camera video for Beat ██████████ The video displayed the officers' vehicle traveling northbound on Kedzie Ave, before reaching the intersection of Kedzie Ave. and Washington Blvd. Before reaching the intersection, the police vehicle was stopped at a red light in the left most lane. There were no white lines exhibited on the pavement to the right of the police vehicle. The traffic light subsequently turned green. The police vehicle traveled through the intersection and a black vehicle was observed on the right of the police vehicle. This vehicle's left turn signal was illuminated. The police vehicle continued to travel northbound on Kedzie Ave. and the black car, previously positioned to the right of the police vehicle, left the viewpoint of the dashboard camera. The police vehicle then approached the intersection of Kedzie Ave. and Maypole Ave. and the black vehicle reappeared in the viewpoint of the dashboard camera. The black vehicle was seen accelerating passed the officer's vehicle on the right with its left turn signal light still illuminated. The officer's vehicle pulled behind the black vehicle, activated its emergency lights, and curbed the black vehicle. The black vehicle stopped shortly thereafter, and Officer ██████████ and Officer ██████████ were observed approaching the black vehicle. An interaction took place between Officer ██████████ and the driver. The dashboard camera video indicated that the encounter was less than six (6) minutes.

c. Documentary Evidence

A **Traffic Stop Statistical Study search**⁶⁰ was performed to determine if Officer ██████████ authored a Traffic Stop Statistical Study report for any interactions that took place on December 11, 2018. The results of the search were negative.

⁵⁸ Attachment 24, ██████████.1. Mp4.

⁵⁹ Attachment 24 BT_██████████.1.mpg.

⁶⁰ Attachment 18.

A **Traffic Stop Statistical Study search**⁶¹ was performed to determine if Officer [REDACTED] authored a Traffic Stop Statistical Study report for any interactions that took place on December 11, 2018. The results of the search were negative.

An **Investigatory Stop Report search**⁶² was performed to determine if Officer [REDACTED] authored an Investigatory Stop report for the interactions that took place on December 11, 2018. The results of the search were negative.

An **Investigatory Stop Report search**⁶³ was performed to determine if Officer [REDACTED] authored an Investigatory Stop report for the interactions that took place on December 11, 2018. The results of the search were negative.

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 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

⁶¹ Attachment 19.

⁶² Attachment 30.

⁶³ Attachment 31.

a. Allegations Pertaining to Officer [REDACTED]

It is unclear whether Officer [REDACTED] had the legal justification to stop the vehicle [REDACTED] was driving. Officer [REDACTED] stated she observed Ms. [REDACTED] commit three violations, 1: traveling at a high rate of speed, 2: not yielding to the vehicles to Ms. [REDACTED] left, and 3: swerving into Officer [REDACTED] lane.

Officer [REDACTED] indicated that Ms. [REDACTED] vehicle was traveling at least twenty (20) miles per hour over the speed limit. Traveling over the posted speed limit is an Illinois Vehicle Code offense and a Municipal Code of the City of Chicago violation; however, dashboard camera video of the incident does not corroborate Officer [REDACTED] observation. Dashboard camera video showed Ms. [REDACTED] vehicle traveling to the right of Officer [REDACTED] vehicle. Ms. [REDACTED] vehicle is seen slightly accelerating as the vehicle goes through the intersection of Kedzie Ave. and Washington Blvd., before immediately slowing down. The slight acceleration does not lend credence to the fact that Ms. [REDACTED] was traveling at least twenty (20) miles an hour over the speed limit. Her partner, Officer [REDACTED] did not indicate that he observed the vehicle traveling at a high rate of speed.

Officer [REDACTED] also indicated that Ms. [REDACTED] vehicle failed to yield to the other vehicles positioned to the left of Ms. [REDACTED] vehicle. Dashboard camera video showed Ms. [REDACTED] vehicle accelerate and break, while having it's left turn signal on. The video does not corroborate the statement that Ms. [REDACTED] did not yield to the vehicles to her left. There is no indication that Ms. [REDACTED] attempted to transverse into the lane to the vehicle's left.

