

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

| | |
|----------------------------|----------------------|
| Date of Incident: | October 23, 2018 |
| Time of Incident: | 4:43 pm |
| Location of Incident: | ████████████████████ |
| Date of COPA Notification: | October 25, 2018 |
| Time of COPA Notification: | 2:03 pm |

On the afternoon of October 23, 2018, ██████████ was on ██████ Street and ██████ Street when he attempted to back up his vehicle and park in front of his house at ██████████ St. and unload his groceries. At this same time, Officer ██████████ and Officer ██████████ were seated in their squad car in the intersection of ██████ Street and ██████ Street observing Mr. ██████ back up and activated their emergency lights. Mr. ██████ said that he felt threatened when Officer ██████ approached with her hand on her holster. Mr. ██████ believed that Officer ██████ stopped and detained him without justification and was rude and overly aggressive.

II. INVOLVED PARTIES

| | |
|-------------------------|---|
| Involved Officer #1: | ████████████████████ Star # ██████ Employee ID# ██████ DOA: ██████/11, Police Officer, Unit of Assignment ██████ District, DOB: ██████/82, Female, White. |
| Involved Individual #1: | ████████████████████ DOB: ██████61, Male, Black. |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|----------------|--|--------------------------|
| Officer ██████ | 1. It is alleged that on October 23, 2018, at approximately 4:43 pm, in the vicinity of ██████ ██████████ St., Officer ██████ stopped and detained Mr. ██████ without lawful justification, in violation of Rules 1 and 2. | Exonerated |
| | 2. It is alleged that on October 23, 2018, at approximately 4:43 pm, in the vicinity of ██████ ██████████ St., Officer ██████ was rude and | Exonerated |

unprofessional in the manner you spoke to Mr. ██████ in violation of Rule 9.

3. It is alleged that on October 23, 2018, at approximately 4:43 pm, in the vicinity of ██████ ██████ St., Officer ██████ failed to issue Mr. ██████ a citation and/or document the traffic stop, in violation of Rules 1 and 6.

Exonerated

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 or oral.
- 4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Special Orders

- 1. S04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study¹

State Laws

- 1. 625 ILCS 5/11-212 ²

V. INVESTIGATION

a. Interviews

In an **interview with COPA**³ ██████ related that after making a stop at the intersection of ██████ and ██████ Street, he drove through the intersection and pulled over. Mr. ██████ explained

¹ Attachment #18, (Issued date 23 March 2018)

² 625 ILCS 5/11-212 (b) delineates whenever a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code and does not issue a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall complete a uniform stop card, which includes field contact cards, or any other existing form currently used by law enforcement containing information required pursuant to this Act.:

³ Attachment #9, Audio interview of ██████

that [REDACTED] Street is a one-way street going south. Mr. [REDACTED] was on [REDACTED] Street when he intended to reverse his vehicle and park in front of his house at [REDACTED] Street and unload his groceries. While waiting for vehicles to drive past, Mr. [REDACTED] observed a police SUV behind him with its emergency lights activated. Mr. [REDACTED] described a female/white officer, now known as Officer [REDACTED] and her partner, now known as Officer [REDACTED] approached his vehicle. Mr. [REDACTED] described Officer [REDACTED] approaching the driver's side with her hand on her holstered and yelling about why he was stopped there. Mr. [REDACTED] became nervous and described the tone in Officer [REDACTED] voice as making him feel like a criminal. Mr. [REDACTED] said that Officer [REDACTED] had no justification for stopping him. Mr. [REDACTED] felt that Officer [REDACTED] was stereotyping him because Officer [REDACTED] asked him if had FOID card or if had a gun in his car. Mr. [REDACTED] told Officer [REDACTED] that he did not have FOID card or gun. Mr. [REDACTED] told Officer [REDACTED] that he was trying to back up in front of his house and drop off his groceries. Officer [REDACTED] requested Mr. [REDACTED] handed his driver's license to Officer [REDACTED] who ran his name. Mr. [REDACTED] stated that Officer [REDACTED] returned his driver's license and failed to issue him a citation.

