

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time / Location of Incident #1:	April 2, 2018 / 10:10am / 61 st Street and Aberdeen Street
Date / Time / Location of Incident #2:	May 20, 2018 / 7:40pm / 320 W. 76 th Street
Date / Time / Location of Incident #3:	June 3, 2018 / 7:37pm / 7200 S. Wentworth Avenue
Date of COPA Notification:	May 21, 2018
Time of COPA Notification:	12:40pm

On May 1, 2015, Officer [REDACTED] and Sergeant [REDACTED] arrested [REDACTED] for having contact with a street gang while on parole. Approximately three years later, on April 2, 2018, [REDACTED] alleges that Officer [REDACTED] and Sergeant [REDACTED] stopped him, placed him in handcuffs, patted him down, and searched his car. The following month, on May 20, 2018, [REDACTED] was pulled over by Officer [REDACTED] and Officer [REDACTED] for driving with an obstructed view. [REDACTED] alleges that Officer [REDACTED] threatened to write [REDACTED] multiple tickets since [REDACTED] had called 911 to request a sergeant to the scene. [REDACTED] was ultimately taken back to the station and issued two traffic citations. On June 3, 2018, [REDACTED] alleges that Officer [REDACTED] and Sergeant [REDACTED] turned on their lights and curbed his vehicle. They then pulled alongside [REDACTED] vehicle, rolled down the window, laughed, and drove away. Officer [REDACTED] and Sergeant [REDACTED] claim to have no recollection of the April 2, 2018 and June 3, 2018 stops. COPA finds the officers’ accounts to be troubling and finds [REDACTED] account to be credible and verifiable.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employment ID # [REDACTED], Date of Appointment: [REDACTED] 2012; Rank: PO; Unit of Assignment: [REDACTED]; Male, White
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED] 2004; Rank: Sergeant ¹ ; Unit of Assignment: [REDACTED]; Male, White

¹ Sergeant [REDACTED] was a Police Officer at the time of these incidents and has since been promoted. He will be referred to by his current rank of Sergeant throughout this report.

Involved Officer #3: [REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED]/2010, Rank: PO; Unit of Assignment: [REDACTED] Male, White

Involved Individual #1: [REDACTED]. DOB: [REDACTED]; Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1.It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street, Officer [REDACTED] stopped [REDACTED] without justification in violation of Rule 6.	Sustained / 25 Day Suspension
	2. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street, Officer [REDACTED] conducted a pat-down of [REDACTED] without justification in violation of Rule 6.	Sustained / 25 Day Suspension
	3. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street, Officer [REDACTED] placed [REDACTED] in handcuffs without justification in violation of Rule 6.	Sustained / 25 Day Suspension
	4. It is alleged that Officer [REDACTED] failed to complete an Investigatory Stop Report after stopping [REDACTED] on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street in violation of Rule 6.	Sustained / 25 Day Suspension
	5. It is alleged that Officer [REDACTED] failed to issue an Investigatory Stop Receipt after stopping [REDACTED] on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street in violation of Rule 6.	Sustained / 25 Day Suspension
	6. It is alleged that on May 20, 2018 at approximately 7:40pm, at or near 320 W. 76 th Street, in response to [REDACTED] calling 911 and requesting a sergeant come to the scene, Officer [REDACTED] threatened to retaliate by writing multiple tickets in violation of Rules 2 and 8.	Sustained / 10 Day Suspension

	<p>7. It is alleged that on June 3, 2018 at approximately 7:37pm, at or near 7200 S. Wentworth Avenue, Officer [REDACTED] stopped [REDACTED] without justification in violation of Rule 6.</p> <p>8. It is alleged that Officer [REDACTED] failed to complete an Investigatory Stop Report after stopping [REDACTED] on June 3, 2018 at approximately 7:37pm, at or near 7200 S. Wentworth Avenue in violation of Rule 6.</p> <p>9. It is alleged that from April 2, 2018 to June 3, 2018, Officer [REDACTED] engaged in a pattern of disrespect and/or maltreatment against [REDACTED] in violation of Rules 2 and 8.</p>	<p>Sustained / 25 Day Suspension</p> <p>Sustained / 25 Day Suspension</p> <p>Sustained / 25 Day Suspension</p>
<p>Sergeant [REDACTED]</p>	<p>1. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street, Sergeant [REDACTED] stopped [REDACTED] without justification in violation of Rule 6.</p> <p>2. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street, Sergeant [REDACTED] searched [REDACTED] vehicle without justification in violation of Rule 6.</p> <p>3. It is alleged that Sergeant [REDACTED] failed to complete an Investigatory Stop Report after searching [REDACTED] vehicle on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street in violation of Rule 6.</p> <p>4. It is alleged that Sergeant [REDACTED] failed to provide an Investigatory Stop Receipt to [REDACTED] after searching his vehicle on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street in violation of Rule 6.</p>	<p>Sustained / 5 Day Suspension</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on May 20, 2018 at approximately 7:40pm, at or near 320 W. 76th Street, Officer [REDACTED] wrote [REDACTED] a traffic ticket without justification in violation of Rule 2.</p>	<p>Exonerated</p>

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2 – Prohibits an officer from engaging in any action or conduct which impedes the Department’s policy and goals or brings discredit upon the Department.

Rule 6 – Prohibits the disobedience of an order or directive, whether written or oral.