Officer [REDACTED] thirdly indicated that Ms. [REDACTED] swerved into Officer [REDACTED] lane. This maneuver, however, was not captured on the dashboard camera video. Officer [REDACTED] failed to indicate whether or not Ms. [REDACTED] signaled prior to this "swerve" into the lane occupied by Officer [REDACTED] Officer [REDACTED] mere description of the vehicle "swerving" is not wholly justified in explaining that Ms. [REDACTED] had committed an offense. However, as the dashboard video camera does not depict the right side of Officer [REDACTED] video, her statement that Ms. [REDACTED] attempted to swerve into her lane cannot not be corroborated.

Based on the knowledge Officer [REDACTED] had at the time, that she observed Ms. [REDACTED] swerve into the lane Officer [REDACTED] had occupied, and if that belief was reasonable, then Officer [REDACTED] had the legal justification to effectuate a stop of Ms. [REDACTED] Unfortunately, dashboard camera video did not depict this alleged action by Ms. [REDACTED] Based on two other reasons for Officer [REDACTED] to effectuate a stop of Ms. [REDACTED] which could not be corroborated in the dashboard camera video, it is possible that Officer [REDACTED] was mistaken in her belief that she observed Ms. [REDACTED] attempt to swerve into her lane, or she was correct in her belief. The available evidence is inconclusive. Therefore, based on a preponderance standard after examining the evidence available, COPA recommends a finding of NOT SUSTAINED with respect to this allegation.

Officer [REDACTED] recorded the encounter with Ms. [REDACTED] on her body worn camera video but failed to inform Ms. [REDACTED] that she was being recorded. The Body Worn Camera, Special Order S03-14, mandates that upon initiation of a recording, Department members will announce to the person(s) they intend to record that their body worn camera has been activated to record.⁶⁴ Officer [REDACTED] admitted failing to inform Ms. [REDACTED] that she was being recorded after viewing

⁶⁴ Special Order S03-14-09, Section III(4).

her body worn camera video of the incident. Therefore, based on a preponderance of the evidence standard, COPA recommends a finding of SUSTAINED with respect to this allegation.

A Traffic Stop Statistical Study, Driver's Information card, was not completed for this incident. The Illinois Traffic and Pedestrian Stop Statistical Study, Special Order: S04-14-09, mandates that department members will complete and submit a Traffic Stop Statistical Study, Driver's Information Card card for every traffic stop initiated unless a Personal Service Citation is issued, including traffic stops that result in a physical arrest or the issuance of another type of citation (e.g. Violation Notice, Administrative Notice of Ordinance Violation).⁶⁵ No personal service citation was issued for this traffic stop. Officer ██████ indicated that she did not recall if she authored a Traffic Stop Statistical Study, Driver's Information Card. A search of Traffic Stop Statistical Study, Driver's Information Card returned negative results for the completion of the aforesaid. Therefore, based on a preponderance of the evidence standard, COPA recommends a finding of SUSTAINED with respect to this allegation.

An Investigatory Stop Report was not completed for this traffic stop. The Investigatory Stop System, Special Order: S04-13-09 mandates that when sworn members conduct an Investigatory Stop, Probable Cause stop when no other document captures the reason for the detention, and, if applicable, a Protective Pat Down or other search in a public place, they are required to submit an Investigatory Stop Report into the Investigatory Stop Database.⁶⁶ Officer ██████ admitted to not completing an Investigatory Stop Report. She also indicated that she believed Officer ██████ did not complete an Investigatory Stop Report. A search for Investigatory Stop Reports authored for this incident returned negative results. No other document captured the reason for the traffic stop. There is no dispute that Ms. ██████ was detained by Officer ██████ and Officer ██████. Officer ██████ indicated that she effectuated a traffic stop based on the belief that she observed Ms. ██████ commit three traffic offenses. Officer ██████ indicated that they had probable cause to detain Ms. ██████. As no other document captured the reason for the stop, an Investigatory Stop Report, should have been created.⁶⁷ Therefore, based on a preponderance of the evidence standard, COPA recommends a finding of SUSTAINED with respect to this allegation.

