

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 12, 2019
Time of Incident:	2:58 PM
Location of Incident:	12300 S. Harvard Avenue (Alley)
Date of COPA Notification:	March 13, 2019
Time of COPA Notification:	11:12 AM

Officer [REDACTED] and Officer [REDACTED] conducted a traffic stop of [REDACTED] on March 12, 2019, during which Officer [REDACTED] asked Ms. [REDACTED] why she failed to stop at a stop sign. Ms. [REDACTED] answered that it was because she needed to use the restroom at her residence. Officer [REDACTED] ran Ms. [REDACTED] name and released her without issuing a traffic citation. Ms. [REDACTED] made allegations that Officer [REDACTED] ordered her to get out of her vehicle and that he fondled her breasts and vagina during a protective pat down. Ms. [REDACTED] allegations are unfounded by the body worn camera video of the traffic stop.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED]; # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2015; Police Officer; [REDACTED]; DOB: [REDACTED], 1992; male; Hispanic
Involved Officer #2:	[REDACTED]; # [REDACTED]; Employee # [REDACTED]; Date of Appointment: [REDACTED], 2015; Police Officer; [REDACTED]; DOB: [REDACTED] 3, 1987; male; white
Involved Individual #1:	[REDACTED]; DOB: [REDACTED], 1992; female; Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Stopped without justification 2. Inappropriately touched [REDACTED] while conducting pat down during a traffic stop. 3. Refused to provide name and badge	Exonerated Unfounded Unfounded

**IV. APPLICABLE RULES AND LAWS**

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**Rules**

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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 8 - Disrespect to or maltreatment of any person, while on or off duty.

Rule 37 - prohibits failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

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**Federal Laws**

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United States Constitution, Amendment IV: Prohibits unlawful searches and seizures

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**V. INVESTIGATION****a. Interviews**

██████████ provided a statement to COPA on March 14, 2019<sup>1</sup>, in which she stated that on March 12, 2019, she was driving on 122<sup>nd</sup> Street to go to the alley between Harvard and Eggleston. Officers pulled over Ms. ██████████ and an officer, now known to be Police Officer ██████████, #██████████, exited his vehicle and asked for her license and registration. Officer ██████████ asked Ms. ██████████ why she was going so fast and Ms. ██████████ replied that she was only going 20 miles per hour. Officer ██████████ told Ms. ██████████ to exit her vehicle and Ms. ██████████ complied. Officer ██████████ told Ms. ██████████ to spread her arms and legs. Officer ██████████ patted her down and grabbed her breasts and her vagina on the outside of her clothing. Ms. ██████████ stated that she was not wearing a bra at the time of the incident. Ms. ██████████ asked Officer ██████████ for his name and he refused to provide it while telling her that she could not have it and that she did not need it. Officer ██████████ then told Ms. ██████████ that she should go about her business if she did not want more trouble. Ms. ██████████ stated that she left at that point. Ms. ██████████ stated that Officer ██████████ partner never exited their police vehicle. Ms. ██████████ stated that Officer ██████████ did not have a body worn camera active during the incident.

**b. Digital Evidence**

Body worn camera video from Police Officer ██████████<sup>2</sup> depicts Officer ██████████ exiting his vehicle and approaching Ms. ██████████ vehicle. Officer ██████████ requests Ms. ██████████ license and insurance card and asks her why she did not stop at a stop sign. Ms. ██████████ replied that she was going home to use her bathroom. Ms. ██████████ gave Officer ██████████ her license and told him that her insurance card was on her phone. Officer ██████████ went back to his vehicle and performed a name check on Ms. ██████████. Officer ██████████ then went back to Ms. ██████████, returned her license, and told her to drive safely. At no time did Officer ██████████ touch Ms. ██████████, order her from the vehicle, or refuse to provide his name and star number.

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<sup>1</sup> Attachment 6

<sup>2</sup> Attachment 17

Body worn camera video from Police Officer ██████████<sup>3</sup> depicts Officer ██████████ exiting his vehicle and approaching Ms. ██████████ vehicle after Officer ██████████ is already standing at Ms. ██████████ driver's side door. The officers return to their vehicle together and then exit together but Officer ██████████ does not approach Ms. ██████████ vehicle again. At no point does Officer ██████████ speak to or touch Ms. ██████████. Ms. ██████████ remained in her vehicle for the duration of the video.

## 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 reviewed complied with 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 conduct complied with Department policy than that it did not, 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

COPA finds the allegation that Officer ██████████ stopped ██████████ without justification is EXONERATED. Officer ██████████ body worn camera and statement provides clear and convincing evidence that ██████████, admittedly, was speeding and ran a stop sign. Both violations warranted the officers to stop ██████████. Therefore, this allegation is EXONERATED.

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<sup>3</sup> Attachment 18

COPA finds that allegations that Officer [REDACTED] improperly touched [REDACTED] and refused to provide his name and badge number UNFOUNDED. The body worn camera provides clear and convincing evidence that [REDACTED] never asked for the officer’s badge number or name as she alleged. [REDACTED] was also never asked to exit her vehicle, nor was she touched or searched at any time. It is clear that Ms. [REDACTED] allegations of misconduct are wholly fabricated. Therefore, these allegations are UNFOUNDED.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	<ol style="list-style-type: none"> <li>1. Stopped without justification</li> <li>2. Inappropriately touched [REDACTED] while conducting pat down during a traffic stop.</li> <li>3. Refused to provide name and badge</li> </ol>	<p>Exonerated</p> <p>Unfounded</p> <p>Unfounded</p>

Approved:

[REDACTED]

October 30, 2019

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 Andrea Kersten  
 Deputy Chief Administrator – Chief Investigator

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 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten