

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	24 March 2018
Time of Incident:	11:25 Hours
Location of Incident:	755 N. Ridgeway Avenue
Date of COPA Notification:	June 2018
Time of COPA Notification:	n/a

The accused officer observed the complainant interact with multiple vehicles. The complainant then approached the officer and, without explanation, demanded her star number. The officer refused to provide her star number and ordered the complainant to leave. The complainant began recording the encounter on her mobile phone. The officer attempted to strike the complainant’s phone from her hand. The officer placed the complainant under arrest for disorderly conduct.

II. INVOLVED PARTIES

Involved Officer #1:	Gloria Tirado, Star No. 19886, Employee No. [REDACTED], Appointed 26 May 1998, Rank: 9161, Unit: 11th District Female, Hispanic, YOB: 1963
Involved Officer #2:	Anthony Graffeo, Star No. 16837, Employee No. [REDACTED], Appointed 28 Apr. 2014, Rank: 9161, Unit: 11th District, Male, White, YOB: 1977
Involved Officer #3:	Nicole McManus, Star No. 12516, Employee No. [REDACTED], Appointed 06 Apr. 2015, Rank: 9161, Unit: 11th District, YOB: 1990, Female, White
Involved Officer #4:	Akiba McKinney, Star No. 17693, Employee No. [REDACTED], Appointed 29 Sept. 2014, Rank: 9161 Unit: 11th District, Female, Black, YOB: 1979
Involved Officer #5:	Visal Chum, Star No. 17512, Employee No. [REDACTED], Appointed 04 Nov. 2013, Rank: 9161, Unit: 11 th District, Male, Asian Pacific Islander, YOB: 1984
Involved Officer #6:	Greg Roszkowski, Star No. 14740, Employee No. [REDACTED], Appointed 05 Oct. 2012, Rank: 9161, Unit: 11 th District, Male, White, YOB: 1985

Involved Individual #1:	██████████, YOB: 1994, Female, Black
Involved Individual #2:	██████████, YOB: 1995, Male, Black
Involved Individual #3:	██████████, YOB: 1987, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Gloria Tirado	1. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you arrested ██████████ without justification	EXONERATED
	2. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you attempted to prevent ██████ from recording the encounter.	SUSTAINED / 10-day Suspension
	3. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you failed to activate your body-worn camera.	SUSTAINED / 10-day Suspension
	4. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you failed to provide your name and star number upon request.	SUSTAINED / 10-day Suspension
	5. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you engaged in an unjustified verbal altercation with ██████.	SUSTAINED / 10-day Suspension
	6. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you directed profanity at ██████████, such as the words “fuck” and “bitch.”	SUSTAINED / 10-day Suspension
	7. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you arrested ██████ in retaliation.	NOT SUSTAINED

8. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you attempted to engage in an unjustified physical altercation with ■■■.

NOT
SUSTAINED

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1 prohibits an officer from violating any rule or ordinance.
 2. Rule 2 prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 3 prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 4. Rule 6 prohibits disobedience of an order or directive, whether written or oral.
 5. Rule 8 prohibits disrespect to or maltreatment of any person, while on or off duty.
 6. Rule 9 prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
 7. 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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General Orders

1. General Order G03-02, Use of Force
 2. General Order G02-02, The First Amendment and Police Actions
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Special Orders

1. Special Order S03-14, Body worn cameras
 2. Special Order S04-13-09, Investigatory Stop System
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Federal Laws

1. Amend. I, U.S. Const.
 2. Amend. IV, U.S. Const.
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Municipal Code of Chicago

1. MCC § 9-80-180, Obstruction of Traffic By Non-Motorist
 2. MCC § 8-4-010, Disorderly Conduct
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V. INVESTIGATION¹

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

A. INTERVIEWS

██████████, the complainant in this matter gave a statement to the Civilian Office of Police Accountability (COPA) on September 26, 2018.² According to ██████████, on the date of the incident, she was with her boyfriend (██████████) at Tasty Sub (a restaurant located at 3723 West Chicago Avenue). The couple placed an order for food and went outside to smoke. As ██████████ exited the restaurant, she observed Officer Tirado speaking to ██████████ from her police vehicle at the intersection of West Chicago and North Ridgeway. ██████████ recognized Officer Tirado from earlier encounters and believed the officer was responsible for spreading rumors over the preceding months that ██████████ is a confidential informant for the police. ██████████ became concerned for her safety and began recording the officer with the camera of her mobile phone.