Rule 8 – Prohibits disrespect to or maltreatment of any person, while on or off duty.

Special Orders

S04-13-09 – Investigatory Stop System

Federal Laws

U.S. Constitution Amendment IV

V. INVESTIGATION²

a. Interviews

COPA interviewed the complainant, ██████████³, on June 6, 2018. During the interview, ██████ described three recent encounters with Officer ██████. ██████ first encountered Officer ██████ in 2015 when Officer ██████ pulled him over and arrested ██████ for having street gang contact while on parole.

The first of the three recent encounters occurred on May 14, 2018⁴. ██████ was driving near 61st Street and Aberdeen when Officer ██████ and Sergeant ██████ pulled him over. ██████ rolled down his window. The driver of the police vehicle, Sergeant ██████, opened the car door, unfastened ██████ seatbelt, and pulled ██████ out of the vehicle by his arm. Sergeant ██████ told ██████ that he had seen him conduct an illegal drug transaction and ██████ was being detained for a drug investigation. Once ██████ was out of the vehicle, he provided Sergeant ██████ with his license and insurance. ██████ recognized Officer ██████ from his 2015 arrest. Officer ██████ indicated he also remember ██████ from that arrest, stating, “You have the ██████. You’re one of the ██████”.⁵ Officer ██████ placed ██████ in handcuffs and patted him down.

Sergeant ██████ took ██████ license back to the police vehicle. He returned and conducted a thorough search of ██████ vehicle, but did not recover anything. The officers told ██████ that if he gave them information on who had guns and drugs in the area, they would compensate him. ██████ told the officers he was not from the area and he had no information. The officers let ██████ out of handcuffs, returned his license, and ██████ got back into his car.

████████ drove to the police station at 63rd and Loomis and spoke with a sergeant. The sergeant told ██████ that if he had been detained for a drug investigation, the stop was proper. ██████ requested the badge number of the officers who had stopped him. The sergeant investigated his claim but ultimately told ██████ that nobody had reported the stop and ██████ name and/or license plate number had not been run.

The second recent encounter occurred on May 20, 2018. ██████ was driving his same car west on 76th Street. ██████ turned onto Vincennes and was promptly stopped by Officer ██████ and two other officers. ██████ pulled into a gas station on the corner and immediately called 911 on his cell phone to request a sergeant come to the scene. Officer ██████ approached ██████ window, smiling. ██████ told Officer ██████ that he was on the phone with the police and he provided his license and insurance. Officer ██████ returned to the police vehicle to run ██████ information. When Officer ██████ returned to ██████ vehicle, he stated, “Well since you like calling the cops, we hope you have fun with paying these fines”⁶. Officer ██████ returned to the police vehicle.

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

³ Att. 3.

⁴ ██████ later clarified over the phone and during a subsequent sworn statement, that he had been mistaken about this date; the correct date is April 2, 2018.

⁵ Att. 3 at 9:53.

⁶ Att. 3 at 17:32.

After about fifteen minutes, [REDACTED] called 911 to again request a sergeant come to the scene since none had responded.

Officer [REDACTED] came back to [REDACTED] vehicle and told [REDACTED] they had to take him into the station because he had a Wisconsin driver's license. However, a few seconds later a sergeant arrived and said [REDACTED] could drive himself to the police station because his driver's license was valid. [REDACTED] drove his vehicle to the police station. In front of the police station, [REDACTED] pulled a U-turn so that he could park his vehicle on the other side of the street.

Once inside the station, [REDACTED] was given two tickets, one for driving with an obstructed view⁷ and one for the U-turn. [REDACTED] requested to speak with a desk sergeant. [REDACTED] recorded a conversation with the sergeant on his cell phone in which [REDACTED] requests the star number of the officer who issued his tickets and the sergeant refuses to provide it.

The third encounter occurred on June 3, 2018. [REDACTED] was driving his same car stopped at a light going northbound at the intersection of 75th Street and Vincennes. [REDACTED] recognized Officer [REDACTED] and Sergeant [REDACTED] across from him stopped at the same light heading southbound in an unmarked police vehicle. [REDACTED] believed Officer [REDACTED] also saw him. After going through the intersection, Officer [REDACTED] drove past [REDACTED] car, looking inside. Once passing [REDACTED] car, Officer [REDACTED] turned on his lights, pulled a U-turn on Vincennes, and got behind [REDACTED] vehicle heading northbound. [REDACTED] called 911 and informed dispatch he was scared to pull over because the same officer kept stopping him. Dispatch told [REDACTED] he had to pull over. [REDACTED] pulled over. Officer [REDACTED] pulled behind [REDACTED] vehicle, then pulled alongside [REDACTED] vehicle, rolled down his passenger window, and looked at [REDACTED]. Sergeant [REDACTED], who was sitting in the passenger seat, began laughing. Officer [REDACTED] drove off. The entire encounter lasted approximately five seconds.

After Officer [REDACTED] and Sergeant [REDACTED] drove away, [REDACTED] drove to the police station at 78th and Halsted. [REDACTED] spoke with a sergeant and requested to make a complaint. The sergeant told [REDACTED] to contact COPA.

COPA conducted a **follow-up interview of the complainant**, [REDACTED]⁸, on February 25, 2019. During this interview, [REDACTED] recounted what he said during his first statement, providing additional details as to the descriptions of the officers and the specific rolls they played in each encounter.

COPA interviewed Accused Officer [REDACTED]⁹ on July 19, 2019. During the interview, Officer [REDACTED] stated he had no recollection of ever encountering [REDACTED]. Although he acknowledged being listed as the arresting officer for [REDACTED] in a 2015 Arrest Report (RD # [REDACTED]), Officer [REDACTED] claimed to have no recollection of the arrest, even after reviewing the Arrest Report.

⁷ [REDACTED] indicated that he had a Christmas tree shaped air freshener, approximately 4 inches long, hanging from his rear-view mirror. [REDACTED] further indicated this same air freshener was on his vehicle during the April 2, 2018 stop.

⁸ Atts. 32 and 33.

⁹ Att. 46.

On April 2, 2018, Officer ██████ was working Gangs – South with his regular partner, Sergeant ██████. Officer ██████ had absolutely no recollection of stopping ██████ on that date. However, Officer ██████ acknowledged that a GPS report indicated his vehicle on that date was stopped at 61st Street and Aberdeen from 10:10am through 10:18am. Officer ██████ admitted he had no knowledge or information to refute that the stop occurred. Officer ██████ confirmed that the area around 61st Street and Aberdeen was in his assigned patrol area at that time. Officer ██████ could not recall any reason why he would have stopped someone on that date and not documented the encounter.

On May 20, 2018, Officer ██████ was working with his partner that day, Officer ██████. Officer ██████ pulled over a ██████ in a gas station near 76th Street and Vincennes because there was an air freshener hanging from the rear-view mirror obstructing the driver's view. Officer ██████ approached the vehicle and spoke with ██████. Officer ██████ did not recognize ██████ from any previous encounters. ██████ was irate and stated he was being harassed. ██████ asked the officer to call a sergeant to the scene. ██████ also called 911 on his cell phone to request a sergeant come to the scene.

Approximately five minutes later, a sergeant arrived on scene and had a conversation with ██████. The sergeant informed Officer ██████ that ██████ agreed to go to the station and receive his traffic citations. Officers ██████ and ██████ followed ██████ as he drove to the 6th District. ██████ made an illegal U-turn in front of the station and parked across the street before entering the station. Officer ██████ did not recall any details of what transpired once they were in the station or who presented ██████ with the traffic tickets.

Officer ██████ did not recall having any interaction with ██████ on June 3, 2018. In fact, Officer ██████ stated he did not have any recollection of ever encountering ██████ other than on May 20, 2018, when ██████ was written two traffic tickets. Officer ██████ did not believe he had any encounters with ██████ after May 20, 2018.

Officer ██████ did not recall ever having a conversation with ██████ about his ██████ or about ██████ being one of the “██████████”. Officer ██████ recognized the term “██████████” to refer to a gangster disciple faction gang from the 8th District.

COPA interviewed Accused Sergeant ██████¹⁰ on August 22, 2019. Sergeant ██████ stated that on April 2, 2018 he was working with his regular partner, Officer ██████. They were in an unmarked SUV. Sergeant ██████ stated he did not know anyone by the name of ██████, and he did not recall stopping ██████ or searching ██████ vehicle on that date. If Sergeant ██████ had conducted a traffic stop of ██████, he would have run his information to ensure the validity of his license. If Sergeant ██████ had conducted a search of the vehicle, he would have completed an Investigatory Stop Report. Sergeant ██████ acknowledged GPS reports indicating his vehicle on that date was stopped at 61st Street and Aberdeen from 10:10am through 10:18am but stated he did not recall the reason for the stop at that intersection. Sergeant ██████ did not recall asking ██████ for any intelligence on this date; however, Sergeant ██████ did state it would have been

¹⁰ Att. 48.

common practice for him to ask civilians if they had intel related to narcotics or guns in the neighborhood.

Sergeant [REDACTED] did not recall if he had been working on June 3, 2018. Sergeant [REDACTED] had no recollection of being at the intersection of 75th and Vincennes on that date, nor did he have any recollection of encountering [REDACTED] on that date.

COPA interviewed Accused Officer [REDACTED]¹¹ on July 19, 2019. Officer [REDACTED] stated that on May 20, 2018 he was working with a partner, Officer [REDACTED]. At approximately 7:40pm, Officers [REDACTED] and [REDACTED] made the decision to pull [REDACTED] over because there was something obstructing his view through his windshield. Officer [REDACTED] did not recall what it was that was obstructing [REDACTED] view; nor did he recall if the obstruction was hanging or affixed to the windshield.¹²

[REDACTED] pulled over into a gas station. When Officer [REDACTED] approached [REDACTED] vehicle, [REDACTED] immediately requested a sergeant to the scene. Officer [REDACTED] informed [REDACTED] that he had been stopped for driving with an obstructed view. Officer [REDACTED] also spoke with [REDACTED], but Officer [REDACTED] did not recall what was said. Officer [REDACTED] did not hear Officer [REDACTED] threaten to write [REDACTED] multiple tickets. Officer [REDACTED] did not recall [REDACTED] being on the phone during the stop. At some point, [REDACTED] called the officers racists.

When asked why [REDACTED] had to go to the station, Officer [REDACTED] initially did not recall why but then stated that it would make sense because [REDACTED] ID was from Wisconsin and Wisconsin is not a “promise to comply” state. Therefore, [REDACTED] would have had to go to the district to sign an I-Bond.

Minutes later, a sergeant from the 6th district arrived on scene and determined that the officers could escort [REDACTED] to the station while [REDACTED] drove his own vehicle since [REDACTED] license was valid. Officers [REDACTED] and [REDACTED] proceeded to follow [REDACTED] to the police station. [REDACTED] pulled a U-turn in front of the station before parking his vehicle.

Once inside the station, [REDACTED] waited in the lobby while Officer [REDACTED] completed the necessary paperwork. Officer [REDACTED] did not recall any contentious interaction between Officer [REDACTED] and [REDACTED]. Officer [REDACTED] did not recall [REDACTED] recording anything in the police station. Officer [REDACTED] did not recall [REDACTED] at any point indicating that he had any prior interactions with Officer [REDACTED].

¹¹ Att. 47.

¹² Officer [REDACTED] stated that he did not believe it was illegal for drivers to have anything hanging from their rear-view mirrors. However, when asked to name any object that would not be considered an obstruction when hanging from a rear-view mirror, Officer [REDACTED] could not think of any.

b. Digital Evidence

On the Audio Recording of a **911 call**¹³ made by ██████████ on June 3, 2018 at 7:34pm, ██████████ can be heard informing the operator, “I’ve got an unmarked police car truck that’s behind me. I’ve had two altercations with him before and I’m scared to pull over. And I’m not pulling over for this man.” After confirming the police vehicle’s lights were activated, the operator informs ██████████ that he must pull over. ██████████ indicates that he complied.

c. Documentary Evidence

An **Arrest Report (RD# ██████████)**¹⁴ for ██████████ indicates that Officer ██████████ and Sergeant ██████████ arrested ██████████ on May 1, 2015 for having contact with a street gang while on parole. The report states that the officers observed ██████████ driving with inoperable rear break lamps. Officer ██████████ and Sergeant ██████████ proceeded to pull ██████████ over for the traffic violation. During the stop, the officers learned that ██████████ was on active parole and in the company of passenger ██████████, a known ██████████. ██████████ was placed in custody and transported to District 008 for processing.

GPS for Vehicle #1700 on April 2, 2018¹⁵ shows that the vehicle assigned to Officer ██████████ and Sergeant ██████████ stopped in the vicinity of 6100 S. Aberdeen at 10:10am and remained stopped at that location for approximately eight minutes.

An **OEMC Event Query (Event # ██████████, # ██████████)**¹⁶ indicates that ██████████ called 911 at 7:40pm on May 20, 2018 to request a sergeant respond to a traffic stop at 7600 S. Vincennes. ██████████ called 911 again approximately twelve minutes later to make the same request.

A **Traffic Ticket (██████████)**¹⁷ issued to ██████████ indicates that he was cited for driving with an obstructed view on May 20, 2018 at approximately 7:40pm. The citation was certified by Officer ██████████.

An **Overtime/Compensatory Time Report**¹⁸ indicates that Officer ██████████ was on-duty from 6:00pm on June 3, 2018 until 4:30am on June 4, 2018 as part of a Violence Reduction Initiative.

A **Sworn Time and Attendance Record**¹⁹ indicates that Sergeant ██████████ day off was cancelled on June 3, 2018, and he worked a ten-hour shift on that day.

¹³ Att. 26.

¹⁴ Att. 6.

¹⁵ Att. 10.

¹⁶ Att. 13.

¹⁷ Att. 12.

¹⁸ Att. 55.

¹⁹ Att. 56.

On June 18, 2018, Investigator ██████ spoke with ██████ over the telephone to clarify a discrepancy regarding the date of the first incident. Investigator ██████ documented the call in an **Investigative Report**²⁰ immediately afterwards to memorialize the discussion in the phone call.

During the call, Investigator ██████ asked ██████ if he was certain that the first event in his complaint occurred on May 14, 2018.²¹ ██████ indicated he was certain it was the day after Easter. Investigator ██████ informed ██████ that the day after Easter was April 2, not May 14. ██████ stated he had gotten confused because May 14 was the day after Mother's Day, but in fact the incident occurred the day after Easter, April 2. Further, ██████ indicated that he believed the traffic stop happened earlier in the day, closer to 10:30am.²²

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proven by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

²⁰ Att. 15.

²¹ Investigator ██████ had been unable to find any evidence to support the allegation that a traffic stop occurred on May 14, 2018 in the location provided by ██████.

²² After further investigation into the April 2 date, Investigator ██████ did obtain CPD GPS reports which support the allegation that a traffic stop did occur shortly after 10:00am at the location provided by ██████.

Credibility Analysis

COPA finds ██████ to be very credible. During two separate interviews ██████ articulated consistent²³ and detailed accounts of the three incidents incorporated in this complaint. ██████ accounts are supported by an arrest report, GPS records, 911 recordings, traffic tickets, and accurate physical descriptions.

On the other hand, Sergeant ██████ claims to have no recollection of the two encounters he was allegedly present for, and he denies recognizing ██████ at all, by name or face. Sergeant ██████ does not deny that these encounters took place. Rather he claims to have no recollection of them.

