

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 27, 2020
Time of Incident:	11:30 am
Location of Incident:	2333 West Sunnyside Avenue, Chicago, IL 60625
Date of COPA Notification:	June 29, 2020
Time of COPA Notification:	7:06 pm

██████████ (“Mr. ██████████”) initiated a complaint against Police Officer Tina Susa (“Officer Susa”) after the officer ordered Mr. ██████████ and his group of friends to vacate the tennis courts at Welles Park. Mr. ██████████ alleged that Officer Susa’s order was without justification and was rooted in racial profiling. Mr. ██████████ had been playing soccer-tennis on the court, kicking a soccer ball over the tennis net, and an anonymous 911 caller complained that the group’s game endangered those playing traditional tennis on the adjacent courts. Officer Susa first told the group that only traditional tennis was allowed on the courts, but she later justified ordering the group to leave based on the park being closed due to Covid-19 restrictions. Mr. ██████████ perceived this to be discriminatory because Officer Susa only attempted to impose the Covid-19 restrictions on his group, which included Black and Hispanic players, while she did not order White tennis players to leave the courts. COPA investigated Mr. ██████████ complaint and determined that Officer Susa ordered Mr. ██████████ and his group to leave the tennis courts, despite being instructed by her sergeant to allow the group to remain. COPA could not, however, determine if Officer Susa’s decision was based on race or color. During the investigation, COPA also discovered that Officer Susa had failed to record the entire encounter using her body-worn camera, in violation of CPD directives.

II. INVOLVED PARTIES

Involved Officer #1:	Tina Susa; Star #4251; Employee ID # ██████████; Date of Appointment: February 25, 2002; Police Officer; Unit of Assignment: 016; <sup>1</sup> DOB: ██████████, 1978; Female; White
Involved Officer #2:	Angel Ward; Star #2271; Employee ID # ██████████; Date of Appointment: December 2, 1996; Sergeant of Police; Unit of Assignment: 019; DOB: ██████████, 1968; Female; Black
Involved Individual #1:	██████████; DOB: ██████████, 1987; Male; Black

<sup>1</sup> On the date of the incident under investigation, Officer Susa was detailed to Unit 019, the 19<sup>th</sup> District.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Tina Susa	<p>It is alleged by [REDACTED] [REDACTED] that on June 27, 2020, at approximately 1:00 pm, at or near 2333 West Sunnyside Avenue, that Police Officer Tina Susa #4251 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Ordering [REDACTED] and his friends to vacate the Welles Park tennis courts without justification; and</li> <li>2. Using race or color in making the decision to order [REDACTED] and his friends to vacate the Welles Park tennis courts.</li> </ol> <p>It is alleged by COPA that on June 27, 2020, at approximately 12:00 pm, at or near 2333 West Sunnyside Avenue, that Police Officer Tina Susa #4251 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>3. Failing to record an entire law-enforcement-related encounter with [REDACTED] [REDACTED] in violation of Special Order S03-14, Body Worn Cameras.</li> </ol>	<p>SUSTAINED / 5-day suspension</p> <p>NOT SUSTAINED</p> <p>SUSTAINED / 5-day Suspension</p>
Sergeant Angel Ward	<p>It is alleged by [REDACTED] [REDACTED] that on June 27, 2020, at approximately 1:00 pm, at or near 2333 West Sunnyside Avenue, that Sergeant Angel Ward #2271 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Failing to respond to the Welles Park tennis courts to initiate an investigation of [REDACTED] [REDACTED] complaint against Police Officer Tina Susa.</li> </ol>	<p>UNFOUNDED</p>

**IV. APPLICABLE RULES AND LAWS**

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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 5: Failure to perform any duty.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
6. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

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General Orders

1. G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct (issued May 4, 2018)

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Special Orders

1. S03-14 Body Worn Cameras (issued April 30, 2018)

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Local Laws

1. Municipal Code of Chicago § 10-36-185 (2020).<sup>2</sup>
2. Chicago Park District Code, Ch. 7, § B.8 (2018).<sup>3</sup>

