

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 17, 2019
Time of Incident:	2:45 PM
Location of Incident:	7900 S. Jeffery Blvd., Chicago, Illinois
Date of COPA Notification:	January 25, 2019
Time of COPA Notification:	7:00 PM

On January 17, 2019, at approximately 2:45 PM near the vicinity of 7900 S. Jeffery Blvd., it was alleged by complainant [REDACTED] ([REDACTED]) that a Chicago Police Department Officer drove by her in traffic and mouthed the word “bitch” to her. She provided COPA with the license plate number of the vehicle she alleged that the officer was driving. After a thorough investigation, COPA recommends that this allegation be Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED] DOA: [REDACTED] 1991, Rank: Police Officer, Unit of Assignment: [REDACTED] DOB: [REDACTED] 1967, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: 00/0/1900, Female, Black.

III. ALLEGATIONS

Officer	Allegation	Finding/Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged that on or about January 17, 2019 at or around 7900 S. Jeffery Blvd., Officer [REDACTED] mouthed the word “bitch” to [REDACTED] while operating a squad vehicle.	Unfounded

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.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

V. INVESTIGATION¹

a. Interviews

COPA conducted complainant ██████████ recorded statement on February 28, 2019. She stated that on the date, time and location of this incident, she was driving southbound on Jeffery Blvd. She stated that as she proceeded through the intersection on a stale green light, she saw a police officer drive his vehicle through the intersection as well on the red light traveling eastbound. She stated that she threw her hands up at the officer and the officer then mouthed the word "bitch" at her. She stated that this made her upset. She stated that the officer's car was driving slowly enough, and without emergency lights, so she was able to see his license plate. She stated the license plate number was ██████████. She said that the male officer was either White or Hispanic and wearing a black hat, and she believes that there was another officer in the passenger seat in the dark blue, unmarked SUV.²

COPA conducted the audio recorded statement of **Officer** ██████████ on June 17, 2019. He stated that he was on duty on January 17, 2019 and is assigned to the Unit ██████████ and works Homeland Security. He stated that on dates that there are no events that he needs to patrol, he is assigned to guard stadiums and the touristy areas of the city. He stated that he drives vehicle number ██████████, a marked Ford Explorer, and was driving that vehicle on January 17, 2019. Office ██████████ indicated that he did not recall being in the area of 7900 S. Jeffery Blvd. on the date and time of the allegation and stated that he did not recall anything similar to the allegation.³

b. Documentary Evidence

The **Online Complaint** sent in by complainant ██████████ indicates that the license plate on the alleged vehicle was ██████████.⁴

Unit List with License/Permit indicates that license plate ██████████ is assigned to ██████████, a 2016 Ford UT Intercept.⁵

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 Attachment 23.

³ Attachment 18.

⁴ Attachment 22.

⁵ Attachment 13.

The **Attendance and Assignment** sheet for January 17, 2019 indicate that Officer [REDACTED] was assigned car number [REDACTED].⁶

A **Caboodle Records Search** for GPS indicates that on January 17, 2019, car [REDACTED] was never in the vicinity of 7900 S. Jeffery Blvd.⁷

VI. ANALYSIS

a. 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

b. COPA finds that the allegations against Officer [REDACTED] are Unfounded.

The burden of proof COPA used in its analysis is the clear and convincing evidence standard. It was alleged by [REDACTED] that an officer driving a dark blue, unmarked SUV bearing the license plate number [REDACTED] mouthed the word "bitch" to her while she was driving in traffic. COPA's investigation determined that license plate, [REDACTED] belongs to a marked SUV driven by Officer [REDACTED] on January 17, 2019. There is no evidence to suggest that he was ever

⁶ Attachments 9, 10, 12.

⁷ Attachment 19.

in the vicinity of 7900 S. Jeffery Blvd. on the date that [REDACTED] alleges. There is clear and convincing evidence to suggest that her claim was not factual. Perhaps there was a scrivener’s error when [REDACTED] took down the license plate, however nonetheless, the allegation against Officer [REDACTED] is Unfounded.

VII. CONCLUSION

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

Officer	Allegation	Finding/Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged that on or about January 17, 2019 at or around 7900 S. Jeffery Blvd., Officer [REDACTED] mouthed the word “bitch” to [REDACTED] while operating a squad vehicle.	Unfounded

Approved:

[REDACTED]

04 October 2019

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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