Officer ██████ similarly claims to have no memory of the first and third alleged encounters. The only encounter Officer ██████ recalls is the one documented in traffic citations from May 20, 2018.²⁴

COPA finds this to be troubling. First, an arrest report documents that Officer ██████ and Sergeant ██████ arrested ██████ in 2015. Second, GPS records reveal that on April 2, 2018 Officer ██████ and Sergeant ██████ were stopped at the same intersection ██████ stated he was stopped, at the same time ██████ alleges the stop occurred. Third, on May 20, 2018, a traffic ticket documents that Officers ██████ and ██████ pulled ██████ over, escorted him back to the station, and then issued him two citations. We also have the audio recordings of ██████ multiple calls to 911 during the stop to request that a sergeant respond the scene. Fourth, on June 3, 2018, Officer ██████ and Sergeant ██████ were scheduled to have days off. However, an Overtime Report shows that Officer ██████ did in fact work on that date during the time of the alleged encounter. A Sworn Time and Attendance Report shows that Sergeant ██████ also worked on that date. And while we do not have GPS records for that date, in the audio recording of ██████ calling 911, ██████ indicates he has had two encounters with the officers pulling him over, who he reported to COPA were Officer ██████ and Sergeant ██████

This amounts to four separate encounters between Officer ██████ and ██████, three within a span of 63 days; three separate encounters between Sergeant ██████ and ██████, two within a span of 63 days. Yet Officer ██████ and Sergeant ██████ deny having any idea who ██████ is; neither recognizes ██████ by face or name. Officer ██████ acknowledges two of these four encounters and claims to have no memory of the other two encounters. Sergeant ██████ acknowledges one of the three encounters he was allegedly present for and claims to have no memory of the other two. Since there exists corroborating evidence to support ██████ description of each encounter, and Officer ██████ and Sergeant ██████ cannot deny that they occurred, COPA believes that all three of these stops occurred as described by ██████.

²³ (except for the date of the first incident which is explained in an Investigative Report, and which COPA finds to be reasonable, *see Att. 15*)

²⁴ Even for the May 20, 2018 encounter, Officer ██████ only remembers bits and pieces of the stop. He denies threatening ██████, but he does not recall which officer was driving, whether they were in uniform, when he first saw ██████, whose decision it was to pull ██████ over, which side of the vehicle he approached, or who called for a sergeant. Since Officer ██████ has only partial memory of this stop, COPA does not consider those parts that he does remember to be especially reliable.

Allegations:**Officer [REDACTED] and Sergeant [REDACTED] stopped [REDACTED] without justification on April 2, 2018**

This allegation is **SUSTAINED** against both Officer [REDACTED] and Sergeant [REDACTED]. As explained in the credibility analysis above, COPA finds it more likely than not that Sergeant [REDACTED] and Officer [REDACTED] stopped [REDACTED] on April 2, 2018. Most notably, GPS records show that Officer [REDACTED] and Sergeant [REDACTED] were stopped at the same location alleged by [REDACTED].

The question then becomes, whether the stop was justified. Since both Officer [REDACTED] and Sergeant [REDACTED] claim to have no recollection of the stop, and no tickets or reports were completed providing a reason for the stop, COPA is left with [REDACTED] unrefuted account that he had not done anything to justify the stop. COPA accepts this account as being more likely true than untrue. Therefore, COPA finds by a preponderance of the evidence that Officer [REDACTED] and Sergeant [REDACTED] stopped [REDACTED] without justification on April 2, 2018.

Officer [REDACTED] conducted a pat-down of [REDACTED] without justification on April 2, 2018

This allegation is **SUSTAINED**. Since both Officer [REDACTED] and Sergeant [REDACTED] claim to have no recollection of the stop, and no tickets or reports were completed providing documenting the stop or providing any justification for a pat-down, COPA is left with [REDACTED] unrefuted account that Officer [REDACTED] conducted a pat-down for no reason. COPA also concluded that if justification had existed, Officer [REDACTED] likely would have (and certainly should have) laid out that justification in an Investigatory Stop Report. Due to the credibility analysis described above, as well as the lack of an Investigatory Stop Report, COPA accepts [REDACTED] account as being more likely true than untrue. Therefore, COPA finds by a preponderance of the evidence that Officer [REDACTED] conducted a pat-down of [REDACTED] without justification on April 2, 2018.

Officer [REDACTED] placed [REDACTED] in handcuffs without justification on April 2, 2018

This allegation is **SUSTAINED**. Since both Officer [REDACTED] and Sergeant [REDACTED] claim to have no recollection of the stop, and no tickets or reports were completed documenting the stop, COPA is left with [REDACTED] unrefuted account that Officer [REDACTED] handcuffed [REDACTED] for no reason. COPA also concluded that if justification had existed, Officer [REDACTED] likely would have (and certainly should have) laid out that justification in an Investigatory Stop Report. Due to the credibility analysis described above, as well as the lack of an Investigatory Stop Report, COPA accepts [REDACTED] account as being more likely true than untrue. Therefore, COPA finds by a preponderance of the evidence that Officer [REDACTED] handcuffed [REDACTED] without justification on April 2, 2018.