**V. INVESTIGATION<sup>4</sup>**

**a. Interviews**

**Complainant ██████████ was interviewed by COPA investigators on July 6, 2020.<sup>5</sup> Mr. ██████████ recounted that he had been playing “soccer tennis” with a group of friends on the tennis courts at Welles Park on Saturday, June 27, 2020. There were three courts; Mr. ██████████ group occupied the center court while other people used the remaining two courts. Mr. ██████████ explained that “soccer tennis” is an internationally recognized sport played on a tennis**

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<sup>2</sup> Attachment 6. “The members of the Chicago Police Department shall have authority to enforce the following provisions of the Chicago Park District Code [including] Chapter VII (Use of Parks).”

<sup>3</sup> Attachment 7. “No person shall engage in any athletic game or sport in the Park System except such portions thereof as may be designated for that purpose by the General Superintendent, and then only under such rules and regulations as may be prescribed by him/her.”

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

<sup>5</sup> Attachment 4.

court using a soccer ball instead of a tennis ball, with players using their feet to kick the ball over the net. A uniformed Chicago police officer, Officer Susa, approached the group and said that someone had called 911 to complain that people were using a soccer ball on the tennis court. Officer Susa explained that soccer was not allowed on the tennis court and that the group must immediately vacate the tennis court. Mr. [REDACTED] asked Officer Susa what law the group was violating by playing soccer tennis on the tennis court. Officer Susa was unable to cite any law or ordinance prohibiting soccer tennis but said that tennis required a tennis ball and racquets, and that the soccer ball could injure people on adjacent courts. Mr. [REDACTED] and Officer Susa were unable to come to an understanding about the rules for use of the tennis courts, and Mr. [REDACTED] asked Officer Susa to have her sergeant respond. Officer Susa agreed to call her sergeant and walked away from Mr. [REDACTED] group and appeared to be making a telephone call.

Officer Susa returned a few minutes later and again ordered the group to vacate the court. Mr. [REDACTED] pointed out the posted rules at the entrance to the tennis courts; those rules dealt only with the conduct of people using the courts and did not prohibit games other than traditional tennis. Officer Susa told Mr. [REDACTED] that a sergeant was on the way and told Mr. [REDACTED] that his group was trespassing because the parks were closed. Mr. [REDACTED] informed the officer that Chicago was now in "phase IV" and that parks, excluding some along Lake Shore Drive, were now open. Mr. [REDACTED] also asked why Officer Susa was only enforcing the trespassing rule against his group when other groups were also using the tennis courts and hundreds of other people were in the park. Officer Susa did not respond to Mr. [REDACTED] question, but instead continued to insist that Mr. [REDACTED] group vacate the courts. Mr. [REDACTED] noted that his group consisted mainly of people of color, while the people using the other tennis courts and park facilities were not people of color. Officer Susa again walked away.

A few minutes later, Officer Susa returned. She told Mr. [REDACTED] that her sergeant would not be coming because he or she was dealing with more important issues. Officer Susa again ordered the group to leave and said that she would call the Chicago Park District Police for assistance. Mr. [REDACTED] told Officer Susa that the Chicago Park District Police did not exist. Officer Susa then said that she would call the Chicago Park District management or maintenance personnel. Officer Susa eventually left the tennis courts without taking enforcement action. Before she left, Mr. [REDACTED] asked for her badge number. She did not respond verbally, but Mr. [REDACTED] was able to take a photograph of the officer.<sup>6</sup> Mr. [REDACTED] group continued to play soccer tennis for about an hour after Officer Susa left the area, without incident. Mr. [REDACTED] declined to provide COPA with contact information for the other members of his soccer tennis group. Mr. [REDACTED] said that he was not familiar with police body-worn cameras (BWC) and did not know if the incident had been recorded.

**Officer Tina Susa was interviewed by COPA investigators on March 10, 2021.<sup>7</sup>**

Officer Susa recalled responding to a call for service at the Welles Park tennis courts on June 27, 2020, after a concerned citizen reported a group of men playing soccer on the park's tennis courts, posing a danger to other court users. When Officer Susa arrived, she observed the men hitting a soccer ball over the tennis net. One of the men was Black, while the others were White or Hispanic. As she approached the court, Officer Susa activated her BWC. Officer Susa told the men that they could not play soccer on the tennis court. Officer believed she had the authority to

<sup>6</sup> [REDACTED] provided COPA with a copy of the digital photograph. The photograph depicts Officer Susa in uniform, with her nameplate and star clearly visible. Attachment 8.