Around this time, ██████████ heard Officer Tirado refer to her while speaking to ██████████. ██████████ and a friend (██████████) approached Officer Tirado. As they neared the police vehicle, Officer Tirado ordered them to leave and advised that, if they did not, she would place them under arrest. The pair asked the officer to state the basis for the arrest, and Officer Tirado advised that she would “make something up.” ██████████ asked Officer Tirado to provide her star number. In response, Officer Tirado used profanity and told ██████████ that she already knew her star number. Officer Tirado then extended her arm through the window and attempted to strike ██████████’s mobile phone from her hand.

██████████ then demanded that the officer call a sergeant to the scene. Officer Tirado ignored the request and again ordered ██████████ and ██████████ to leave. ██████████ refused. Officer Tirado exited the vehicle, and threatened to place ██████████ under arrest. Additional officers arrived on scene. ██████████ recognized two assisting officers (Officer McKinney and Officer McManus), and she attempted to tell them about her encounter with Officer Tirado. She also attempted to show them the recording on her mobile phone, but Officer Tirado interrupted and placed ██████████ in custody.

Officers transported ██████████ to a police station. There, she spoke with a sergeant and showed him the recording of her encounter with Officer Tirado. The sergeant was dismissive of ██████████’s complaint and advised that Officer Tirado’s actions were justified. ██████████ was charged with obstructing traffic, but she denied interacting with any vehicles on the scene.

Officer Tirado gave two statements to COPA. The first was taken on December 12, 2018.³ Officer Tirado told investigators that, on the date of the incident, she was on routine beat patrol and traveled to the intersection of North Ridgeway Avenue and West Chicago Avenue—an area the officer knows to be a hotspot for drug activity. She had come to the area to speak with a civilian about an unrelated incident. Officer Tirado parked on North Ridgeway. She observed ██████████ standing nearby and recognized her as a known drug dealer.⁴ ██████████ was standing “in the middle of the street, waiting for cars to come by.”⁵ When vehicles neared ██████████, she “motion[ed]” with her hands in a way that may have been intended to alert the occupants to the

² See att. 31; att. 32.

³ See att. 60; att. 63; att. 69.

⁴ During her first statement to COPA, Officer Tirado told investigators that she also recognized ██████████ from a prior incident in which ██████████ was a passenger in a stolen vehicle.

⁵ Att. 63, p. 15.

officer's presence. ■■■ interacted in this manner with the occupants of at least four different vehicles, including one that came around twice. Although Officer Tirado found ■■■'s conduct suspicious, she did not investigate because she did witness any contraband change hands.

Officer Tirado turned her attention to ■■■■■■■■■■ and spoke with him for about fifteen minutes. Suddenly, while ■■■■■■■■■■ and the officer were still speaking, ■■■ approached the police vehicle and began to complain about the officer's presence in the area. She also used abusive language and accused the officer of talking about her. Both Officer Tirado and ■■■■■■■■■■ assured ■■■ they were not discussing her and asked her to leave. ■■■ walked away, but quickly returned. This time, ■■■ came much closer to Officer Tirado (who was seated in the police vehicle with the window lowered). ■■■ withdrew an object from her pocket and, as she did so, made brief physical contact with Officer Tirado's arm. Officer Tirado became alarmed by the physical contact between herself and ■■■ and was unsure what ■■■ had removed from her pocket. Officer Tirado attempted to take hold of the object and shouted, "What the fuck is your problem, bitch?"

■■■ complained that Officer Tirado was encroaching her right to record the encounter. Officer Tirado exited her vehicle and discovered the object ■■■ had removed from her pocket was, in fact, a mobile phone. Officer Tirado stated, "This has nothing to do with you. What do you mean I'm not letting you record? This is not your business."⁶ At that point, Officer Tirado called for backup because ■■■ had a reputation for becoming verbally combative with police officers. Officer Tirado gave additional orders to ■■■ to leave, but ■■■ refused.