Sergeant [REDACTED] searched [REDACTED] vehicle without justification on April 2, 2018

This allegation is **SUSTAINED**. Since both Officer [REDACTED] and Sergeant [REDACTED] claim to have no recollection of the stop, and no tickets or reports were completed documenting the stop or providing any justification for a search of the vehicle, COPA is left with [REDACTED] unrefuted account that Sergeant [REDACTED] searched [REDACTED] vehicle for no reason. COPA also concluded that if justification had existed, Sergeant [REDACTED] likely would have (and certainly should have) laid out that justification in an Investigatory Stop Report. Due to the credibility analysis described above, as well as the lack of an Investigatory Stop Report, COPA accepts [REDACTED] account as being more likely true than untrue. Therefore, COPA finds by a preponderance of the evidence that Sergeant [REDACTED] searched [REDACTED] vehicle without justification on April 2, 2018.

Officer [REDACTED] and Sergeant [REDACTED] failed to complete an Investigatory Stop Report after stopping [REDACTED] on April 2, 2018

This allegation is **SUSTAINED**. Rule 6 requires Department members to comply with all orders and directives. Special Order S04-13-19 requires officers to complete investigatory stop reports whenever there is a detention that is not otherwise captured by another report. As determined above, COPA finds that the stop occurred on April 2, 2018. No tickets or other reports were generated to document this stop. As such, Sergeant [REDACTED] and Officer [REDACTED] were required to document the stop in an Investigatory Stop Report, which they failed to do.

Officer [REDACTED] and Sergeant [REDACTED] failed to issue [REDACTED] an Investigative Stop Receipt

This allegation is **SUSTAINED**. According to Special Order S04-13-09(VIII)(A)(3), an Investigatory Stop Receipt should be issued for each stop that involves a pat down or other search. Since COPA finds that a pat-down of [REDACTED] did occur, Officer [REDACTED] and Sergeant [REDACTED] were required to issue [REDACTED] an Investigative Stop Receipt. Officer [REDACTED] and Sergeant [REDACTED] did not complete an Investigatory Stop Report or issue [REDACTED] an Investigative Stop Receipt during the April 2, 2018 stop. Therefore, this allegation is sustained.

Officer [REDACTED] threatened to retaliate against [REDACTED]

This allegation is **SUSTAINED**. [REDACTED] states that when he was pulled over on May 20, 2018, he immediately called 911 to request a sergeant to the scene. Officer [REDACTED] recalls [REDACTED] being on the phone and remembers [REDACTED] stating that he had called 911 to request a sergeant. Officer [REDACTED] denied ever threatening to write [REDACTED] additional tickets for calling 911. [REDACTED], on the other hand, states that Officer [REDACTED] related that he was going to issue [REDACTED] multiple fines since he liked calling the cops.

COPA relies on credibility analysis described above, specifically that the fact that Officer [REDACTED] only has partial memory of the stop, as well as the fact that [REDACTED] was issued an additional citation after the alleged threat was made. For these reasons, COPA accepts [REDACTED] account as being more likely true than untrue. COPA finds that the statement Officer [REDACTED] made to [REDACTED] about writing him tickets amounted to a threat of retaliation. Therefore, this allegation is sustained.

Officer █████ stopped █████ without justification on June 3, 2018

This allegation is **SUSTAINED**. As explained in the credibility analysis above, COPA finds it more likely than not that Officer █████ stopped █████ on June 3, 2018. Even though Officer █████ was scheduled to be off on this date, we know that he did end up working, notably during the time █████ alleged the stop occurred. █████ 911 call supports his account that Officer █████ pulled behind him with his lights on and that █████ pulled over. Officer █████, again, cannot deny that this stop occurred; he simply claims to have no recollection of it. For these reasons, COPA finds it more likely than not that this stop occurred as described by █████.

The question then becomes, whether the stop was justified. Since Officer █████ claims to have no recollection of the stop, and no tickets or reports were completed providing a reason for the stop, COPA is left with █████ unrefuted account that he had not done anything to justify the stop. COPA accepts this account as being more likely true than untrue. Therefore, COPA finds by a preponderance of the evidence that Officer █████ stopped █████ without justification on June 3, 2018.

Officer █████ failed to complete an Investigative Stop Report after stopping █████ on June 3, 2018

This allegation is **SUSTAINED**. Rule 6 requires Department members to comply with all orders and directives. Special Order S04-13-19 requires officers to complete investigatory stop reports whenever there is a detention that is not otherwise captured by another report. As determined above, COPA finds that the stop on June 3, 2018 occurred. No tickets or other reports were generated to document this stop. As such, Sergeant █████ and Officer █████ were required to document the stop in an Investigatory Stop Report, which they failed to do. Therefore, this allegation is sustained.

Allegation that Officer █████ engaged in a pattern of disrespect or maltreatment towards █████

This allegation is **SUSTAINED**. COPA finds that Officer █████ had four encounters with █████, three within a span of 63 days. As noted above, COPA finds that Officer █████ improperly stopped █████ on May 20, 2018 and June 3, 2018, failed to document those stops, and threatened █████ on May 20, 2018. Officer █████ claims to have no idea who █████ is and states he was not targeting or harassing █████ for any reason. COPA does not find this to be credible, given the number of encounters Officer █████ had with █████ within such a short amount of time, and the misconduct that COPA believes Officer █████ engaged in during the encounters. COPA finds that this behavior amounts to disrespect or maltreatment of █████. Therefore, this allegation is sustained.

Allegation that Officer ██████ wrote ██████ a ticket without justification.