<sup>7</sup> Attachment 25.

order the men to stop playing soccer based on the nature of the call for service and based on her duty to protect other citizens. The Black male subject (later identified as [REDACTED] [REDACTED]) became upset because there were no posted rules disallowing soccer on the court, and he asked Officer Susa to have her sergeant come to the park. Officer Susa conveyed the request over the police radio, and Sergeant Angel Ward was assigned. While Sergeant Ward was on the way, Officer Susa walked to the park's fieldhouse to see if any Chicago Park District (Park District) staff were working, but the fieldhouse was closed. Officer Susa also called Sergeant Ward on her cell phone, explaining what was happening in the park. Sergeant Ward asked Officer Susa to check for signs on the outside of the court that either allowed or prohibited games other than tennis. Officer Susa found a sign, but it only listed the rules for tennis. When Sergeant Ward arrived, Officer Susa met her at the sergeant's patrol vehicle, and they tried to determine if there were rules regarding what games could be played on the tennis courts. Officer Ward could not recall the details of her conversation with Sergeant Ward or what conclusion they ultimately reached.

After speaking with the sergeant, Officer Susa went back to the group on the tennis courts. Officer Susa could not recall if Sergeant Ward accompanied her. Officer Susa also could not recall if she told Sergeant Ward that Mr. [REDACTED] had requested to speak with her sergeant. Officer Susa said that she intended to tell Mr. [REDACTED] that she had been unable to determine the rules pertaining to playing soccer on the tennis courts. However, Officer Susa could not recall if she intended to tell Mr. [REDACTED] that he was required to stop playing soccer or if she intended to order Mr. [REDACTED] or other members of his group, to leave the tennis courts. Officer Susa also could not recall if she did, in fact, order Mr. [REDACTED] or his group to leave the tennis courts. What Officer Susa did remember is having a second conversation with the group and the group remaining on the court when she ended the interaction and exited the park. Officer Susa also could not recall if she ever told Mr. [REDACTED] that the tennis courts were closed due to Covid-19 restrictions, although she believed the parks were not officially open at the time. Officer Susa could not recall if she told Mr. [REDACTED] that he could be arrested for trespassing.

Officer Susa admitted that she deactivated her body-worn camera immediately before she met with Sergeant Ward. Officer Susa admitted that she forgot to re-activate her camera when she returned to the tennis courts for her second interaction with Mr. [REDACTED]. Officer Susa also admitted that CPD directives required her to record the second interaction. Officer Susa denied singling out Mr. [REDACTED] or his group based on their perceived race, explaining that she interacted with them because they were the people playing soccer on the tennis court.

**Sergeant Angel Ward was interviewed by COPA investigators on March 11, 2021.**<sup>8</sup> Sergeant Ward recalled that an officer under her supervision, Police Officer Tina Susa, responded to an assignment at the Welles Park tennis courts on June 27, 2020. After arriving at the park, Officer Susa telephoned Sergeant Ward, telling the sergeant that a person on the courts wanted to meet with her supervisor. Officer Susa explained that the person was playing a sport like kickball on the tennis courts, and they wanted written documentation to support Officer Susa's claim that this activity was not allowed. Sergeant Ward instructed Officer Susa to check for posted signs with park rules and to see if any park staff members were available. Officer Susa, however, could not find any relevant signs and could not find park staff members. Sergeant Ward then drove to the park to meet with Officer Susa.

When Sergeant Ward arrived at the park, Officer Susa met her at her patrol vehicle. Sergeant Ward then searched the internet for park rules and found a telephone number for the

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<sup>8</sup> Attachment 26.

