

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

| | |
|----------------------------|---------------------|
| Date of Incident: | October 22, 2019 |
| Time of Incident: | 11:10 AM |
| Location of Incident: | 6855 S. Racine Ave. |
| Date of COPA Notification: | October 22, 2019 |
| Time of COPA Notification: | 2:00 PM |

On October 22, 2019, at approximately 11:10 AM, Officer [REDACTED] and Officer [REDACTED] working in the [REDACTED] District as Beat [REDACTED], stopped complainant [REDACTED] (“[REDACTED]”) for a minor traffic violation in the vicinity of 6855 S. Racine. [REDACTED] alleged that she stopped by the officers for no reason. She alleged that she was disrespected by Officers as they were argumentative with her and the occupants of her vehicle during the traffic stop. [REDACTED] further alleged officers issued citations without justification.

II. INVOLVED PARTIES

| | |
|-------------------------|---|
| Involved Officer #1: | [REDACTED] star # [REDACTED] employee ID# [REDACTED], Date of Appointment: [REDACTED], 2014, Police Officer, Unit of Assignment: [REDACTED], DOB: [REDACTED], 1985, gender: Male, Race: White |
| Involved Officer #2: | [REDACTED] star # [REDACTED] employee ID# [REDACTED], Date of Appointment: [REDACTED], 2012, Police Officer, Unit of Assignment: [REDACTED], DOB: [REDACTED], 1986, gender: Male, Race: White |
| Involved Individual #1: | [REDACTED], [REDACTED], 1997, gender: Female, Race: Black |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|----------------------------------|--|--------------------------|
| Officer [REDACTED] [REDACTED] | 1. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully stopped the complainant’s vehicle without justification. | Exonerated |

| | | |
|--|---|--|
| | <p>2. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully issued four (4) traffic citations without justification.</p> <p>3. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you were disrespectful to the complainant while performing duties as a member of the Chicago Police Department during a traffic stop.</p> | <p>Exonerated</p> <p>Not Sustained</p> |
| <p>Officer [REDACTED] [REDACTED]</p> | <p>1. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully stopped the complainant’s vehicle without justification.</p> <p>2. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully issued four (4) traffic citations without justification.</p> <p>3. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you were disrespectful to the complainant while performing duties as a member of the Chicago Police Department during a traffic stop.</p> | <p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. Rule 6: Disobedience of an order or directive, whether written or oral.
4. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

General Orders

1. G01-01 – CPD Vision Mission Statement, and Core Values
 2. G02-01 – Human Rights
 3. G02-03 – Community Relations Strategy
 4. G02-04 – Prohibition Regarding Racial Profiling and Other Bias Based Policing
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Federal Laws

1. Fourth Amendment, United States Constitution
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Municipal Code of Chicago

1. MCC 9-76-210(a)¹

V. INVESTIGATION²**a. Interviews**

In an interview with COPA³ on October 22, 2019, at approximately 2:00 PM, ██████ related that she was stopped by members of the Chicago Police Department for an alleged traffic stop violation in the vicinity of 6855 S. Racine. ██████ alleged that she was falsely stopped during this traffic stop and officers were disrespectful; they were argumentative to her and occupants of her vehicle during the traffic stop.

In an interview COPA⁴ on January 3, 2020, Officer ██████ related that on October 22, 2019, he was on duty as a Chicago Police Officer, dressed in full Chicago Police uniform, assigned to the ██████ District, working as Beat ██████. While on routine patrol, driving an unmarked Chicago Police Department issued vehicle, with his partner, Officer ██████ Officer ██████ observed a vehicle with an inoperable break light and obstructed view as he was driving behind the vehicle. The officers activated the vehicle emergency lights and curbed the vehicle at approximately 6855 S. Racine. Officer ██████ approached the vehicle, on the passenger side, for a field interview and requested license and insurance. Office ██████ then informed the driver the reasons why she was being stopped. Officer ██████ gave the driver, ██████, the opportunity to step out of the vehicle and physically observe the inoperable break lamp, but she refused.

¹ . No person shall operate any vehicle on nay roadway if any lamp required for the vehicle by this code is broken or inoperable.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 01, Audio Interview of ██████

⁴ Att. 17 – Audio Interview of Officer ██████

Officer [REDACTED] then walked back to his vehicle to run [REDACTED] information to ensure she had a valid drivers license. Officer [REDACTED] found that [REDACTED] had a valid driver's license and did not have any warrants. Officer [REDACTED] drafted four citations. Officer [REDACTED] then went back to the vehicle, issued the citations to [REDACTED], advised her how to contest the citations if she wanted and told her to have a nice day and proceeded back to his patrol vehicle.

