

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	October 13, 2018
Time of Incident:	9:40 pm
Location of Incident:	██████████ ██████████
Date of COPA Notification:	October 15, 2018
Time of COPA Notification:	12:00 pm

On the date above, off duty Officer Yasmia Dunn was out shopping with her niece, juvenile ██████████,² and they drove home to Officer Dunn’s gated condominium complex at approximately 10:00 pm. Officer Dunn noticed that there was a car parked in her parking spot. She parked in the middle of the parking lot and honked her horn, hoping the driver of the other vehicle would hear it and come to move the car. As Officer Dunn was honking, a neighbor and Chicago Fire Department member ██████████, as well as another neighbor, ██████████, came outside to see what was going on. Mr. ██████████ approached Officer Dunn in her vehicle and complained to her about the noise she was making. Mr. ██████████ stood back as Officer Dunn and Mr. ██████████ exchanged heated words; they both later alleged that the other individual used profanity and derogatory language. The altercation only lasted a few minutes, and Mr. ██████████ then went back inside his home to file an online complaint to COPA about the incident. He also called 911, and Sergeant Lopez responded to the scene to take his statement.³

II. INVOLVED PARTIES

Involved Officer #1 (Accused):	Yasmia G. Dunn , Star #16882, Employee # ██████████, Appointed September 27, 2004; Police Officer, Unit 006, DOB ██████████, 1980, Black Female
Involved Individual #1 (Complainant):	██████████, DOB ██████████, 1980; White Male
Involved Individual #2 (Witness):	██████████, DOB ██████████, 1971; Male

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² COPA tried multiple times to obtain a statement from ██████████ and was unsuccessful. To avoid further delay and because the allegations in this case were not egregious, the investigation concluded without her statement.

³ Sergeant Lopez did not file an Initiation Report at his District about this incident due to the fact that a complaint was already being initiated by Mr. ██████████. No allegations were brought against Sergeant Lopez in this investigation.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Yasmia Dunn	1. It was alleged that on October 13, 2018 at approximately 10 pm, while off duty, Officer Dunn called [REDACTED] a "honky," in violation of Rules 2, 8, and 9.	Not Sustained
	2. It was alleged that on October 13, 2018 at approximately 10 pm, while off duty, Officer Dunn threatened [REDACTED], saying words to the effect of "Don't make me get out of this car, I'll kick your ass," in violation of Rules 2, 8, and 9.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

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 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION⁴

a. Interviews

Complainant [REDACTED]

In his statement to COPA on October 18, 2018, Mr. [REDACTED] explained that he lived in a condominium complex with a parking lot adjacent to the residences, and that the parking spots were assigned based on an unofficial, mutual understanding between the residents. Mr. [REDACTED] stated that on the evening of the incident, he was watching TV in his living room when he heard the sound of a car horn that seemed to be getting louder. The honking continued for at least 15 minutes before Mr. [REDACTED] finally decided to go outside and investigate. When he went outside, he

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

saw a white BMW with its lights on stopped in the parking lot. Mr. ██████ recognized the driver of the BMW to be a fellow resident of the community, Chicago Police Officer Yasmia Dunn, because he had interacted with her before in his capacity as President of the homeowner's association.

As Mr. ██████ approached the BMW, another neighbor, ██████, also came outside. When Mr. ██████ approached the BMW, he asked Officer Dunn what was going on, and she responded that somebody was parked in her parking spot. Mr. ██████ asked her to stop honking because she was disturbing the community during quiet hours, and the honking had woken up his daughter. During the conversation, Officer Dunn said something to the effect of, "You know I'm the police right?" and also said, "Don't make me get out of this car. I'm gonna kick your ass."⁵ At some point, Officer Dunn also called Mr. ██████ a "honky."⁶ When this happened, Mr. ██████ told Officer Dunn that he was going to file a complaint and began to walk back inside. Officer Dunn continued honking her horn, and Mr. ██████ then got inside his home and called 911. The entire verbal interaction lasted only a couple of minutes.