Additional officers arrived on scene. Officer Tirado spoke with one of these officers, (Officer Graffeo) to determine whether there was a lawful basis for ■■■'s arrest. Ultimately, Officer Tirado concluded she could charge ■■■ with "obstruction" because the officer believed ■■■ "acted the way she did because [the officer's presence] . . . was interfering" with ■■■'s ability to sell illegal substances.⁷ The officer also believed that "everything else that [■■■] caused, and getting really loud" justified charges of disorderly conduct.⁸ Meanwhile, ■■■ continued to "escalate[]" the encounter.⁹ Specifically, ■■■ continued to disregard the officer's orders to leave the area and used vulgar language. Finally, Officer Tirado placed ■■■ in custody. Later, after processing, ■■■ approached Officer Tirado to ask for her assistance in dismissing charges from the incident. Officer Tirado agreed to speak with the prosecutor, and the State ultimately dropped the charges.

In her statement COPA, Officer Tirado claimed she never heard ■■■ ask for her star number during the incident. The officer stated that she did not believe officers were required to provide star numbers to offenders. She noted that the number is displayed on her uniform, that she and ■■■ know one another from prior incidents, and that ■■■ could have obtained the star number at the station. Officer admitted Tirado admitted she failed to activate her body worn camera, saying the incident happened very quickly and she did not think to activate it.¹⁰

⁶ Att. 63, p. 13.

⁷ Att. 63, p. 34.

⁸ Att. 63, p. 34. *See also*, att. 63, p.46.

⁹ Att. 63, p.12. *See also*, att. 63, Pgs. 18-19.

¹⁰ Att. 63, pp. 22-23.

Officer ■ gave her second and final statement to COPA on May 24, 2019.¹¹ During her second statement to COPA, Officer Tirado told investigators that she believed ■ had approached the officer as part of scheme to provoke her and prevent her policing the area.¹² Officer Tirado also explained that ■'s recording did not capture the beginning of the encounter and omitted moments which might reflect unfavorably on ■. She noted, for instance, that ■ made demeaning statements about the officer's race and sexual life, saying the officer is a "white cracker" who "needs to get laid."

Officer Tirado also expressed doubt as to whether ■ believed that the officer had attempted to strike her or her mobile phone. She maintained that she did not recognize the object in ■'s hand during the incident, saying

"Nobody is going to point nothing at me I've been shot before. No one is going to point anything at me because I don't know what that is. There's weapons out of pens, out of cellphones. We get that video footage of what we confiscate, what the police confiscates as weapons, so I'm not [going to] have no one try to set up something and videotape and escalate something to a police officer to get that police officer from their turf."¹³

* * *

"If you are trying to say that I pre-knew that she was coming out with a phone, then you can say whatever you want, but that wasn't the truth."¹⁴

The officer also repeated earlier claims that ■ made brief physical contact with her arm. Finally, Officer Tirado told investigators that ■ has a history of calling the Department to complain about officers who investigate her. Officer Tirado told investigators she would not have arrested ■ if she had left the area, but her conduct because so intrusive that she could no longer ignore it.

Five assisting officers gave statements to COPA: Officer McManus and Officer McKinney spoke with COPA on August 7, 2018;¹⁵ Officer Chum and Officer Roszkowski spoke with COPA on August 9, 2018;¹⁶ and, Officer Graffeo spoke with COPA on November 20, 2018.¹⁷ These statements are largely corroborative of other sources of evidence. In sum, when the assisting officers arrived on the scene, they found ■ was engaged in a verbal confrontation with Officer Tirado. The officers perceived ■ to be irate and some heard her demand that Officer Tirado provide her star number and call a sergeant to the scene. The officers separated ■ from the officer. Some officers spoke with ■, and she told them that Officer Tirado had refused to provide

¹¹ Att. 69.

¹² Att. 69 at 6:13–6:50.

¹³ Att. 69 at 9:05–9:44.

¹⁴ Att. 69 at 18:50.

¹⁵ See att. 24; att. 25.

¹⁶ See att. 26; att. 27.

¹⁷ Att. 71.

her star number, ordered her to stop taking video, and attempted to strike her. ■ also discussed her belief that the officer was spreading rumors in the area that she is a confidential informant. The officers also spoke to Officer Tirado, and she told them that, prior to the encounter, ■ had been obstructing traffic. Officer Tirado also stated that ■ had approached her police vehicle while she was speaking to another civilian about an unrelated matter and attempted to record the encounter.

