

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 27, 2019
Time of Incident:	At about 9:40 pm
Location of Incident:	1425 N. Pulaski Road, on street.
Date of COPA Notification:	February 27, 2019
Time of COPA Notification:	11:58 pm

On February 27, 2019, [REDACTED] had just left her boyfriend’s residence. Ms. [REDACTED] was driving on Pulaski Road when she was curbed by Officer Eduardo Flores and Officer Antonio Ocampo and was issued two traffic citations¹. The officers informed Ms. [REDACTED] that she was observed stopping near a drug house and observed driving erratically while committing several traffic violations. Ms. [REDACTED] denied committing any traffic violations and related completing several stops at stop signs and traffic lights. Ms. [REDACTED] was approached by Officer Flores who requested to see her driver’s license. Officer Flores then opened the door and told Ms. [REDACTED] to exit her van. Ms. [REDACTED] asked why she was being stopped and was immediately handcuffed by Officer Flores and placed behind her van. Ms. [REDACTED] was informed by the officers that she was observed coming out of a house and was questioned about drugs. Ms. [REDACTED] related that Officer Flores yelled at her and teased her by making faces as she shivered with cold. Ms. [REDACTED] related that Officer Ocampo held her left arm and kept telling her to stop moving. In the process, Officer Ocampo repeatedly pulled on Ms. [REDACTED] left arm, causing pain and bruising to the arm. Ms. [REDACTED] related that the officers did not search her. Ms. [REDACTED] gave the officers consent to search her van, but the van was not searched. Ms. [REDACTED] alleged that she was verbally and physically abused by the officers and was detained for about 25 minutes.

II. INVOLVED PARTIES

Involved Officer #1:	Eduardo Flores, Star 17622, Employee ID#[REDACTED], DOA:10/5/12, Police Officer, Unit of Assignment 011, DOB:[REDACTED]77, Male, White Hispanic.
Involved Officer #2:	Antonio Ocampo, Star 18434, Employee ID#[REDACTED], DOA:11/25/13, Police Officer, Unit of Assignment 313, DOB:[REDACTED]84, Male, White Hispanic.
Involved Individual #1:	[REDACTED] DOB: [REDACTED]78, Female, White Hispanic.

¹ Attachment #5, Traffic Citations TN-062-758 & TN-062-759.

ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Eduardo Flores	1. It is alleged that on February 27, 2019, Officer Flores accused Ms. ██████ of purchasing narcotics from a residence, and thereby detained her for an unreasonable amount of time, in violation of Rule 1.	Unfounded
	2. It is alleged that on February 27, 2019, Officer Flores told Ms. ██████ that he would have to search her and her vehicle for narcotics, in violation of Rules 1 & 9.	Unfounded
	3. It is alleged that on February 27, 2019, Officer Flores handcuffed Ms. ██████ without justification, in violation of Rules 1 & 9.	Exonerated
	4. It is alleged that on February 27, 2019, Officer Flores yelled and used profanities at Ms. ██████ and teased her by making faces at her, in violation of Rule 9.	Not Sustained
	5. It is alleged that on February 27, 2019, Officer Flores failed to document the stop, by not completing an Investigatory Stop Report (ISR) and issue a receipt for the ISR, in violation of Rule 6.	Unfounded
Officer Antonio Ocampo	1. It is alleged that on February 27, 2019, Officer Ocampo accused Ms. ██████ of purchasing narcotics from a residence, and thereby detained her for an unreasonable amount of time, in violation of Rule 1.	Unfounded
	2. It is alleged that on February 27, 2019, Officer Ocampo told Ms. ██████ that he would have to search her and her vehicle for narcotics, in violation of Rules 1 & 9.	Unfounded
	3. It is alleged that on February 27, 2019, Officer Ocampo handcuffed Ms. ██████ without justification, in violation of Rules 1 & 9.	Unfounded
	4. It is alleged that on February 27, 2019, Officer Ocampo pulled Ms. ██████ left arm without	Exonerated

	<p>justification, causing pain to her arm, in violation of Rule 4.</p> <p>5. It is alleged that on February 27, 2019, Officer Ocampo failed to document the stop, by not completing an Investigatory Stop Report (ISR) and issue a receipt for the ISR, in violation of Rule 6.</p>	Unfounded
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III. 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 directive, whether written or oral.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Special Orders

1. S04-13-09, Investigatory Stop System.
2. S04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study.

Federal Law

Fourth Amendment, United States Constitution.