In an interview COPA⁵ on January 3, 2020, Officer [REDACTED] related that on October 22, 2019, he was on duty as a Chicago Police Officer, dressed in full Chicago Police uniform, assigned to the [REDACTED] District, working as Beat [REDACTED]. While he and his partner were on routine patrol, Officer [REDACTED] was the passenger in an unmarked Chicago Police Department issued vehicle being driven by his partner, Officer [REDACTED]. Officer [REDACTED] related that they conducted a traffic stop at approximately 69th Street and Racine Avenue, after he and his partner both observed the vehicle directly in front them with an inoperable lamp, and obstruction of view in the front windshield. Officer [REDACTED] approached the vehicle from the passenger side, making contact with the front seat passenger, now known as [REDACTED]. Officer [REDACTED] observed that the front seat passenger and the rear passenger seated were not wearing seat belts. Officer [REDACTED] described the obstruction of view as an air freshener tree hanging from the rear-view mirror. After observing the infractions and gather identifying information from passengers, the officers went back to their squad car and ran name checks to ensure the driver had a valid license and none of the occupants had active warrants. Once they verified all occupants were clear, Officer [REDACTED] wrote four citations, in conjunction with the four violations that were observed. Officer [REDACTED] then went back to the driver side of the stopped vehicle and handed the citations to the driver while Officer [REDACTED] observed from the passenger side.

b. Digital Evidence

The Body Worn Camera (BWC) footage of Accused Officer [REDACTED]

The BWC video shows Officer [REDACTED] as he exits his patrol vehicle from the driver side and approaches the stopped vehicle with IL license plate [REDACTED]. He taps on the driver side front window two times, at which time the driver, [REDACTED], lowered the window. Officer [REDACTED] introduces himself and notifies the driver that there were two reasons he pulled her over; First, her vehicle had an inoperable break light, and Second, the tree air freshener that was observed hanging from the rear-view mirror, which is an obstruction of view. He offered to show [REDACTED] the inoperable break light, but she refused. [REDACTED] again asked why she was being pulled over, to which Officer [REDACTED] advised her that the middle break light was out. She asked, "can you just go run my license so I can go?"⁷ Officer [REDACTED] advised her that he needed to wait for his partner (Officer [REDACTED] who was at this point still speaking with the passenger. The officers went back to their patrol vehicle and discussed the demeanor of the occupants they encountered. Officer [REDACTED] ran the driver's license of [REDACTED] on his computer inside the patrol vehicle.

⁵Att. 18 – Audio Interview of Officer [REDACTED]

⁶ Att. 09 – BWC of Accused Officer [REDACTED]

⁷ Att. 09 – BWC of Accused Officer [REDACTED] 11:11:13

While inside the vehicle, Officers discussed the citations that should be issued based on their observations upon approaching the vehicle. Officer [REDACTED] observed the inoperable break light and obstruction of view. Officer [REDACTED] observed the front seat passenger and rear passenger without seatbelts. Officer [REDACTED] wrote the citations accordingly.

Officers exited their police vehicle and returned to [REDACTED] vehicle. Officer [REDACTED] went to the driver side and spoke with [REDACTED]. He again asked if she wanted to step out and see the inoperable break lamp, but she refused by saying “that’s ok”⁸. Officer [REDACTED] issued [REDACTED] the four citations and explained what each citation was for. Officer [REDACTED] also advised [REDACTED] how to contest the citations, if she felt the need to. He told her to have a nice day and then the officers returned to their patrol vehicle, ending the traffic stop.

The Body Worn Camera (BWC) footage of Accused Officer [REDACTED] camera⁹

The BWC video commences with Officer [REDACTED] exiting his patrol vehicle from the passenger side. He approaches the stopped vehicle and speaks with the passenger. Officer [REDACTED] asks the passenger if he had any identification on him. The passenger puts his hands up and says “no I don’t have anything on me, I’m wearing basketball shorts”¹⁰. Officer [REDACTED] advises the passenger “it’s no problem you’re just not wearing your seatbelt”¹¹. The passenger provides Officer [REDACTED] with his identifying information; name, date of birth, address. Officer [REDACTED] learns the passenger’s name to be [REDACTED].

As officers walk back to their patrol vehicle, they discuss the demeanor of the occupants they encountered. Officer [REDACTED] then ran the driver’s license of [REDACTED] on his computer inside the patrol vehicle. Officer [REDACTED] ran the information he was given by [REDACTED]. Officers then discussed the citations that should be issued, based on their observations upon approaching the vehicle. Officer [REDACTED] observed the inoperable break light and obstruction of view. Officer [REDACTED] observed the front seat passenger and rear passenger without a seatbelt. Officer [REDACTED] wrote the citations accordingly. The officers exited their police vehicle and returned to [REDACTED] vehicle. Officer [REDACTED] went to the passenger side and observed as Officer [REDACTED] issued and explained the citations to [REDACTED], officers returned to their patrol vehicle.

c. Documentary Evidence

[REDACTED] was issued citations¹² for Inoperable brake amp ([REDACTED]), back seat passenger not wearing seat belt ([REDACTED]), front seat passenger not wearing seat belt ([REDACTED]), obstruction of view ([REDACTED]).