■■■■■■■■■■, a civilian witness to the incident, gave a statement to COPA on August 24, 2018.¹⁸ On the date of the incident, Officer Tirado observed him selling loose cigarettes, and she called him over to her police vehicle to scold him. Around this time, ■ approached the police vehicle and demanded Officer Tirado's information. Officer Tirado ordered ■ to leave. ■ began recording the incident on a mobile phone, and Officer Tirado called for additional police assistance. Although ■■■■■ had observed ■ in the area before the incident, he never saw her interact with any passing vehicles.

■■■■■■■■■■, the complainant's boyfriend, gave a statement to COPA on September 26, 2018.¹⁹ According to ■■■■■, on the date of the incident, he and ■ were outside a candy store. Officer Tirado approached them and began "talking shit" to ■ and "picking on" her. The officer activated her siren. ■ left the candy store, but ■■■■■ remained there. Later, ■■■■■ and ■ reunited at Tasty Sub. ■ went outside to smoke, but ■■■■■ remained in the restaurant. Shortly after she went outside, ■ was arrested.

B. DIGITAL EVIDENCE

COPA obtained video from the complainant's mobile phone.²⁰ As it begins, the footage shows only the ground, but captures the following exchange between Officer Tirado and an unidentified male witness:

OFFICER TIRARADO: Get the fuck out of here. I'm talking to him. Mind your own fucking business. . . . Before I lock you up.

UNIDENTIFIED MALE WITNESS: For what?

OFFICER TIRADO: I'll figure something out.

The camera pans up and shows Officer Tirado. She is seated in a marked police vehicle. ■■■■■, a local resident, is standing near her. Officer Tirado says "bye" to ■ (who is holding the camera) and the unidentified male. ■■■■■ also encourages ■ to leave the area.

■ begins to walk away. The camera again pans to the ground, but records parts of a conversation in which ■ complains to her companions about Officer Tirado and announces that she is going to obtain the officer's star number. ■ then returns to the police vehicle and raises the camera so to show Officer Tirado. ■ makes multiple requests for Officer Tirado's star number. The officer does not provide the number, saying only that ■ "already know[s] [the] star number."

¹⁸ Att. 28.

¹⁹ Att. 33

²⁰ See att. 76

Officer Tirado gives ■ multiple orders to disperse. ■ refuses and continues to argue with the officer. At this point, Officer Tirado reaches through the window of police vehicle and appears to strike at an area near ■'s person. The officer calls ■ a "fucking stupid head," and ■ asks if the officer attempted to hit her. Officer Tirado requests additional police assistance over her radio, and ■ informs the officer that she is recording the encounter. Officer Tirado shouts, "you can't fucking video me, bitch" and exits the police vehicle. Sirens become audible in the background, and the video ends.

COPA also obtained video of a separate, earlier incident involving both the complainant and Officer Tirado from the former's account on Facebook.²¹ This footage shows ■ in a police station. She is handcuffed to a bench, and there is an unidentified officer sitting at a table in front of her. Off camera, Officer Tirado begins addressing ■. She warns ■ that police are aware of her activities and states that she does not want to encounter ■ in unspecified area. At this point, the unidentified officer advises ■ that she will be released without facing charges. ■ asks for her belongings and makes faces at the camera. Later, the footage shows ■ follow Officer Tirado to retrieve her belongings. While she is behind Officer Tirado, ■ makes gang signs at the camera and extends her middle finger toward the officer. The video ends.

COPA obtained video from the BWCs of Officer Chum, Officer Graffeo, Officer McKinney, Officer McManus, and Officer Rozkowski.²² **COPA also obtained the video from the dash camera of Officer Graffeo's police vehicle and audio recordings from OEMC.**²³ The footage is largely corroborative of other sources of evidence: assisting officers arrive on the scene and find ■ and Officer Tirado are engaged in a verbal altercation. ■ informs the officers that officer Tirado attempted to strike her, and the officer shouts, "Get the fuck out of here!" ■ makes multiple claims that Officer Tirado has been spreading rumors about ■ and following her. She also complains that the officer will not provide her star number and demands to speak to a sergeant. Officer Tirado advises that ■ does not "need to know" the star number because ■ initiated the encounter with the officer. The officers move ■ away from the officer and attempt to calm her. ■ becomes calmer but continues to repeat her claims and demands to speak with a sergeant. Officer Tirado radios a request for a sergeant, and Officer McKinney advises ■ that she will receive Officer Tirado's badge number. Officer Tirado and Officer Graffeo discuss what charges they should bring against ■, and the officers place her under arrest.