A Chicago Police Officer later identified as Sergeant Lopez responded to Mr. ██████'s 911 call. He spoke to Mr. ██████ inside his home while recording the conversation on his Body Worn Camera. Immediately upon arriving, Mr. ██████ told Sergeant Lopez that he was in the middle of filing a complaint online with COPA. Sergeant Lopez spoke with Mr. ██████ for a few minutes and mentioned that he was not going to speak with Officer Dunn at that time.

Witness Carlos Cuervo

In his interview with COPA on November 16, 2018, Mr. ██████ stated that on the night of the incident at approximately 10:00 pm, he heard a car persistently honking in the parking lot and went outside. The honking car was parked at the last building right in front of the brick wall, which was ██████. Mr. ██████ could not say exactly how long the honking had lasted, but that it was at least 10 minutes. Mr. ██████ could not clearly see the occupants of the vehicle honking.

As Mr. ██████ went outside, so did Mr. ██████, who Mr. ██████ knew on a professional level from the homeowner's association. While walking out, Mr. ██████ said to Mr. ██████ that he had already spoken with the driver of the honking car earlier that same day. While Mr. ██████ stood back, Mr. ██████ approached the car and was visibly agitated, though he did not have anything in his hands and was not making any threatening gestures. Mr. ██████ told the driver of the car that the honking was unnecessary. Mr. ██████ and the female were yelling at each other. Mr. ██████ stated that he thought he recalled profanity being used during the conversation, but he could not say definitively or articulate what was said. He also believed he recalled hearing a racial slur being used by Officer Dunn, but again could not articulate. He did not hear either party threaten the other.

As Mr. ██████ and the female, later identified as Officer Dunn, exchanged loud words, Mr. ██████ heard Officer Dunn say that she was a police officer. Mr. ██████ did not hear Officer Dunn

⁵ Att 7, 8:20. Mr. ██████ admitted that he was angry during the altercation and used profanity toward Officer Dunn but never threatened her

⁶ The Merriam-Webster Dictionary defines this term as an "insulting and contemptuous term for a white person."

make any threats to Mr. [REDACTED], but he got the impression that Officer Dunn was saying this to scare Mr. [REDACTED]. Mr. [REDACTED] could not hear everything that was said since he was standing approximately three or four parking spaces away. Officer Dunn did not exit her vehicle at any time. Mr. [REDACTED] was fairly certain that he heard Mr. [REDACTED] call Officer Dunn a “bitch” at one point.

The altercation between Mr. [REDACTED] and Officer Dunn ended by Mr. [REDACTED] walking away and saying to Officer Dunn that he was going to file a complaint. Officer Dunn told Mr. [REDACTED] to go ahead. Mr. [REDACTED] stated that he believed that he heard Officer Dunn use a racial slur toward Mr. [REDACTED] at some point, but he could not recall exactly. The entire interaction lasted only a few minutes.

Mr. [REDACTED] stated that one side of the complex’s parking lot was assigned by number and the other side was for visitors. The assigned spaces were established informally and that sometimes individuals would park in spots unassigned to them.

Accused Officer Yasmia Dunn

In her interview with COPA on November 15, 2018, Officer Dunn stated that this incident occurred just outside her building in the condominium complex, which was [REDACTED]. Mr. [REDACTED] lived at [REDACTED]. Officer Dunn understood the parking spaces in the lot to be assigned and also deeded to the respective homeowners. Officer Dunn was assigned parking spot 45, which was indicated on her property paperwork.⁷ The parking spots were numbered, but there were no signs or public notices of which unit was assigned which parking spot. Officer Dunn had been living in that community for less than a year and was not on the board of the homeowner’s association. She knew Mr. [REDACTED] to be president of the association because she had seen him at association meetings in the past, but she had never spoken to him previously. She did not immediately recognize Mr. [REDACTED] when this incident occurred.