This allegation is **EXONERATED**. Officer ██████ issued ██████ a ticket for driving with an obstructed view. ██████ admitted to having an air freshener hanging from his rear-view mirror. The Municipal Code of Chicago states, “No person shall drive a motor vehicle with any sign, poster, card, sticker or any other non-transparent material upon the front windshield, or upon or protruding from any rear window, side window or roof which materially obstructs, obscures or impairs the view from both within or without the vehicle.” It is well established that an air freshener may support the reasonable articulable suspicion necessary to initiate a traffic stop pursuant to 625 ILCS 5/12-503(c). See, e.g., *People v. Jackson*, 335 Ill.App.3d (2d Dist. 2002) (holding that air freshener hanging from a rearview mirror can create a reasonable suspicion that 625 ILCS 5/12-503(c) is being violated); *United States v. Smith*, 80 F.3d 215 (7th Cir. 1996) (holding that where officers stopped motorist suspected of drug offenses based upon the presence of an air freshener hanging from his rear-view mirror, stop of automobile was valid and did not constitute an impermissible pretextual stop). However, there is no bright-line test that determines when the size of a dangling object, such as a pendant, air freshener, or necklace, constitutes a material obstruction. See, e.g., *United States v. Garcia-Garcia* 633 F.3d 608 2011 U.S. App. Lexis 1463 (7th Cir. 2011) (holding that air fresheners may (or may not) constitute material obstructions depending on their size, their position relative to the driver’s line of vision, and whether they are stationary or mobile); *People v. Mott*, 359 Ill.App.3d 313 (4th Dist. 2009) (holding that size alone does not determine whether an object materially obstructs a driver’s view for 625 ILCS 5/12-503(c) of the Illinois Vehicle Code purposes; necklaces, pendants, parking passes, souvenirs, good luck charms, beads, crucifixes, St. Christopher medals, and sunglasses suspended from a rearview mirror may be material obstructions in the proper situation).

In his statement with COPA, Officer ██████ stated he did not recall exactly what was obstructing ██████ view, but he did recall seeing an obstruction. Officer ██████ stated not everything hanging from a rear-view mirror would be considered an obstruction, but an air freshener could be considered a material obstruction depending on its size and where it is hanging.

Since the caselaw is not clear on what constitutes a material obstruction, and Officer ██████ articulated why he believed an air freshener could, in certain situations, be a material obstruction, COPA finds there is clear and convincing evidence that Officer ██████ had sufficient justification to write the ticket. Although, ██████ may have been able to present a valid defense.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer ██████****i. Complimentary and Disciplinary History**

Officer ██████ has received 172 Honorable Mentions, 12 Department Commendations, 4 Emblems of Recognition, 3 Honorable Mention Ribbon Awards, 3 Police Officer of the Month Awards, 3 Traffic Stop of the Month Awards, 2 Attendance Recognition Awards, 2 Problem Solving Awards, 2 Top Gun Arrest Awards, 2 Unit Meritorious Performance Awards, 1

Complimentary Letter, 1 Joint Operations Award, and 1 Life Saving Award. In the last seven years, Officer [REDACTED] has received one SPAR: a preventable accident with reprimand in March 2018.

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1:** Stopped [REDACTED] without justification on April 2, 2018. **Penalty:** 25 Day Suspension
- 2. Allegation No. 2:** Conducted a pat-down of [REDACTED] without justification on April 2, 2018. **Penalty:** 25 Day Suspension.
- 3. Allegation No. 3:** Placed [REDACTED] in handcuffs without justification on April 2, 2018. **Penalty:** 25 Day Suspension.
- 4. Allegation No. 4:** Failed to complete an Investigatory Stop Report after stopping [REDACTED] on April 2, 2018. **Penalty:** 25 Day Suspension.
- 5. Allegation No. 5:** Failed to issue an Investigatory Stop Receipt after stopping [REDACTED] on April 2, 2018. **Penalty:** 25 Day Suspension.
- 6. Allegation No. 6:** Threatened to retaliate by writing multiple tickets in response to [REDACTED] calling 911 and requesting a sergeant on May 20, 2018. **Penalty:** 10 Day Suspension.
- 7. Allegation No. 7:** Stopped [REDACTED] without justification on June 3, 2018. **Penalty:** 25 Day Suspension.
- 8. Allegation No. 8:** Failed to complete an Investigatory Stop Report after stopping [REDACTED] on June 3, 2018. **Penalty:** 25 Day Suspension.
- 9. Allegation No. 9:** Engaged in a pattern of disrespect and/or maltreatment against [REDACTED]. **Penalty:** 25 Day Suspension.

In support of the recommended penalties for Officer [REDACTED], COPA finds that sustained Allegations 1, 2, 3, 4, 5, 7, and 8 all relate to 4th Amendment violations and related reporting requirements. On two separate dates, COPA finds that Officer [REDACTED] stopped [REDACTED] without justification and failed to comply with his obligations under Special Order S04-13-09: Investigatory Stop System. On April 2, 2018, Officer [REDACTED] also handcuffed and conducted a pat-down of [REDACTED] without justification. Although COPA considers each sustained allegation on its own when recommending discipline, the fact that there are multiple sustained allegations of the same or related misconduct is considered an aggravating factor for each allegation. Therefore, COPA recommends a 25 day suspension for each of these allegations.

COPA also sustained an allegation against Officer ██████ for threatening to retaliate against ██████ by issuing him additional traffic tickets in response to ██████ requesting a sergeant to the scene (Allegation 6). This abuse of power in an effort to thwart supervisor response is inconsistent with the Department's values. COPA finds that a 10 day suspension is appropriate for this allegation.