⁸ Att. 09 BWC of Accused Officer [REDACTED] 11:22:04

⁹ Att. 08 BWC of Accused Officer [REDACTED]

¹⁰ Att. 08 BWC of Accused Officer [REDACTED] 11:10:19

¹¹ Att. 08 BWC of Accused Officer [REDACTED] 11:10:21

¹² Att. 03

Assignment and Attendance Records⁹ showing that beat [REDACTED] and vehicle [REDACTED] was assigned to Officers [REDACTED] and [REDACTED] on October 22, 2019 from approximately 9:00 am to 6:00pm

Chicago Police Initiation Report¹⁰ from Sgt. [REDACTED] # [REDACTED] for complaint # [REDACTED] showing that [REDACTED] walked into the [REDACTED] district police station on October 22, 2019 to file a complaint against Officers [REDACTED] and [REDACTED]

Chicago Police Traffic Stop Details Report¹¹ submitted by Officer [REDACTED] showing that on October 22, 2019 from approximately 11:13 am – 11:21am unit [REDACTED] performed a traffic stop in the vicinity of 6855 S. Racine Ave of a [REDACTED]. Officers made contact with the driver of the vehicle, [REDACTED].

d. Physical Evidence

Photos of a [REDACTED] bearing [REDACTED] license plat [REDACTED] showing 2 back break light illuminated while breaks are pressed, however middle break lamp in rear window is inoperable at the time.¹²

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.

⁹ Atts. 10 and 11

¹⁰ Att. 06

¹¹ Att. 07

¹² Att. 13-15

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 makes a finding of **EXONERATED** for Allegation 1 against Officers [REDACTED] and [REDACTED] which alleges that the officers unlawfully stopped the vehicle be driven by [REDACTED] on October 22, 2019 at approximately 11:10am. According to the Municipal Code of Chicago (MCC) 9-76-210 (a); no person shall operate any vehicle on any roadway if any lamp or light required for the vehicle by this code is broken or inoperable. Reviewing the evidence provided; the officers body worn camera, their statements to COPA and the available reports, the evidence clearly establishes that the middle back break lamp of the [REDACTED] was inoperable at the time of the stop, thereby given officers legal justification to stop the car.

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy to stop [REDACTED] for the violation. Therefore, this allegation is **EXONERATED**.

COPA makes a finding of **EXONERATED** for Allegation 2 against Officers [REDACTED] and [REDACTED] which alleges that the officers unlawfully issued citations without justification. Reviewing the evidence in the officers' body worn camera, the said infractions are clearly captured on the officers' body worn cameras. [REDACTED] brake light was not working properly and there was an air freshener hanging from the rear-view mirror. It can also be observed that the passengers in the vehicle were not wearing their seat belts. [REDACTED] was issued four citations for infractions that were clearly observed by officers prior to and during the traffic stop.

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy to issue citations. Therefore, this allegation is **EXONERATED**.

COPA makes a finding of **NOT SUSTAINED** for Allegation 3 against Officers [REDACTED] and [REDACTED] which alleges that the officers were disrespectful while performing their duties as members of the Chicago Police Department. [REDACTED] gave no specific detail as to when or how she was disrespected, when she spoke with Sgt. [REDACTED] inside the [REDACTED] District police station, nor did she provide any evidence of the alleged disrespect during her interview with COPA. Furthermore, in reviewing evidence in the officers' body worn camera, there are no indications of officers being disrespectful during the entire stop.

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy at all times during the stop. Therefore, this allegation is **NOT SUSTAINED**.

VIII. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|--------------------|---|--|
| Officer [REDACTED] | <p>1. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully stopped the complainant’s vehicle without justification.</p> <p>2. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully issued four (4) traffic citations without justification.</p> <p>3. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you were disrespectful to the complainant while performing duties as a member of the Chicago Police Department during a traffic stop.</p> | <p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> |
| Officer [REDACTED] | <p>1. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully stopped the complainant’s vehicle without justification.</p> <p>2. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully issued four (4) traffic citations without justification.</p> <p>3. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you were disrespectful to the complainant while performing duties as a member of the Chicago Police Department during a traffic stop.</p> | <p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> |
| Officer [REDACTED] | <p>1. It is alleged that on October 22, 2019 at approximately 11:10am in the vicinity of 6855 S. Racine you unlawfully stopped the complainant’s vehicle without justification.</p> | <p>Exonerated</p> |

Approved:



2-26-2020

Angela Hearts-Glass
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:



Angela Hearts-Glass