On the night of this incident, Officer Dunn explained that she was out for shopping and a movie with her niece, [REDACTED], when she arrived home between 9:00 pm and 10:00 pm and saw that a truck was parked in her parking spot. Officer Dunn stopped her BMW in the middle of the parking lot and “beeped her horn a little bit”⁸ but nobody came out to move the car. Officer Dunn then used her cell phone to call the property manager, who did not pick up, so Officer Dunn also called the towing company of the complex.⁹ While Officer Dunn was on the phone with the towing company inside the car, her niece saw a man standing outside who appeared to be talking to them. While still on the phone, Officer Dunn noticed the male and rolled down her window. The male later identified as [REDACTED] asked why Officer Dunn was honking her horn. Officer Dunn responded that she was trying to get someone to come out and move their car from her spot. The male then began walking away, and Officer Dunn rolled up her window. Officer Dunn then

⁷ Officer Dunn did not provide a copy of her homeowner paperwork.

⁸ Att 17, 9:01. Officer Dunn said she recalled honking twice, and may have honked a third time.

⁹ Officer Dunn stated that there were tow signs in the parking lot, but she was not sure if she had the authority to tow a vehicle, so she called the property manager and the tow truck to try and find out. She emailed her property manager after she tried to call, and the property manager responded later that evening stating that the association could not tow the cars in assigned spots.

heard her niece say that the male had returned and was speaking to them again. Officer Dunn rolled her window down again and asked Mr. [REDACTED] what he said. Mr. [REDACTED] then called Officer Dunn a “dumb bitch.”¹⁰ Officer Dunn did not respond to this; she instead rolled up her window and finished her phone call. Mr. [REDACTED] then walked away, and Officer Dunn went inside with her groceries.

Officer Dunn stated that the entire conversation with Mr. [REDACTED] was very brief and that she did not see anyone else outside. She stated that Mr. [REDACTED] did not threaten her at any time or state that he was going to file a complaint. She was not aware of whether or not Mr. [REDACTED] recognized her. She stated that she did not identify herself as an officer at any time during the altercation, but she believed that Mr. [REDACTED] knew her to be a police officer from when he had obtained her residency paperwork. Officer Dunn spoke about this incident to several friends afterward but did not formally report it. She admitted to honking her horn at other vehicles in the past who had been parked in her parking spot. She acknowledged that the community had established “quiet hours” and understood them to begin at 11:00 pm on weekends.

Officer Dunn denied the allegations made against her, stating that she never called Mr. [REDACTED] a honky or threatened him in any way.

a. Digital Evidence

Sergeant Lopez’s **Body Worn Camera**¹¹ documented his conversation with Mr. [REDACTED] inside Mr. [REDACTED]’s home. The footage captured Mr. [REDACTED] telling Sergeant Lopez that starting at approximately 9:40 pm, Mr. [REDACTED] started hearing beeping outside his home. He went outside and saw that the beeping was coming from a white BMW in the parking lot and that the driver was his neighbor, Chicago Police Officer Yasmia Dunn.¹² As Mr. [REDACTED] approached her, she rolled down her window, and he asked her what was going on. Officer Dunn responded that someone was parked in her spot and that she was “pissed.”¹³ Officer Dunn then said something to the effect of, “I don’t give a fuck what you say. Somebody’s parked in my spot. You know I’m the police. I can do what I want.”¹⁴ Officer Dunn then told Mr. [REDACTED] to “get his honky ass out of her face or she’s gonna kick it.”¹⁵ Mr. [REDACTED] then went inside his home called the police. He stated to Sergeant Lopez that he was in the middle of filing a complaint online with COPA and was sorry that he had to do it. Sergeant Lopez offered to file a complaint for Mr. [REDACTED],¹⁶ and Mr. [REDACTED] said he could do it. Sergeant Lopez asked again if Mr. [REDACTED] was doing the complaint online, and Mr. [REDACTED] confirmed. Sergeant Lopez took Mr. [REDACTED]’s information and confirmed for a third time that Mr. [REDACTED] was filing the complaint online. Sergeant Lopez then left the scene and told Mr. [REDACTED] that he would not be talking to Officer Dunn at that time.