IV. INVESTIGATION

a. Interviews

In an **interview with COPA**², on March 5, 2019, ██████████ related visiting her boyfriend, ██████████ at his residence and leaving alone. Ms. ██████████ related that she was driving her van and recalled making several stops at stop signs and red traffic lights. While on Pulaski Road, Ms. ██████████ observed a police vehicle with its emergency lights activated and pulled over. Ms. ██████████ related that two officers, now known as Officer Antonio Ocampo and Officer Eduardo Flores approached her. Officer Flores asked to see her driver's license, but did not explain to her why she was being stopped. While reaching for her purse, Officer Flores opened the driver's side door and told Ms. ██████████ to exit her van. Officer Flores told Ms. ██████████ that she was under arrest and escorted her behind her van. Ms. ██████████ related that it was cold out and Officer Flores refused to allow her to retrieve her coat. Ms. ██████████ related that Officer Flores handcuffed her and questioned her about buying drugs from a house she was observed coming from. Ms. ██████████ told Officer Flores that she

² Attachments #27, Audio of interview of ██████████

had just left her boyfriend's house and denied having any drugs. Ms. ██████ related that Officer Flores began to yell at her and teased her by making faces at her. Ms. ██████ was feeling cold and began to shiver while Officer Ocampo held her left arm. Officer Flores told Ms. ██████ to stop moving and repeatedly pulled her left arm, causing pain and bruising to her arm. Ms. ██████ gave the officers consent to search her vehicle, but the officers did not search her vehicle. Ms. ██████ related that she was not searched and the traffic stop lasted for about 25 minutes. During the entire incident, Ms. ██████ related that she had her cell phone on with Mr. ██████ on the line. Ms. ██████ related that Mr. ██████ arrived on the scene when the officers were issuing her the citations. Mr. ██████ began to question the officers and was told to stay away. On the following day, Ms. ██████ was feeling pain to her arm and obtained medical treatment on her own.

In an **interview with COPA³**, on March 5, 2019, ██████ related that he received a phone call from his girlfriend, ██████ who related that she had been pulled over by the police. Mr. ██████ overheard an officer request Ms. ██████ to open her window, request her driver's license and exit her vehicle. Mr. ██████ then entered his vehicle and drove for about a mile until he located Ms. ██████ with two officers, now known as Officer Eduardo Flores and Officer Antonio Ocampo. Mr. ██████ exited his vehicle and told the officers that Ms. ██████ was family and was told to stay away. Mr. ██████ observed Officer Ocampo standing next to Ms. ██████ who was crying and shivering because she was feeling cold. Mr. ██████ related that every time Ms. ██████ moved her feet, Officer Ocampo would repeatedly pull her arm and tell her to stop moving. Mr. ██████ was told by Officer Flores that Ms. ██████ was observed driving away from a hot spot area and were unaware if she had guns or drugs in her vehicle. Mr. ██████ was informed by Officer Flores that Ms. ██████ was observed driving through red lights and was being feisty with them. Mr. ██████ related that Ms. ██████ was issued several citations before being released. After her release, Mr. ██████ and Ms. ██████ went to the police station to file a complaint against the officers. Mr. ██████ related that he lives in a two flat building and that no drugs are sold out of that building. Mr. ██████ related that on the next morning, Ms. ██████ felt pain and bruising to her left arm and sought out medical treatment.

In an **interview with COPA⁴**, on April 25, 2019, Officer Eduardo Flores related while on patrol with his partner, Officer Antonio Flores, they observed a vehicle double parked in front of a house where drugs are sold from. Officer Flores described the neighborhood as an open-air market for drugs sold. Officer Flores related that as they approached the vehicle, the driver, now known as ██████ began to drive away onto Division Street. Officer Flores followed behind and observed Ms. ██████ turn right on a red light onto Hamlin Avenue without making a full stop. Ms. ██████ then drove through a red light and made a left turn onto Grand Avenue. Officer Flores observed Ms. ██████ make a right turn on a red light onto Pulaski Road. At that point, Officer Flores believed that Ms. ██████ was evading or fleeing from them. Officer Flores activated his emergency lights and proceeded to curb Ms. ██████ vehicle and conduct a traffic stop. Officer Flores approached Ms. ██████ who became verbally abusive and asked why she was being stopped. Officer Flores requested to

³ Attachments #22, Audio of interview of ██████

⁴ Attachment #37, Audio interview of Officer Eduardo Flores.