An Investigatory Stop Receipt was not required and subsequently not created for this incident. Officer ██████ admitted to not completing an Investigatory Stop receipt. An Investigatory Stop receipt needs to be completed if an Investigatory Stop involves a Protective Pat Down or any other search.⁶⁸ The stop of Ms. ██████ did not involve a search of her person nor her vehicle. Ms. ██████ did not exit the vehicle and a Pat Down was not preformed. Therefore, based on a clear and convincing evidence standard, COPA recommends a finding of EXONERATED with respect to this allegation.

b. Allegations Pertaining to Officer ██████

⁶⁵ Special Order S04-14-09, Section V(A).

⁶⁶ Special Order S04-13-09, Section VIII(A).

⁶⁷ Had Officer ██████ completed a Traffic Stop Statistical Study, Driver's Information Card, Officer ██████ would not have had to complete an Investigatory Stop Report. However, because a Traffic Stop Statistical Study, Driver's Information Card was not authored for this incident, an Investigatory Stop Report should have been authored, because no other document captured the stop.

⁶⁸ Special Order S04-13-09, Section VIII(A)3.

It is unclear whether Officer [REDACTED] had legal justification to stop [REDACTED]. The reasons and analysis previously discussed pertaining to this allegation with respect to Officer [REDACTED] are herein incorporated by reference. Additionally, Officer [REDACTED] stated that he believed there was probable cause to curb the vehicle Ms. [REDACTED] was driving, as Ms. [REDACTED] was driving negligently in that Ms. [REDACTED] drove through a bus stop and attempted to merge. Officer [REDACTED] did not further expound about how Ms. [REDACTED] was driving negligently, besides the aforementioned reasoning. Driving negligently is a violation of the Municipal Code of the City of Chicago.⁶⁹ The code states: "It shall be unlawful for any person to operate any vehicle upon a public way negligently, heedlessly and without due caution in a manner which endangers or is likely to endanger any person or property or to swerve within, between or across lanes of traffic in such a manner." Ms. [REDACTED] vehicle's turn signal was illuminated. The dashboard camera video did not show Ms. [REDACTED] making a maneuver into another lane. Driving through a bus stop is not a violation of the Illinois Vehicle Code nor the Municipal Code of Chicago and is not *per se* negligent driving. Officer [REDACTED] did not explain how driving through the bus stop was negligent driving. These additional observations do not lend justification for the stop of Ms. [REDACTED]. As in Officer [REDACTED] analysis pertaining to this allegation and because the available evidence is inconclusive, COPA recommends a finding of NOT SUSTAINED with respect to this allegation for Officer [REDACTED].

Officer [REDACTED] activated his body worn camera during the incident. He stated that he did not have any interaction with Ms. [REDACTED]. Body worn camera video of the incident corroborates that Officer [REDACTED] had no interaction with Ms. [REDACTED]. As Officer [REDACTED] had no interaction with Ms. [REDACTED] he did not have the ability to inform Ms. [REDACTED] that his body worn camera had been activated to record her, as required under Special Order: S03-14-09.⁷⁰ Therefore, based on a clear and convincing evidence standard, COPA recommends a finding of UNFOUNDED with respect to this allegation.

For the reasons and the analysis⁷¹ as explained pertaining to Officer [REDACTED] with regard to her failure to complete a Traffic Stop Statistical Study – Driver Information Card, COPA recommends a finding of SUSTAINED with respect to this allegation for Officer [REDACTED].

For the reasons and the analysis as explained pertaining to Officer [REDACTED] with regard to her failure to complete an Investigatory Stop Report, COPA recommends a finding of SUSTAINED with respect to this allegation for Officer [REDACTED].

For the reasons and the analysis as explained pertaining to Officer [REDACTED] with regard to her failure to complete an Investigatory Stop Receipt, COPA recommends a finding of EXONERATED with respect to this allegation for Officer [REDACTED].

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

⁶⁹ MCC 9-40-140 (a).

⁷⁰ Special Order S03-14-, Section III(4).

