

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time of Incident:	February 11, 2019, approximately 1:09 p.m.
Location of Incident:	Approximately 2150 W. 50 th Street, Chicago, Illinois
Date / Time of COPA Notification:	February 13, 2019, approximately 5:48 p.m.

Chicago Police Department (“CPD”) Officer [REDACTED] (Officer [REDACTED] cited [REDACTED] ([REDACTED] for a traffic violation, specifically that [REDACTED] failed to activate his turn signal 100 feet before an intersection. [REDACTED] denies this occurred and alleged misconduct, claiming that he did not commit any traffic violation.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED], Date of Appointment: [REDACTED], 1999, Rank: Police Officer, Unit of Assignment: [REDACTED] DOB: [REDACTED], 1973, M/W
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1955, M/B

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. On February 11, 2019, at approximately 1:09 p.m., at or near the intersection of South Damen Avenue and West 50th Street in Chicago, Illinois, the accused conducted a traffic stop of the Complainant without having sufficient legal cause to believe that the Complainant had committed an offense.	Not Sustained
	2. At the above time and place, the accused cited the Complainant without having sufficient legal cause to believe that the Complainant had committed an offense.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1, CPD Rules of Conduct
2. Rule 8, CPD Rules of Conduct

Federal Laws

1. U. S. Constitution, Fourth Amendment

Municipal Ordinances

1. Municipal Code of Chicago, §9-40-200(b)

V. INVESTIGATION

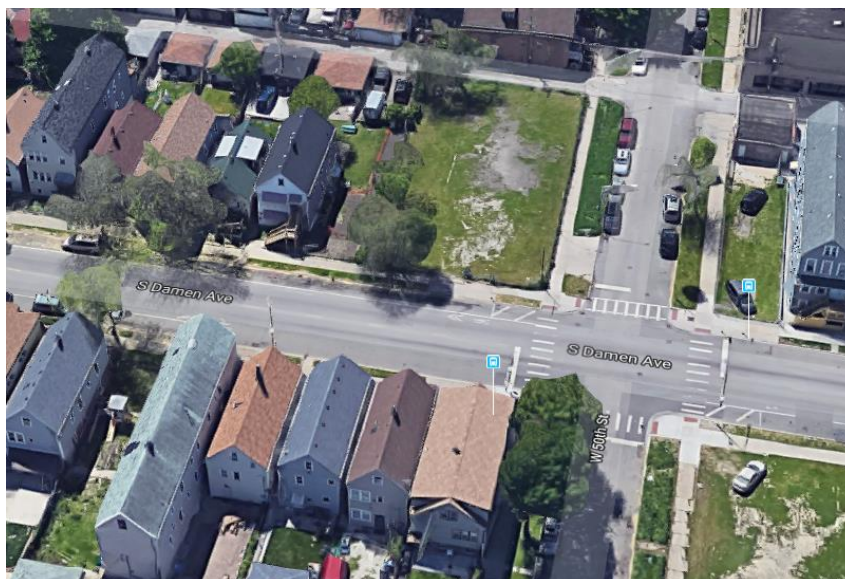


Figure 1
Aerial photograph facing WSW depicting the subject intersection,
South Damen Avenue and West 50th Street in Chicago, Illinois.

a. Interviews

██████████¹

██████████ gave an audio/video recorded interview on February 19, 2019. In summary, ██████████ complained that on February 11, 2019, at approximately 1:09 p.m., at or near the intersection of South Damen Avenue and West 50th Street in Chicago, Illinois, he had been stopped and

¹ Attachment 9 is an audio/video recording of that interview.

subsequently cited for a traffic violation by an on-duty CPD member (subsequently determined by COPA to be Officer ██████████ who claimed that ██████████ had made a left turn from northbound Damen Avenue to westbound 50th Street without making a proper turn signal. ██████████ denied that he had committed the charged offense.

*Officer ██████████*²

Officer ██████████ gave an audio recorded statement on May 22, 2019.³ In summary, and Officer ██████████ stated that at the time in question he was driving southbound on South Damen Avenue approaching West 50th Street when he observed ██████████ make a left turn from northbound Damen Avenue onto westbound 50th Street. Officer ██████████ further stated that ██████████ made a left turn signal before turning, but that ██████████ started to make that signal less than 100 feet from the intersection, and that he cited ██████████ accordingly. Officer ██████████ stated that he made the determination that ██████████ made his signal too late by relying on his knowledge that the standard real estate lot in Chicago is twenty-five feet wide, and by observing that ██████████ started his signal within four lots from the intersection.

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.

² Attachment 15 is an audio recording of that statement.

VII. ANALYSIS

The Municipal Code of Chicago requires that a motor vehicle driver who is intending to make a turn must signal an intention to turn continuously during not less than the last 100 feet traveled by the vehicle before turning.⁴ COPA is unaware of the existence of any video evidence tending to prove whether [REDACTED] did or did not signal his intention to turn continuously during the last 100 feet that he traveled before turning onto West 50th Street as claimed by Officer [REDACTED] and as denied by [REDACTED].⁵ [REDACTED] version of the event under investigation is in direct conflict with Officer [REDACTED] version. Neither version is incredible. An aerial photograph (Figure #1 above) shows that Officer [REDACTED] could have relied upon his knowledge of standard real estate lot lengths in determining that [REDACTED] first indicated his intention to turn less than 100 feet away from the intersection, as Officer [REDACTED] has claimed. Under the circumstances, COPA cannot make a reasonably reliable determination that [REDACTED] version is true, nor can COPA determine by clear and convincing evidence that Officer [REDACTED] conduct in stopping and citing [REDACTED] was lawful and proper. Therefore, COPA must find that the allegations against Officer [REDACTED] are not sustained.

VIII. CONCLUSION

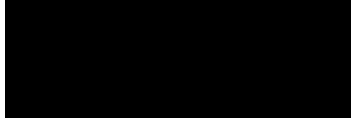
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer [REDACTED]	1. On February 11, 2019, at approximately 1:09 p.m., at or near the intersection of South Damen Avenue and West 50th Street in Chicago, Illinois, the accused conducted a traffic stop of the Complainant without having sufficient legal cause to believe that the Complainant had committed an offense.	Not Sustained
	2. At the above time and place, the accused cited the Complainant without having sufficient legal cause to believe that the Complainant had committed an offense.	Not Sustained

⁴See MCC, §9-40-200(b).

⁵Attachment 10 is body-worn camera footage captured by Officer [REDACTED] during the traffic stop under investigation. That footage depicts Officer [REDACTED] encounter with [REDACTED] but it does not depict [REDACTED] vehicle while driven in traffic. COPA was unsuccessful in obtaining Police Observation Device video footage depicting [REDACTED] vehicle in traffic. See Attachment 11.

Approved:




January 27, 2020

Andrea Kersten
Deputy Chief of Investigations

Date

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	
	Andrea Kersten