

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	March 9, 2017
Date/Time of COPA Notification:	5:00 PM
Involved Officer #1:	██████████, Star # ██████, Employee ID # ██████, DOA: ██████2002, Rank: Police Officer, Unit of Assignment: ██████ District, DOB: ██████/80, Male, Hispanic.
Involved Officer #2:	██████████, Star # ██████, Employee ID # ██████, DOA: ██████95, Rank: Police Officer, Unit of Assignment: ██████ ¹ District, DOB: ██████67, Male, White.
Involved Individual #1:	██████████, DOB: ██████1991, Male, White.
Case Type:	05M – Unnecessary Physical Contact/On Duty-No Injury

I. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████	1. It is alleged that on March 9, 2017, at about 5:00 pm, at ██████, Officer ██████ approached a vehicle containing ██████, ██████, and ██████ and ordered them out of the vehicle without lawful justification.	Not Sustained
	2. Officer ██████ grabbed ██████ by his shoulder and pulled him out of his vehicle without justification.	Not Sustained
	3. Officer ██████ acted unprofessionally, in that he threw ██████'s driver's license on top of his vehicle.	Not Sustained
	4. Officer ██████ searched ██████'s ██████'s vehicle without lawful justification.	Not Sustained
	5. Officer ██████ detained ██████ without justification.	Not Sustained
	6. Officer ██████ detained ██████ without justification.	Not Sustained
		Not Sustained

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. 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.

Officer [REDACTED]	7. Officer [REDACTED] detained [REDACTED] without justification.	Not Sustained
	8. Officer [REDACTED] failed to document the investigatory stop of [REDACTED], [REDACTED], and/or [REDACTED].	Not Sustained
	9. Officer [REDACTED] failed to document the search of [REDACTED]'s vehicle.	
	1. It is alleged that on March 9, 2017, at about 5:00 pm, at [REDACTED], Officer [REDACTED] approached a vehicle containing [REDACTED], [REDACTED], and [REDACTED] and ordered them out of the vehicle without lawful justification.	Not Sustained
	2. Officer [REDACTED] detained [REDACTED] without justification.	Not Sustained
	3. Officer [REDACTED] detained [REDACTED] without justification.	Not Sustained
	4. Officer [REDACTED] detained [REDACTED] without justification.	Not Sustained
	5. Officer [REDACTED] failed to document the investigatory stop of [REDACTED], [REDACTED], and/or [REDACTED].	Not Sustained
	6. Officer [REDACTED] failed to document the search of [REDACTED]'s vehicle.	Not Sustained

II. SUMMARY OF EVIDENCE²

On November 2, 2018, the Reporting Investigator (R/I) was reassigned this case for further investigation. This investigation began under the office of the Independent Police Review Authority (IPRA).

a. Interviews

On March 10, 2017, complainant [REDACTED] gave an audio recorded interview to IPRA³ and stated that his friends, [REDACTED] (driver), [REDACTED] (Backseat) and [REDACTED] (front passenger) came to his house to borrow money to pay a local mechanic for some car repairs. Mr. [REDACTED] approached his friends and handed them the money and observed a marked SUV (Beat [REDACTED]) pull up behind Mr. [REDACTED]'s vehicle. Mr. [REDACTED] said Officer [REDACTED] (passenger officer) exited and asked him why he was giving them money. Officer [REDACTED] (driver officer) stated that he could smell the “weed” and asked where’s

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ Att. 7, Interview of [REDACTED].

the weed. Mr. [REDACTED] explained to the officers that he was giving his friends money to pay for some car repairs. Officer [REDACTED] requested that everyone exit the vehicle and proceeded to grab Mr. [REDACTED] by his shoulder and pulled him out the vehicle. Mr. [REDACTED] heard Officer [REDACTED] state that he had observed Mr. [REDACTED] with something in his mouth and believed it be a "blunt." Mr. [REDACTED] asked Officer [REDACTED] why his friends were being stopped. Officer [REDACTED] told Mr. [REDACTED] to go across the street and to mind his own business. Mr. [REDACTED] observed Officer [REDACTED] search the inside of Mr. [REDACTED]'s vehicle and placed Mr. [REDACTED]'s driver's license on Mr. [REDACTED]'s vehicle. Mr. [REDACTED] related that the officers did not issue any citations to anyone.

Officers [REDACTED] and [REDACTED] were both interviewed⁴ and essentially stated the same account, but not verbatim. The officers objected to the timeliness of the investigation and denied the allegations made against them and related that they did not recall the incident. To have the officers recall the incident, they were both shown GPS and an Event Query that showed them at the location of incident and running the name of the victim, [REDACTED]. The officers reiterated that they could not recall the alleged incident and related that if they had conducted a search of anyone they would have completed an Investigatory Stop Report (ISR)⁵. The officers also related if they had made traffic stop, they would have conducted a Traffic Stop Statistical Study (TSSSS)⁶ card. The officers explained that after the end of their tour, they would have turned over the TSSSS cards at the district for supervisor approval. The officers related that it was not their responsibility to input card data into the Clear System but believed that it was entered by a civilian CPD member.

Attempt to schedule victims, [REDACTED], [REDACTED] and [REDACTED].⁷ The R/I sent the victims certified letters and spoke to the victims who all said they would cooperate with this investigation. [REDACTED] was scheduled for an interview February 15, 2019 and he failed to appear or call to reschedule his appointment. On February 8, 2019, the R/I re-contacted [REDACTED] who stated that he, [REDACTED] and [REDACTED] had decided not to cooperate with this investigation.

b. Digital Evidence

An In-Car Camera⁸ and Body Worn Camera (BWC)⁹ video search revealed negative results. At the time of the alleged incident, BWC¹⁰ had not rolled out in the [REDACTED]¹ District. Although, there was In-Car Camera video available, the alleged incident was not captured.

A review of POD [REDACTED]¹¹ did not capture any contact involving police and civilians in the area.

⁴ Atts. 50, 54, 55, Audio Interviews of Officers [REDACTED] and [REDACTED]

⁵ Att. 28, Special Order 04-13-09, Investigatory Stop System.

⁶ Att. 29, Special Order 04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study.

⁷ Atts. Letters sent to [REDACTED], [REDACTED] and [REDACTED].

⁸ Atts. 19, 23, Viewing of In-Car Camera footage.

⁹ Att. 10, BWC and In-Car Camera Request.

¹⁰ Att. 56, BWC Rollout dates.

¹¹ Att. 20, Viewing of POD # [REDACTED].

c. Documentary Evidence

A Clear search for a Traffic Stop Statistical Study (TSSS)¹² card completed by Officers [REDACTED] and [REDACTED] revealed negative results. Additionally, the [REDACTED]¹³ District Citation Clerk [REDACTED] also conducted a search and the results were negative.

A Clear search for an Investigatory Stop Report (ISR)¹⁴ conducted by Officers [REDACTED] and [REDACTED] revealed negative results.

A Canvass of the location of incident report¹⁵ indicated that no witnesses were produce.

Chicago Police Department Event Query Report # [REDACTED]¹⁶ indicated that Officers [REDACTED] and [REDACTED] ran over twenty-five license plate numbers during their tour of duty. Specially, at 1658 hours, license plate number [REDACTED] belonging to Mr. [REDACTED] was ran.

OEMC GPS Report¹⁷ revealed that Officers [REDACTED] and [REDACTED] indicated that they were at the location of incident, [REDACTED] Street, from about 5:01 PM to 5:08 PM.

III. 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.

¹² Atts. 34-35, Traffic Stop Statistical Study search.

¹³ Att. 51, Email from [REDACTED]th District Citation Clerk [REDACTED].

¹⁴ Atts. 30-31, Investigatory Stop Reports.

¹⁵ Att. 9, Canvass of location of incident.

¹⁶ Att. 15, CPD Event Query Report # [REDACTED].

¹⁷ Att. 24, GPS Report.

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.

IV. ANALYSIS AND CONCLUSION

The victims, [REDACTED], [REDACTED] and [REDACTED] all refused to cooperate with investigation.¹⁸ Although, GPS and Event Query reports indicated that Officers [REDACTED] and [REDACTED] were at the location of incident and did run the name of [REDACTED]. Officers [REDACTED] and [REDACTED] related that they would have documented their interaction with the victims by completing an Investigatory Stop Report (ISR) or a Traffic Stop Statistical Study (TSSS) card. The officers related if they had completed TSSS card it would have been turned in at the district for a supervisor approval and would have been inputted in the Clear System by other CPD personnel. Due to the lack of cooperation by all three victims and coupled with the lack evidence to either prove or disprove the allegations, COPA finds the allegations against Officers [REDACTED] and [REDACTED] to be Not Sustained.


[REDACTED]
Deputy Chief Angela Hearts-Glass

7-31-19
Date

Appendix A

Assigned Investigative Staff

Squad # [REDACTED]	
Investigator [REDACTED]	
Supervising Investigator [REDACTED]	
Deputy Chief Angela Hearts-Glass	

¹⁸ Att. 60, Investigative Case Plan - Digital Log