⁷¹ Officer [REDACTED] admitted that he did not have an interaction with Ms. [REDACTED] however, he also stated that both Officer [REDACTED] and Officer [REDACTED] share in the responsibility of failing to complete a Traffic Stop Statistical Study – Driver Information Card.

a. Officer [REDACTED]**i. Complimentary and Disciplinary History**

Officer [REDACTED] has one negative note of disciplinary history, namely Officer [REDACTED] failed to appear at traffic court as required. Her complimentary history includes four Honorable Mentions and one complimentary letter.

ii. Recommended Penalty, by Allegation**1. Allegation No. 2**

Officer [REDACTED] admitted to having on her person a body worn camera and upon viewing of the body worn camera video, she admitted that she failed to inform the complainant that the body worn camera video was activated to record. Based on her admitting her failure to notify the complainant, COPA recommends a penalty of VIOLATION NOTED.

2. Allegation No. 3.

Officer [REDACTED] did not admit that she failed to complete a Traffic Stop Statistical Study – Driver Information Card; she stated she did not recall if she completed a Traffic Stop Statistical Study – Driver Information Card. On the contrary she did inexplicitly recall that she did not complete any other document to memorialize the traffic stop. Based on her not admitting to failing to complete a Traffic Stop Statistical Study – Driver Information Card yet admitting she did not complete any other document to capture the traffic stop, COPA recommends a penalty of a REPRIMAND.

3. Allegation No. 4.

Officer [REDACTED] admitted to failing to complete an Investigatory Stop Report. Officer [REDACTED] was under the belief that an Investigatory Stop Report did not need to be completed if an individual is not searched. This belief is in conflict with the Investigatory Stop System Special Order. Because no other document captured the basis for the stop, Officer [REDACTED] was obligated to complete an Investigatory Stop Report regardless if the complainant was searched or not searched. COPA recommends a penalty of VIOLATION NOTED and ADDITIONAL TRAINING on the application of the Investigatory Stop System Special Order, S04-13-09.

b. Officer [REDACTED]**i. Complimentary and Disciplinary History**

Officer [REDACTED] has no negative disciplinary history. His complimentary history includes one Honorable Mention.

ii. Recommended Penalty, by Allegation**1. Allegation No. 3**

Officer ██████ admitted to not completing a Traffic Stop Statistical Study – Driver Information Card. Even though he had no interaction with the complainant, he felt that both Officer ██████ and he were responsible for the completion of the Traffic Stop Statistical Study – Driver Information Card. Because Officer ██████ had no interaction with the complainant yet took responsibility for not completing the Traffic Stop Statistical Study – Driver Information Card, COPA recommends a penalty of VIOLATION NOTED.

2. Allegation No. 4

Officer ██████ admitted to not completing an Investigatory Stop Report. Had a Traffic Stop Statistical Study – Driver Information Card been completed, or another document completed that captured the basis for the stop, this allegation would have been Exonerated. However, because no other document captured the basis for the stop, Officer ██████ was obligated to complete an Investigatory Stop Report. Even though he did not have any contact or interaction with the complainant, the same reasoning applies as in the Traffic Stop Statistical Study – Driver Information Card allegation, namely, both Officer ██████ and he had a duty to complete an Investigatory Stop Report. COPA recommends a penalty of VIOLATION NOTED.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer ██████	1. On December 11, 2018 at or about 4:00 PM, Officer ██████ stopped the vehicle the ██████ was driving, without justification, in violation of Rules 1, 2, 3, 6, 8, 10, 11.	Not Sustained
	2. On December 11, 2018 at or about 4:00 PM Officer ██████ failed to inform ██████ that her body worn camera had been activated to record, in violation of Rules 2, 3, 5, 10.	Sustained
	3. On December 11, 2018 at or about 4:00 PM Officer ██████ failed to complete a Traffic Stop Statistical Study – Driver Information Card, in violation of Rules 2, 3, 10.	Sustained
	4. On December 11, 2018 at or about 4:00 PM Officer ██████ failed to complete an Investigatory Stop Report, in violation of Rules 2, 3, 10.	Sustained
	5. On December 11, 2018, at or about 4:00 PM Officer ██████ failed to issue an Investigatory Stop Receipt, in violation of Rules 2, 3, 10.	Exonerated

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Angela Hearts-Glass