Finally, COPA sustained the allegation that Officer ██████ engaged in a pattern of harassment against ██████ (Allegation 9). COPA takes this misconduct very seriously, as it involves Officer ██████ abusing his police power in a deliberate effort to disrespect ██████ and violate his constitutional rights. COPA recommends a 25 day suspension for this allegation.

b. Sergeant ██████

i. Complimentary and Disciplinary History

Sergeant ██████ has received 350 Honorable Mentions, 27 Department Commendations, 6 Complimentary Letters, 4 Deployment Operations Center Awards, 4 Attendance Awards, 3 Traffic Stop of the Month Awards, 3 Problem Solving Awards, 3 Unit Meritorious Performance Awards, 1 Crime Reduction Award, 1 Honorable Mention Ribbon Award, 1 Joint Operations Award, 1 Life Saving Award, 1 NATO Summit Service Award, 1 Police Officer of the Month Award, 1 Presidential Election Deployment Award, 1 Special Commendation, 1 Top Gun Arrest Award, and 1 other award. Sergeant ██████ has no publishable disciplinary history.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** Stopped ██████ without justification on April 2, 2018. **Penalty:** 5 Days
2. **Allegation No. 2:** Searched ██████ vehicle without justification on April 2, 2018. **Penalty:** 5 Days
3. **Allegation No. 3:** Failed to complete an Investigatory Stop Report after searching ██████ vehicle on April 2, 2018. **Penalty:** 5 Days
4. **Allegation No. 4:** Failed to provide an Investigatory Stop Receipt to ██████ after searching his vehicle on April 2, 2018. **Penalty:** 5 Days

In support of the recommended penalties for Sergeant ██████, COPA finds all sustained allegations relate to 4th Amendment violations and related reporting requirements. Unlike Officer ██████, Sergeant ██████ was only found to have committed misconduct on one date in relation to this complaint. Additionally, COPA considered that Sergeant ██████ has no publishable disciplinary history and his complimentary history is quite extensive. Therefore, COPA recommends a 5 day suspension for these allegations.

IX. CONCLUSION

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

Officer	Allegation	Finding/ Recommendation
Officer ██████	1.It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street, Officer ██████ stopped ██████ without justification in violation of Rule 6.	Sustained / 25 Day Suspension
	2. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street, Officer ██████ conducted a pat-down of ██████ without justification in violation of Rule 6.	Sustained / 25 Day Suspension
	3. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street, Officer ██████ placed ██████ in handcuffs without justification in violation of Rule 6.	Sustained / 25 Day Suspension
	4. It is alleged that Officer ██████ failed to complete an Investigatory Stop Report after stopping ██████ on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street in violation of Rule 6.	Sustained / 25 Day Suspension
	5. It is alleged that Officer ██████ failed to issue an Investigatory Stop Receipt after stopping ██████ on April 2, 2018 at approximately 10:10am, at or near the intersection of 61 st Street and Aberdeen Street in violation of Rule 6.	Sustained / 25 Day Suspension
	6. It is alleged that on May 20, 2018 at approximately 7:40pm, at or near 320 W. 76 th Street, in response to ██████ calling 911 and requesting a sergeant come to the scene, Officer ██████ threatened to retaliate by writing multiple tickets in violation of Rule 2.	Sustained / 10 Day Suspension
	7. It is alleged that on June 3, 2018 at approximately 7:37pm, at or near 7200 S. Wentworth Avenue, Officer ██████ stopped ██████ without justification in violation of Rule 6.	Sustained / 25 Day Suspension
	8. It is alleged that Officer ██████ failed to complete an Investigatory Stop Report after stopping ██████ on June 3, 2018 at	Sustained / 25 Day Suspension

	<p>approximately 7:37pm, at or near 7200 S. Wentworth Avenue in violation of Rule 6. 9. It is alleged that from April 2, 2018 to June 3, 2018, Officer ██████ engaged in a pattern of disrespect and/or maltreatment against ██████ ██████ in violation of Rule 2.</p>	<p>Sustained / 25 Day Suspension</p>
<p>Sergeant ██████</p>	<p>1. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street, Sergeant ██████ stopped ██████ without justification in violation of Rule 6. 2. It is alleged that on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street, Sergeant ██████ searched ██████ vehicle without justification in violation of Rule 6. 3. It is alleged that Sergeant ██████ failed to complete an Investigatory Stop Report after searching ██████ vehicle on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street in violation of Rule 6. 4. It is alleged that Sergeant ██████ failed to provide an Investigatory Stop Receipt to ██████ after searching his vehicle on April 2, 2018 at approximately 10:10am, at or near the intersection of 61st Street and Aberdeen Street in violation of Rule 6.</p>	<p>Sustained / 5 Day Suspension Sustained / 5 Day Suspension Sustained / 5 Day Suspension Sustained / 5 Day Suspension</p>
<p>Officer ██████</p>	<p>1. It is alleged that on May 20, 2018 at approximately 7:40pm, at or near 320 W. 76th Street, Officer ██████ wrote ██████ a traffic ticket without justification.</p>	<p>Exonerated</p>

Approved:

████████████████████

January 30, 2020

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	████████████████████
Deputy Chief Administrator:	Andrea Kersten