¹⁰ Att 17, 10:06.

¹¹ Atts 14-15.

¹² Mr. [REDACTED] referred to Officer Dunn as “Mia Dunn” throughout the footage.

¹³ Att 15, 01:51. Mr. [REDACTED] also admitted to Sergeant Lopez that he was “pissed” because the beeping had woken up his kids and his neighbor’s kids.

¹⁴ Att 15, 02:06.

¹⁵ Att 15, 02:21.

¹⁶ Att 15, 03:04.

The **911 Call** and **Radio Transmissions**¹⁷ from the Office of Emergency Management and Communications (OEMC) recorded a male who identified himself as [REDACTED] calling at 9:59 pm to request police at 2136 W. 111th Street. Mr. [REDACTED] stated to the Dispatcher that an off duty Chicago Police Officer, who was a neighbor of his, had been sitting in her vehicle in the parking lot beeping her horn incessantly for 20 minutes because someone was parked in her spot. Mr. [REDACTED] stated that he confronted the officer about this, and the officer responded by threatening Mr. [REDACTED], saying that she would “kick his honky ass”¹⁸ and that she did not care because she was a police officer. Mr. [REDACTED] described the vehicle to Dispatch as being a white BMW SUV with license plate number [REDACTED].

b. Additional Evidence

A **Canvass**¹⁹ of the condominium complex was conducted on November 2, 2018 by COPA investigators. No additional witnesses were identified. It was observed that the gated parking lot had unmarked parking spaces on the North end and numbered spaces on the South end. No cameras were observed on or near the property.

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

¹⁷ Atts 20-21. The OEMC Event Query (Att 9) reflected the information contained in the OEMC evidence.

¹⁸ Att 21, 1:35.

¹⁹ Att 13 (photographs of parking lot and grounds).

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

Officer Yasmia Dunn

In regards to **Allegation #1** that while off duty, Officer Dunn called ██████████ a "honky," in violation of Rules 2, 8, and 9, COPA finds that this is **Not Sustained**. Although Officer Dunn admitted to honking her horn, she denied Mr. ██████████'s allegations outright. The witness to the incident, ██████████, could not clearly define or confirm the derogatory language that was alleged to have been used by both parties. Although the evidence supported the conclusion that both Mr. ██████████ and Officer Dunn were conversing in raised voices and used profanity at some point, it did not substantiate that Officer Dunn directed racial slurs at Mr. ██████████ or that she threatened him at any time. The only other witness, ██████████, was not reached to corroborate Officer Dunn's testimony that the allegations did not occur. Since the totality of the evidence was insufficient to prove or disprove a more determinative finding, a Not Sustained finding must be upheld.

In regards to **Allegation #2** that on October 13, 2018 at approximately 10:00 pm, while off duty, Officer Dunn threatened ██████████, saying words to the effect of, "Don't make me get out of this car, I'll kick your ass," in violation of Rules 2, 8, and 9, COPA finds that this is **Not Sustained**. The analysis of this allegation is consistent with that of Allegation #1; at this time, there is insufficient information to make a determinative finding.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Yasmia Dunn	1. It was alleged that on October 13, 2018 at approximately 10:00 pm, while off duty, Officer Dunn called ██████████ a "honky," in violation of Rules 2, 8, and 9.	Not Sustained
	2. It was alleged that on October 13, 2018 at approximately 10:00 pm, while off duty, Officer Dunn threatened ██████████, saying words to the effect of "Don't make me get out of this car, I'll kick your ass," in violation of Rules 2, 8, and 9.	Not Sustained

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

12-30-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	2
Investigator:	Jessica Beckman
Supervising Investigator:	Sherry Daun
Deputy Chief Administrator:	Angela Hearts-Glass