see Ms. [REDACTED] driver's license and she complied. Officer Flores described Ms. [REDACTED] as becoming agitated and upset and began to be verbally combative and felt she might flee. Officer Flores asked Ms. [REDACTED] to step out of her vehicle and while exiting she began to make gestures with her arms. Officer Flores related for the safety of everyone, he handcuffed Ms. [REDACTED] and placed her behind her vehicle. Officer Flores re-entered the police vehicle to write out the citations while Officer Ocampo stood next to Ms. [REDACTED]. Officer Flores observed Ms. [REDACTED] friend, now known as [REDACTED] approached the scene and was told to stay back. Officer Flores explained to Ms. [REDACTED] that they observed her stop near a drug house and observed her driving erratically and commit several driving violations. Officer Flores denied telling Ms. [REDACTED] that he was going to search her and her car for purchasing drugs. Officer Flores related that Ms. [REDACTED] and her vehicle were not searched. Officer Flores related that the traffic stop lasted about five to ten minutes and Ms. [REDACTED] was issued two citations. Officer Flores denied yelling or directing any profanities at Ms. [REDACTED] or making any reference about Ms. [REDACTED] age. Officer Flores related that he did not observe Officer Ocampo pull Ms. [REDACTED] arm or abuse her in any manner. Officer Flores related that their assigned unit did not issue them Body Worn Camera (BWC) and their assigned vehicle was not equipped with in-car camera.

In an **interview with COPA**⁵, on April 26, 2019, Officer Antonio Ocampo related while on patrol with his partner, Officer Antonio Flores, they observed a minivan double parked. As they approached the van, the driver, now known as [REDACTED] began to drive away. They followed Ms. [REDACTED] and observed her fail to make a complete stop on Division Street. Officer Ocampo observed Ms. [REDACTED] approach the red traffic light at Division and Hamlin and turned right without making a complete stop. Ms. [REDACTED] then made a left turn onto Grand Avenue, while the traffic light was red and then made a right turn onto Pulaski Road on a red light. They proceeded to curb Ms. [REDACTED] for the traffic violations that she had committed. Officer Ocampo approached the passenger side, while Officer Flores approached Ms. [REDACTED]. The passenger side window was closed and therefore could not hear the entire conversation between Ms. [REDACTED] and Officer Flores. Officer Ocampo related that he did not know why Officer Flores ordered Ms. [REDACTED] to exit her vehicle. However, Officer Ocampo described Ms. [REDACTED] as being aggressive and began to scream and shout. At that point, for safety reasons, Officer Flores handcuffed Ms. [REDACTED]. Officer Ocampo stayed with Ms. [REDACTED] while Officer Flores went inside the police vehicle to write out the citations. Ms. [REDACTED] kept moving her arms and he had to repeatedly grab her arm to prevent her from walking away. Officer Ocampo told Ms. [REDACTED] to stop moving, because the handcuffs were going to tighten on her. Officer Ocampo observed Ms. [REDACTED] friend, now known as [REDACTED] appeared on the scene and was told to stay back. Ms. [REDACTED] was released and issued two citations. Officer Ocampo denied telling Ms. [REDACTED] that he was going to search her and her van for drugs and denied abusing Ms. [REDACTED] in any manner. Officer Ocampo did not hear Officer Flores direct any profanities at Ms. [REDACTED] or mock her in any manner. Officer Ocampo related that their assigned unit did not issue them Body Worn Camera (BWC).

⁵ Attachment #43, Audio interview of Officer Antonio Ocampo.

b. Digital Evidence

Police Observation Devices (PODs 5110, 6795, 7442 & 7466)⁶ obtained for February 27, 2019, from 9:30 pm to 10:30 pm, did not capture the alleged incident.

OEMC police transmission⁷ showed a police dispatcher requesting a supervisor to the 025th District station to speak with [REDACTED]

Body Worn Camera (BWC)⁸ search revealed that Officer Eduardo Flores and Officer Antonio Ocampo were assigned to Unit 313, Gang Enforcement Area Center⁹ and their unit was not equipped with BWC.

Security video for Life Storage¹⁰ revealed negative results. On April 12, 2019, Investigators Jayne Loooper and Darren Bowen made a personal visit to Life Storage and viewed video for that date. The video showed a glare of flashing lights from a distance and no view of the incident was captured.

c. Documentary Evidence

The **Initiation Report**,¹¹ authored by Sergeant Jacalyn Doyle, indicated that [REDACTED] was pulled over for a traffic stop by Officer Eduardo Flores and Officer Antonio Ocampo. Ms. [REDACTED] was accused of buying drugs and felt belittled by the officers for being in that area.

Unit Search of Beat #6732E¹², (Officers Flores and Officer Ocampo) indicated that on February 27, 2019, at about 9:38 pm, [REDACTED] license plate was run through the Portable Data Terminal (PDT).