Park District. After speaking with several Park District employees, Sergeant Ward located a Park District supervisor who told her that, in the absence of any posted signs to the contrary, the police should not enforce any restriction on the type of sport being played on the tennis courts. Based on this conversation, Sergeant Ward told Officer Susa not to take any enforcement action. Sergeant Ward volunteered to go with Officer Susa to give this information to the people on the tennis courts, but Officer Susa said that she would go by herself. Sergeant Ward told Officer Susa to let her know if the person still wanted to meet with a sergeant after Officer Susa provided the information about Park District rules. Minutes later, Sergeant Ward spoke with Officer Susa by telephone and confirmed that the situation had been resolved and the sergeant's presence was not needed. Sergeant Ward left the area without meeting any of the people on the tennis courts.

Sergeant Ward explained that she understood the person on the tennis courts wanted to see something in writing documenting the prohibition on playing kickball. When Sergeant Ward discovered that no written prohibition existed, she had nothing to show him. Sergeant Ward also believed that, despite the Covid-19 pandemic, the parks were open on June 27, 2020. Sergeant Ward did not recall discussing Covid-19 restrictions with Officer Susa. Sergeant Ward acknowledged that, as a supervisor, she was obligated to initiate an investigation if she learned that a citizen wanted to make a complaint against a CPD member. Sergeant Ward explained that she did not initiate an investigation on June 27, 2020, because she did not observe any misconduct on the part of Officer Susa and did not become aware that anyone was complaining of misconduct. Sergeant Ward denied the allegation against her.

#### **b. Digital Evidence**

A **body-worn camera (BWC) recording**<sup>9</sup> depicts Officer Susa's interaction with Mr. [REDACTED] on the Welles Park tennis courts on June 27, 2020. The recording begins at 11:38 am as Officer Susa approaches the tennis courts. Six men, one African American, four who appear to be white, and one who appears to be white or Hispanic, appear to be kicking a soccer ball back and forth on the center court, while other people play tennis on the near and far courts. Officer Susa approaches the men on the center court and asks, "Who's the captain?" One of the men replies that there is no captain, and Officer Susa tells the group that they cannot play with a soccer ball on the tennis courts because Park District tennis courts are only for tennis. Officer Susa also explains that someone summoned the police because they were concerned about being struck with a soccer ball while playing tennis.

Mr. [REDACTED] who was on the far side of the court, walks around the net and approaches Officer Susa. Mr. [REDACTED] tells Officer Susa that he is a lawyer and that the sport he is playing is a form of tennis called "soccer tennis." Mr. [REDACTED] also asks if there are any posted signs prohibiting the game they are playing or any section of the Municipal Code that would apply. Mr. [REDACTED] then asks Officer Susa to call her sergeant so that they can have a conversation. Mr. [REDACTED] explains that he will not leave the court unless a sergeant comes, and he asks that the sergeant bring a copy of the Municipal Code. Officer Susa agrees and calls for a sergeant using her police radio. Mr. [REDACTED] accuses a man standing adjacent to the court of being "the jackass who called" the police, but the other men with Mr. [REDACTED] start explaining that the bystander is taking their side against Officer Susa. Officer Susa then asks that "everybody chill until she [her sergeant] comes." The men resume playing while Officer Susa backs away.

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<sup>9</sup> Attachment 5. COPA obtained Department BWC records documenting that Officer Susa's camera did not create any additional recordings after 11:57 am on June 27, 2020. Attachment 27.

As Officer Susa walks away from the men, she receives a telephone call from Sergeant Ward.<sup>10</sup> Officer Susa explains that someone called the police because people were playing soccer on the tennis courts. Officer Susa further explains that one of the men playing soccer insists on continuing to play until a sergeant arrives and that he wants to see the Municipal Code prohibiting soccer on the tennis court. While still on the phone, Officer Susa walks off the court, pausing to examine the signs posted at the entrance gate. Officer Susa explains to Sergeant Ward that the posted rules only address the game of tennis. Officer Susa then walks across the park to the fieldhouse, and she questions if, and to what extent, the parks are open, but she does not appear to resolve the issue. At the fieldhouse, she finds the entrance doors closed and locked. Officer Susa reads aloud a sign on the door informing that the pool, fitness center, and playground are closed until further notice. Officer Susa expresses surprise that Park District security are not on site. Officer Susa then walks back across the park and out to the street, at one point expressing general contempt for lawyers. Officer Susa terminates the telephone call as she approaches the sidewalk and terminates her BWC recording as she approaches a marked patrol vehicle. The recording ends at 11:57 am.