b. Digital Evidence

Body Worn Camera (BWC)⁴ video shows Officer [REDACTED] and her partner, Officer [REDACTED] conducting a traffic stop. The BWC of Officer [REDACTED] captured her approaching the driver, [REDACTED] Officer [REDACTED] told Mr. [REDACTED] that she wanted to drive through the intersection, but that his vehicle was blocking half the road. Mr. [REDACTED] said that he was trying to back up vehicle and park in front of his house. Officer [REDACTED] replied, "How do I know that, you should have just gone around."⁵ Officer [REDACTED] told Mr. [REDACTED] that she required his driver's license in order to document the stop. Officer [REDACTED] returned to the squad car and ran Mr. [REDACTED] name. Officer [REDACTED] returned about a minute later and handed back the driver's license. Mr. [REDACTED] requested Officer [REDACTED] badge number and Officer [REDACTED] provided it. Mr. [REDACTED] was upset that Officer [REDACTED] approached his vehicle with her hand on her holster. Mr. [REDACTED] told Officer [REDACTED] that he was going to file a complaint against her. Officer [REDACTED] informed Mr. [REDACTED] that their interaction between them was being captured on her BWC.

c. Documentary Evidence

CPD Traffic Stop Statistical Study Stop (TPSSS), No. [REDACTED] states that on October 23, 2018, complainant [REDACTED] was driving a 2006 BMW and was stopped by Officers [REDACTED] and [REDACTED] for violation 9-40-120, Obstruction of Intersection. The reports states that Mr. [REDACTED] and his vehicle were not searched.

CPD Event Query Report # [REDACTED] indicated that on October 23, 2018, in the vicinity of [REDACTED] and [REDACTED] Street, Beat # [REDACTED] conducted a traffic stop.

⁴ Attachment #17, Body Worn Camera (BWC) of Officer [REDACTED]

⁵ Attachment #17, Body Worn Camera (BWC) of Officer [REDACTED]

⁶ Attachment #15, Traffic Stop Statistical Study Report.

⁷ Attachment #13, CPD Event Query # [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;
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.

VI. ANALYSIS

Mr. █████ attempted to reverse his vehicle from █████ Street onto █████ Street (a one-way street going southbound) in order to park in front of house, █████ Street. The BWC of Officer █████ captured Mr. █████ explaining to Officer █████ that he lived nearby and was trying to back up and park in front of his house. Officer █████ explained to Mr. █████ that he was blocking the street and did not know what he was intending to do. Officer █████ told Mr. █████ that he should have drove around the block instead of backing onto a one-way street. The traffic stop conducted by Officer █████ was a justifiable stop and therefore, COPA finds **Allegation #1 is Exonerated.**

Mr. █████ believed the tone used by Officer █████ to speak to him was rude and unprofessional. However, the BWC video of Officer █████ revealed that Officer █████ was not yelling and spoke to Mr. █████ in a clear and concise manner and therefore, COPA finds **Allegation #2 is Exonerated.**

The BWC video captured Officer ██████ explaining to Mr. ██████ that she required his driver’s license in order to document the traffic stop. Officer ██████ ran Mr. ██████ name through the terminal and returned his driver’s license. Mr. ██████ stated that Officer ██████ did not issue him a citation and left the scene. However, Officer ██████ did complete an Illinois Traffic and Pedestrian Stop Statistical Study (TPSSS)⁸ and was in compliance with Special Order S04-14-09⁹ and therefore, **Allegations #3 is Exonerated.**

VII. CONCLUSION

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

| | Allegation | Finding / Recommendation |
|----------------|---|--------------------------|
| Officer ██████ | 1. It is alleged that on October 23, 2018, at approximately 4:43 pm, in the vicinity of ██████ St., Officer ██████ stopped and detained Mr. ██████ without lawful justification, in violation of Rules 1 and 2. | Exonerated |
| | 2. It is alleged that on October 23, 2018, at approximately 4:43 pm, in the vicinity of ██████ St., Officer ██████ was rude and unprofessional in the manner you spoke to Mr. ██████ in violation of Rule 9. | Exonerated |
| | 3. It is alleged that on October 23, 2018, at approximately 4:43 pm, in the vicinity of ██████ St., Officer ██████ failed to issue Mr. ██████ a citation and/or document the traffic stop, in violation of Rules 1 and 2. | Exonerated |

⁸ Attachment #15, Traffic Stop Statistical Study.

⁹ Attachment #18, Special Order 04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study (TPSSS).

Approved:



11-5-19

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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