C. DOCUMENTARY EVIDENCE

COPA obtained copies of the arrest and case reports from the incident.²⁴ These documents show that ■ faced charges of disorderly conduct by refusing lawful orders and obstructing traffic. The report states that Officer Tirado observed ■ interfere with the movement of traffic by talking to the drivers of multiple passing vehicles. The report indicates that Officer Tirado parked her vehicle nearby to deter ■ from continuing this conduct. According to the report, a civilian approached the officer while she was parked to discuss his concerns about criminal activity in the area. When ■ observed the officer speaking to the civilian, she became angry, approached

²¹ See att. 76.

²² See att. 76

²³ See att. 76; att. 15.

²⁴ See att. 36; att. 16.

the police vehicle, and demanded the officer's badge number. The officer ordered [REDACTED] to leave, but [REDACTED] refused. [REDACTED] withdrew a mobile phone and held it close to the officer's face. Before she was able to recognize the object in [REDACTED]'s hand as a phone, the officer attempted to push the object away from her face. However, the report states the officer did not make physical contact with [REDACTED]. The report concludes that [REDACTED] demanded to speak with a sergeant and continued to the encounter to a point where it became necessary to place her in custody.

VI. DISCUSSION

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.

Preponderance of evidence can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.²⁵ 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 satisfied.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but less demanding than "proof-beyond-a-reasonable-doubt" that applies in criminal cases.²⁶ 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."²⁷

A. THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE COMPLAINANT'S ARREST WAS JUSTIFIED.

The complainant alleged that the officer placed her under arrest without justification. It is well-established, however, that an arrest is lawful if so long as the officer has probable cause to arrest believe the arrestee has committed at least one offense. "Probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it."²⁸

²⁵ 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 is found to be more probably true than not).

²⁶ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

²⁷ *Id.* at ¶ 28.

²⁸ Special Order S04-13-09

In the present case, the officer based the arrest of the complainant on her violation of section 8-4-010(d) of the *Municipal Code of Chicago*. Section 8-4-010(d) forbids a person from disobeying “an order by a peace officer . . . issued under circumstances where it is reasonable to believe that the order is necessary to allow public safety officials to address a situation that threatens the public health, safety, or welfare.” There is no doubt that the complainant refused to obey Officer Tirado’s orders to disperse, and there is ample evidence to support a finding that these orders were reasonable under the circumstances. The officer was engaged in legitimate police business when the complainant approached. Specifically, she was conducting a criminal investigation of [REDACTED]. The complainant’s persistent attempts to disrupt this conversation prevented the officer from effectively addressing the matter. In fact, the complainant’s conduct was so disruptive the [REDACTED] joined the officer in asking the complainant to leave the area. There was probable cause to arrest the complainant for disorderly conduct when she ignored reasonable orders to stop interfering with a police officer’s attempts to investigate the ordinance violation.

The officer also charged the complainant with Obstruction of Traffic by Non-Motorist. The officer stated that upon approach she witnessed the complainant interfering with cars causing traffic to stop. Although, there is conflicting evidence regarding this charge, it is clear that the complainant was disorderly and for this reason, **Allegation #1 is EXONERATED.**

B. THERE IS INSUFFICIENT EVIDENCE TO DETERMINE WHETHER THE ACCUSED OFFICER ENGAGED IN A RETALIATORY ARREST.

Courts have found that “to prevail on a claim of false arrest, [a complainant] must show there was no probable cause for his arrest.”²⁹ “Probable cause to arrest is an absolute defense to any claim under Section 1983 against police officers for wrongful arrest.”³⁰ If retaliation is not the but-for cause of the arrest, “the claim fails for lack of causal connection between unconstitutional motive and resulting harm, despite proof of some retaliatory animus in the official's mind.”³¹ Because we found that there was probable cause to arrest [REDACTED] for Disorderly Conduct and Obstruction of Traffic, we cannot find that Officer Tirado violated [REDACTED]’s Fourth Amendment rights by arresting her, even with a retaliatory intent.

However, the Department has laid out its own standards with regard to retaliation. Rule 2 prohibits officers from engaging in any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department. Specifically, the Standards of Conduct require Department members to swear never to act officiously or permit personal feelings, prejudices, animosities, or friendships to influence decision-making. Under the Department Rules and Regulations, a Department member could still retaliate against a civilian, even if there were underlying probable cause for the arrest, though it may not rise to the level of a Fourth Amendment violation.