Global Position System (GPS)¹³ report indicated that on February 27, 2019, at about 9:38 pm, Beat #6732E, (Officer Flores and Officer Ocampo) stopped at the location of incident, 1421 N. Pulaski Road. The report also indicated that about 14 minutes later, at about 9:52 pm, Beat 6732E (Officers Flores and Ocampo) drove away from that location.

Traffic Citations TN-062-758-9¹⁴ indicated that on February 27, 2019, [REDACTED] was issued two citations for disregarding a red light or a stop sign.

⁶ Attachment #11, CD's of POD's 5110, 6795, 7442, 7466.

⁷ Attachment #16, CD of audio OEMC Police Transmissions, 14.33 minute.

⁸ Attachment #44, Body Worn Camera (BWC), negative results.

⁹ Attachment #12, Assignment & Attendance sheet.

¹⁰ Attachment #45, Life Storage viewing of security video.

¹¹ Attachment #1, Initiation Report of Sergeant Jacalyn Doyle.

¹² Attachment #3, Unit Beat Search of Beat 6732E.

¹³ Attachment #8, Global Position System (GPS) of Beat 6732E

¹⁴ Attachment #5, Traffic Citations TN-062-758 & TN-062-759.

OEMC Chicago Police Event Query Report #1905815296¹⁵ indicated that on February 27, 2019, at about 9:59 pm, ██████████ was at the 025th District station. Ms. ██████████ alleged that she was pulled over by two officers, now known as Officer Eduardo Flores and Antonio Ocampo. Ms. ██████████ was emotionally upset because the officers had pulled her over and suspected her of having drugs, and was issued two citations.

Medical Records from Physician Immediate Care¹⁶ indicated that on February 28, 2019, at approximately 6:32 pm, ██████████ complained of pain to her back and neck. Ms. ██████████ was diagnosed with a muscle strain to her shoulder and upper left arm and a contusion to her left hand. Ms. ██████████ reported that on February 27, 2019, she had an encounter with the police and was handcuffed. Ms. ██████████ related that an officer repeatedly pulled on her left arm and told her to stop moving. Ms. ██████████ related that the handcuffs caused pain and swelling to her left hand.

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.

¹⁵ Attachment #7, OEMC CPD Event Query #1905815296.

¹⁶ Attachment #30, Physicians Immediate Care medical reports of ██████████

V. ANALYSIS

On February 27, 2019, Officer Antonio Flores and Officer Eduardo Ocampo were assigned to Area North Gang Enforcement and were patrolling in area known for high volumes of narcotic transactions. Officer Flores and Officer Ocampo observed a van doubled-parked on the street and proceeded to approach the van, but the van began to drive away. The officers followed the van and observed the driver, ██████████ commit several traffic violations. The officers activated their emergency lights and conducted a traffic stop. Ms. ██████████ alleged that the officers detained her for an unreasonable amount of time of twenty-five minutes. A Unit Search of Beat #6732E¹⁷ indicated that on February 27, 2019, that about 9:38 pm, Ms. ██████████ license plate was run through the Portable Data Terminal (PDT) of the police vehicle. Furthermore, the Global Position System (GPS)¹⁸ report, confirmed that on February 27, 2019, at about 9:38 pm, Officer Flores and Officer Ocampo stopped at the location of incident, 1421 N. Pulaski Road. The GPS report indicated that about fourteen minutes later, at about 9:52 pm, Officer Flores and Officer Ocampo drove away from, 1421 N. Pulaski Road. Therefore, **Allegation #1 against Officer Flores and Officer Ocampo, must be Unfounded.**

Ms. ██████████ alleged that Officer Flores threatened to search her and her van. Ms. ██████████ gave the officers consent to search her van. However, Ms. ██████████ related that she and her van were not searched. Therefore, **Allegation #2 against Officer Flores and Officer Ocampo, must be Unfounded.**

Ms. ██████████ identified Officer Flores as the officer that handcuffed her without justification. Officer Flores described Ms. ██████████ as upset and agitated and became verbally combative. As Ms. ██████████ stepped out of her vehicle, she began to make gestures with her arms. At that point, Officer Flores related for the safety of everyone, he handcuffed Ms. ██████████ and placed her behind her vehicle. Therefore, **Allegation #3 against Officer Flores, must be Exonerated.** The investigation revealed that it was Officer Flores and not Officer Ocampo who handcuffed Ms. ██████████ Therefore, **Allegation #3, against Officer Ocampo, must be Unfounded.**

Ms. ██████████ alleged that Officer Flores yelled at her, used profanities and made faces while mocking her. Due to the lack of evidence to either prove or disprove the allegation, **Allegation #4 against Officer Flores, must be Not Sustained.**

Officer Flores was accused of failing to document the stop by not creating an Investigatory Stop Report (ISR) and issue an ISR receipt. A review of **Special Order 04-13-09¹⁹ (Investigatory Stop System)** indicated that an ISR was not required. Specifically, in section

¹⁷ Attachment #3, Unit Beat Search of Beat 6732E.