### c. Documentary Evidence

An **Event Query Report**<sup>11</sup> from the Office of Emergency Management and Communications (OEMC) documents that an anonymous complainant called at 11:18 am on June 27, 2020, reporting ten adult men playing kickball on the tennis courts at Welles Park while teens were attempting to play tennis on the same court. The anonymous caller also said that she had been hit by one of the kickballs in the past. Officer Susa was assigned to handle this call at 11:21 am, and she acknowledged the call immediately. At 11:40 am, Sergeant Ward was assigned to assist, and she also acknowledged immediately. Both Officer Susa and Sergeant Ward were cleared from this call at 12:33 pm.

Department **GPS records**<sup>12</sup> document that Officer Susa's patrol vehicle arrived at Welles Park at 11:38 am on June 27, 2020 and departed the area at 12:36 pm. Sergeant Ward's patrol vehicle arrived at 11:57 am and departed at 12:24 pm.

## 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

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<sup>10</sup> Only Officer Susa's side of the conversation is audible, and the person she is speaking with is not directly identified during the conversation, but both Officer Susa and Sergeant Ward confirmed, during their interviews with COPA investigators, that they spoke with each other by telephone while Sergeant Ward was on her way to the park.

<sup>11</sup> Attachment 10.

<sup>12</sup> Attachments 15, 16, 18, 19.

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 did not comply with CPD policy.<sup>13</sup> If the evidence gathered in an investigation establishes that it is more likely that the conduct violated CPD policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.<sup>14</sup> 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."<sup>15</sup>

## VII. ANALYSIS

As a preliminary matter, Officer Susa admits both that CPD directives required her to activate her BWC before her second interaction with Mr. [REDACTED] and that she forgot to do so. Based on the absence of a BWC recording from the second interaction and based on Officer Susa's admissions, COPA finds that **Allegation No. 3 against Officer Susa is SUSTAINED**. COPA further finds that Officer Susa violated Rule 6 (disobeying a written order or directive), in that she violated Special Order S03-14, Body Worn Cameras, when she did not record her second law-enforcement-related encounter with Mr. [REDACTED]

COPA next addresses the allegation that Officer Susa ordered Mr. [REDACTED] and his friends to vacate the tennis court at Welles Park without justification. The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness; and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. Due to the available BWC recording, the events and conversations that occurred during Officer Susa's first interaction with Mr. [REDACTED] are not in material dispute. But because Officer Susa admittedly forgot to activate her BWC during her second interaction with Mr. [REDACTED] COPA must make findings of fact as to what transpired during that interaction. Those findings of fact depend, in part, on the credibility of Mr. [REDACTED] account, particularly because Officer Susa does not independently remember what she told Mr. [REDACTED] during the second interaction.

COPA finds that Mr. [REDACTED] account of the second interaction is credible. Mr. [REDACTED] first contacted COPA three days after the incident, and he provided a recorded statement describing the incident one week later, when the events of June 27, 2020, were presumably fresh

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<sup>13</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.")

<sup>14</sup> See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

<sup>15</sup> *Id.* ¶ 28.

in his memory. Mr. ██████ did not know if Officer Susa recorded *either* of their interactions with her BWC, and Mr. ██████ account of the first interaction accurately reflects the BWC recording. It is therefore likely that Mr. ██████ account of the second interaction is also largely accurate. Further, when confronted with a summary of Mr. ██████ account of the second interaction, Officer Susa did not deny it occurred as he remembered and did not deny telling Mr. ██████ that the park was closed or that he could be arrested for trespassing. COPA finds, as a matter of fact, that Officer Susa did tell Mr. ██████ the park was closed and did tell Mr. ██████ that he could be arrested for trespassing during their second interaction.