Based on the Department rules, **Allegation 7 is NOT SUSTAINED.** There is no clear evidence that shows Officer Tirado arrested [REDACTED] in retaliation. Like the Fourth Amendment

²⁹ See *Williams v. Rodriguez*, 509 F.3d 392, 398 (7th Cir.2007).

³⁰ *Mustafa v. City of Chicago*, 442 F.3d 544, 547 (7th Cir.2006).

³¹ *Hartman*, 547 U.S. at 260 (citing *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 287, 97 S.Ct. 568, 50 L.Ed.2d 471 (1977)).

threshold, there is no clear indication that Officer Tirado would not have arrested [REDACTED] but for retaliation. Arguably, Officer Tirado had probable cause to arrest [REDACTED] several times for multiple reasons and did not arrest [REDACTED] until it much later in the encounter. Officer Tirado's participation in the verbal altercation, the swatting at the phone or Officer Tirado's use of profanity do not mitigate [REDACTED] arrestable behavior. By [REDACTED] own account, she approached Officer Tirado who was talking to another citizen. The evidence shows that Officer Tirado was engaged in a legitimate police function when [REDACTED] interfered. In contrast, Officer Tirado's statement to [REDACTED] that if [REDACTED] didn't leave, Officer Tirado would find a reason to arrest her presents questions regarding Officer Tirado's intentions. However, in the context of the full statement, it appears Officer Tirado's comment was intended to further her clear goal of dispersing [REDACTED]. The complexities of this interaction do not readily lend to one conclusion over another. Therefore, the allegation that Officer Tirado arrested [REDACTED] in retaliation is NOT SUSTAINED.

C. THERE IS INSUFFICIENT EVIDENCE TO SHOW THE ACCUSED OFFICER ENGAGED IN AN UNNECESSARY PHYSICAL ALTERCATION WITH THE DEFENDANT.

The complainant alleged that the officer engaged in an unnecessary physical altercation during their encounter. Specifically, she claimed the officer attempted to strike a mobile phone from her hand, and the officer admitted as much. Under the *Force Options* directive, an officer's "use of force must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject, *under the totality of the circumstances.*" The action Officer Tirado took here is most similar to "direct mechanical force"—*i.e.*, "forceful, concentrated striking movements such as punching and kicking." Direct mechanical force is permissible if a subject is an assailant. To be an assailant, a person must use or threaten to use force against another person. Officer Tirado was initially unsure what had removed from her pocket and believed it may have been an actual or improvised weapon. The officer's wariness is reasonable in light of the complainant's aggressive demeanor and erratic behavior.

To be sure, these factors are not sufficient to support a firm and abiding belief that the complainant qualified as an assailant when she thrust a camera in near officer's face. However, they are sufficient to prevent a finding under the preponderance standard that the officer used excessive force. The officer was right to be wary: the complainant was irate and acting erratically. When she thrust an unknown object in the complainant thrust that object towards the officer's face. While this observation is not sufficient to show the officer's actions violated Departmental policy, it militates against a firm and abiding belief in the reasonableness of the officer's actions. For this reason, **Allegation #8 is NOT SUSTAINED.**

D. THE EVIDENCE SHOWS THE OFFICER ATTEMPTED TO PREVENT THE COMPLAINANT FROM RECORDING THE INCIDENT.

There is no dispute that the officer ordered the complainant to stop recording the encounter. General Order G02-02 states that Department members may not "disrupt [or] interfere with . . . any person engaged in First Amendment conduct for the purpose of punishing, retaliating, or preventing the person from exercising his or her First Amendment rights." The officer's action constitutes a clear attempt to disrupt the complainant's expressive conduct. There is some evidence that the officer conflated lawful orders to disperse with unlawful orders to stop recording,

but it is incumbent on the officer to keep these concepts distinct in her mind. For this reason, **Allegations 2 is SUSTAINED.**

E. THE EVIDENCE SHOWS THE OFFICER ENGAGED IN AN UNNECESSARY VERBAL ALTERCATION WITH THE COMPLAINANT AND USED ABUSIVE, PROFANE, AND UNPROFESSIONAL LANGUAGE DURING THE INCIDENT.