¹⁸ Attachment #8, Global Position System (GPS) of Beat 6732E

¹⁹ Attachment #46, Special Order 04-13-09, Investigatory Stop System

VIII, 4, a²⁰, states: “An officer performs a traffic stop on a vehicle after observing the vehicle run a stop sign. The officer issues the driver a Personal Service Citation for failure to stop at a stop sign, and completes and affixes a Traffic Stop Statistical Study sticker to the appropriate copy of the Personal Service Citation consistent with the Department directive “Illinois Traffic and Pedestrian Stop Statistical Study. An Investigatory Stop Report will not be completed.” Therefore, **Allegation #5 against Officer Flores and Ocampo, must be Unfounded.**

Ms. [REDACTED] identified Officer Ocampo as the officer that pulled her left arm without justification, causing her pain. Officer Ocampo admitted to grabbing Ms. [REDACTED] left arm to stop her from walking away. Officer Ocampo repeatedly told Ms. [REDACTED] to stop moving because the handcuffs could tighten on her, but denied causing Ms. [REDACTED] any pain or injury. On the following day after the incident, Ms. [REDACTED] obtained medical treatment. The medical records indicate that Ms. [REDACTED] had an encounter with the police and was handcuffed. Ms. [REDACTED] complained of pain and swelling to her left arm. The medical report also indicated that an officer repeatedly pulled Ms. [REDACTED] left arm and kept telling her to stop moving. Although, it is conceivable that Ms. [REDACTED] sustained an injury to her arm, which resulted in pain to that arm, Ms. [REDACTED] admitted to moving while handcuffed. Officer Ocampo clearly had a justification for grabbing Ms. [REDACTED] as she was trying to walk away from him. Therefore, **Allegation #4 against Officer Ocampo, must be Exonerated.**

VI. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Eduardo Flores	1. It is alleged that on February 27, 2019, Officer Flores accused Ms. [REDACTED] of purchasing narcotics from a residence, and thereby detained her for an unreasonable amount of time, in violation of Rule 1.	Unfounded
	2. It is alleged that on February 27, 2019, Officer Flores told Ms. [REDACTED] that he would have to search her and her vehicle for narcotics, in violation of Rules 1 & 9.	Unfounded
	3. It is alleged that on February 27, 2019, Officer Flores handcuffed Ms. [REDACTED] without justification, in violation of Rules 1 & 9.	Exonerated

²⁰ Attachment #46, Special Order 04-13-09, Page 7 (section VIII, 4, a).

Officer Antonio Ocampo	4. It is alleged that on February 27, 2019, Officer Flores yelled and used profanities at Ms. [REDACTED] and teased her by making faces at her, in violation of Rule 9.	Not Sustained
	5. It is alleged that on February 27, 2019, Officer Flores failed to document the stop, by not completing an Investigatory Stop Report (ISR) and issue a receipt for the ISR, in violation of Rule 6.	Unfounded
	1. It is alleged that on February 27, 2019, Officer Ocampo accused Ms. [REDACTED] of purchasing narcotics from a residence, and thereby detained her for an unreasonable amount of time, in violation of Rule 1.	Unfounded
	2. It is alleged that on February 27, 2019, Officer Ocampo told Ms. [REDACTED] that he would have to search her and her vehicle for narcotics, in violation of Rules 1 & 9.	Unfounded
	3. It is alleged that on February 27, 2019, Officer Ocampo handcuffed Ms. [REDACTED] without justification, in violation of Rules 1 & 9.	Unfounded
	4. It is alleged that on February 27, 2019, Officer Ocampo pulled Ms. [REDACTED] left arm without justification, causing pain to her arm, in violation of Rule 4.	Exonerated
	5. It is alleged that on February 27, 2019, Officer Ocampo failed to document the stop, by not completing an Investigatory Stop Report (ISR) and issue a receipt for the ISR, in violation of Rule 6.	Unfounded

Approved:

[REDACTED]

8-25-2020

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A
Assigned Investigative Staff

Squad#:	12
Investigator	Roberto Soto
Supervising Investigator	Andrew Dalkin
Deputy Chief	Angela Hearts-Glass