COPA also finds that Sergeant Ward's account of her conversation with Officer Susa after arriving at the park is both credible and accurate. Sergeant Ward's account is uncontroverted, as Officer Susa does not recall the details of their conversation. Sergeant Ward, on the other hand, remembers quite specifically calling the Park District and receiving information from a Park District Supervisor. Most importantly, Sergeant Ward remembers instructing Officer Susa to relay the information to the group playing soccer on the tennis court and instructing Officer Susa not to take any enforcement action. This also accords with Officer Susa's ultimate decision to leave the park, allowing Mr. ██████ and his friends to remain on the tennis court.

Officer Susa initially approached Mr. ██████ and his friends because she had been dispatched to handle a concerned citizen's report that men were playing soccer on a tennis court. When she arrived, she observed Mr. ██████ group kicking a soccer ball over the net on the center tennis court, while other groups played traditional tennis on the adjacent courts. Officer Susa's initial request that the men stop playing with a soccer ball and vacate the court was a reasonable attempt by the officer to resolve the expressed concern of a citizen. This is true regardless of any statute or ordinance that either prohibited soccer on the tennis courts or authorized CPD members to enforce the prohibition. In addition to investigating crime and enforcing criminal law, municipal police officers also function as community caretakers. In this capacity, police officers often mediate disputes between citizens, even when no crime or ordinance violation has been reported.<sup>16</sup> So long as Officer Susa's request – even if sternly worded – was not backed by the threat of citation or arrest, it was within the reasonable range of options available to resolve the situation. This comports with Officer Susa's explanation of her actions, which she justified based on the nature of the call for service and her duty to protect other citizens.

During her second encounter with Mr. ██████ Officer Susa did more than request that the men vacate the court. Instead, she told Mr. ██████ that the park was closed, and she threatened him with arrest if he refused to leave.<sup>17</sup> Based on the contrary order she had received

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<sup>16</sup> See *People v. Winchester*, 2016 IL App (4th) 140781 ¶ 51 (quoting *People v. Luedemann*, 222 Ill. 2d 530, 545–46).

<sup>17</sup> Based on the Chicago Park District Code and the municipal ordinance authorizing CPD members to enforce the Code, see *supra* notes 2–3, Officer Susa may have been authorized to order the men off the court because the court was designated for the purpose of traditional tennis. This interpretation of the Code would have been reasonable because of the nature of the court and the posted rules that referred to only traditional tennis. Just because the rules did not prohibit other games, the rules did not imply that the courts were designated, in the language of the Code, for any purpose other than traditional tennis. Officer Susa, however, was not aware of this Code provision. And more

minutes earlier from Sergeant Ward, Officer Susa was not justified in persisting in directing the men to vacate the court or in threatening arrest for trespassing. The fact that she ultimately allowed the men to remain and did not follow through on her threat does not excuse her conduct. COPA therefore finds that **Allegation No. 1 against Officer Susa is SUSTAINED**. COPA further finds that Officer Susa violated Rule 6 (disobedience of an oral order), in that she disobeyed Sergeant Ward's instructions, as described above. Officer Susa also violated Rule 8 (disrespect or maltreatment of ██████████ ██████████), in that she ordered him to vacate the tennis court without justification.

There is insufficient evidence to determine if Officer Susa's unjustified order for Mr. ██████████ and his friends to vacate the tennis court was influenced by the men's race or color. Officer Susa approached the men based on a dispatched call for service. She did not single them out, in the first instance, based on race or color. She also did not appear to single out Mr. ██████████ – he approached her while she was speaking with a different member of his group. Her decision to persist in ordering the men to leave – even after being given a contrary order by her supervisor – is puzzling but can possibly be explained by her frustration with the men's initial resistance to her request, by her expressed derision towards lawyers, or other similar reasons rather than by any animus based on race or color. These possible motives do not reflect the level of professionalism expected of a CPD officer, but also do not necessarily reflect racial bias. COPA does not discount Mr. ██████████ experience or perception, but COPA cannot find by a preponderance of evidence that Officer Susa acted based on racial animus. COPA is also unable to determine, by clear and convincing evidence, that Officer Susa's actions were *not* motivated by race or color, particularly considering Officer Susa's failure to record her second interaction with Mr. ██████████. Therefore, a finding of unfounded is not appropriate. COPA instead finds that **Allegation No. 2 against Officer Susa is NOT SUSTAINED**.