The complainant alleged the officer engaged in an unnecessary verbal altercation. Departmental members have an obligation under General Order G03-02-01 to “continually evaluate the effectiveness of [her] communication” with a subject, and “vary the level of assertiveness” so that it is proportionate to the seriousness of the encounter. During this incident, Officer Tirado should have recognized that her strategy for responding to the complainant was not succeeding. The officer should have recognized that the bizarre dispute between herself and [REDACTED] hinged entirely on the officer’s failure to recite a five-digit number that (as she herself observed) is printed on her vest. The officer’s failure to give her star number (in addition to being a form of misconduct in its own right) is proof that she did not use de-escalation techniques during the her encounter with the complainant. Additionally, there is no doubt that the accused officer peppered her statements with profane language. Video evidence clearly shows the officer called the complainant a “bitch” and told her to “get the fuck out of here” in front of fellow officers. While [REDACTED] also employed vulgarity, Department members operate under higher standards of conduct than civilians, and, in this case, the officer’s actions clearly violated Rules 8 and 9. For these reasons, **Allegations 5 and 6 are SUSTAINED.**

F. THE EVIDENCE SHOWS THE ACCUSED OFFICER REFUSED TO PROVIDE HER STAR NUMBER WHEN IT WAS REQUESTED BY THE COMPLAINANT.

Rule 37 requires officers to provide their name, rank, and star number when so requested, whether on or off duty, to any member of the Department or private citizen. Officer Tirado admitted that she never provided [REDACTED] her star number, nor did she direct [REDACTED] to the star number displayed on her uniform. In her statement to COPA, Officer Tirado told COPA that she was not required to provide her star number because she believed that [REDACTED] only wanted to “cloud the issue” of [REDACTED]’s own misconduct. It is clear that Officer Tirado does not comprehend the rules requiring her to provide her star number when requested: there is no exception that excuses an officer from providing their name and star number when requested. For this reason, **Allegation #4 is SUSTAINED.**

G. THE OFFICER ADMITTED SHE FAILED TO ACTIVATE HER BWC DURING HER ENCOUNTER WITH THE COMPLAINANT.

Finally, Special Order S03-14 requires officers to activate their body worn cameras during any encounter with the public that becomes adversarial after the initial contact. Officer Tirado admitted that she failed to activate her body worn camera during this incident because it proceeded so rapidly that she did not have time to think about it. The officer’s explanation is unconvincing: five assisting officers responded to the same incident, and all remembered to activate their cameras. Officer Tirado should have taken the same action as her colleagues but admits she did not. For this reason, **allegation 3 is SUSTAINED.**

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

Five allegations against Officer Tirado are sustained. In determining what form of discipline to recommend, COPA considered the officer’s training, disciplinary and complimentary history: Officer Tirado has been a sworn member of CPD since 1998. Her disciplinary history shows that she received a reprimand for Court Appearance Violation March 9, 2020.

COPA notes that Officer Tirado, admittedly, used abusive language, poor emotional control, and puerile attempts to antagonize the complainant which escalated the incident unnecessarily. Her actions alienated the complainant and made the encounter significantly difficult. Taking all this into account, COPA recommends Officer Tirado be retrained in Body-Worn Camera, Professional Conduct and De-escalation. COPA also recommends Officer Tirado receive a 10-Day Suspension for the allegations sustained against her.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Gloria Tirado	1. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you arrested [REDACTED] without justification	EXONERATED
	2. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you attempted to prevent [REDACTED] from recording the encounter.	SUSTAINED/10 - day Suspension
	3. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you failed to activate your body-worn camera.	SUSTAINED/10 - day Suspension
	4. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you failed to provide your name and star number upon request.	SUSTAINED/10 - day Suspension

5. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you engaged in an unjustified verbal altercation with [REDACTED].	SUSTAINED/10 - day Suspension
6. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you directed profanity at [REDACTED], such as the words “fuck” and “bitch.”	SUSTAINED/10 - day Suspension
7. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you arrested [REDACTED] in retaliation.	NOT SUSTAINED
8. It is alleged that on March 24, 2018, in the vicinity of Chicago and Ridgeway, you attempted to engage in an unjustified physical altercation with [REDACTED].	NOT SUSTAINED

Ap [REDACTED]

James Murphy-Aguilu
Deputy Chief Administrator – Chief Investigator

10/21/20
Date

Appendix A

Assigned Investigative Staff

Squad#:	06
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	James Murphy-Aguilu
Attorney:	