COPA next addresses the allegation that Sergeant Ward failed to respond to the tennis courts to initiate an investigation of Mr. ██████████ complaint against Officer Susa. It is abundantly clear that Mr. ██████████ requested a sergeant respond to the tennis courts, and it is also abundantly clear that Officer Susa did, in fact, request that Sergeant Ward respond. But Mr. ██████████ only specific request was that a sergeant show him a copy of the municipal code that prohibited soccer on the tennis court. He did not say that he wanted to make a complaint against Officer Susa, and any reason to show him a copy of the municipal code dissipated when Sergeant Ward determined the men could continue their game. Given that Sergeant Ward was already in the immediate area and given that Officer Susa was dealing, alone, with a large group of people, it would have been best practice for Sergeant Ward to accompany the officer back to the tennis court. It was also reasonable, however, for Sergeant Ward to believe that Officer Susa could handle the situation on her own, as she volunteered to do so and had also been instructed not to take any enforcement action. Under these circumstances, there is no basis to find that Sergeant Ward violated the relevant Department directive regarding complaint initiation, and COPA therefore finds that **Allegation No. 1 against Sergeant Ward is UNFOUNDED**.

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importantly, this interpretation of the Code was no longer viable after Sergeant Ward received a different interpretation from a Park District Supervisor. Sergeant Ward then informed Officer Susa of that interpretation, and she specifically directed Officer Susa not to take enforcement action.

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

COPA has reviewed and considered Officer Susa’s disciplinary and complimentary history.<sup>18</sup> In this instance, Officer Susa ordered a group of men to vacate the tennis court at a public park without justification and after being advised by her sergeant not to take enforcement action. Officer Susa also violated Department directives by failing to record her entire encounter using her BWC. BWCs are a critical tool because they allow the true circumstances of police-citizen encounters to be known and for officers to be held accountable if they commit misconduct. Officer Susa’s unjustified actions reflected poorly on herself and on the Department and resulted in a member of the public being maltreated. COPA finds that a 5-day suspension is the appropriate penalty for both sustained allegations.

**IX. CONCLUSION**

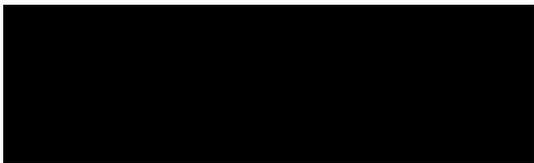
Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Tina Susa	<p>It is alleged by ██████████ ██████████ that on June 27, 2020, at approximately 1:00 pm, at or near 2333 West Sunnyside Avenue, that Police Officer Tina Susa #4251 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Ordering ██████████ and his friends to vacate the Welles Park tennis courts without justification; and</li> <li>2. Using race or color in making the decision to order ██████████ and his friends to vacate the Welles Park tennis courts.</li> </ol> <p>It is alleged by COPA that on June 27, 2020, at approximately 12:00 pm, at or near 2333 West Sunnyside Avenue, that Police Officer Tina Susa #4251 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>3. Failing to record an entire law-enforcement-related encounter with ██████████ in violation of Special Order S03-14, Body Worn Cameras.</li> </ol>	<p>SUSTAINED / 5-day suspension</p> <p>NOT SUSTAINED</p> <p>SUSTAINED / 5-day Suspension</p>
Sergeant Angel Ward	It is alleged by ██████████ ██████████ that on June 27, 2020, at approximately 1:00 pm, at or near 2333	

<sup>18</sup> See Attachment 30.

<p>West Sunnyside Avenue, that Sergeant Angel Ward #2271 committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to respond to the Welles Park tennis courts to initiate an investigation of [REDACTED] [REDACTED] complaint against Police Officer Tina Susa.</p>	<p>UNFOUNDED</p>
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Approved:



5/28/2021

Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	2
<b>Major Case Specialist:</b>	Greg Masters
<b>Supervising Investigator:</b>	Robert Coleman
<b>Deputy Chief Administrator:</b>	Matthew Haynam