

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	January 23, 2021/ 3:05 p.m./ 2245 W Roscoe Street, Chicago, IL
Date/Time of COPA Notification:	January 25, 2021/ 9:53 a.m.
Involved Officer #1:	Philip Fox, Star #7290, Employee ID # [REDACTED] Date of Appointment: 25-Aug-2003, Police Officer, Unit of Assignment: 019, DOB: [REDACTED]1970, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED]1988, Male, White
Case Type:	Improper Arrest

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Philip Fox	1. It is alleged that on January 23, 2021 at approximately 3:05 p.m., at or near 2245 W Roscoe Street, Chicago, IL, the accused arrested [REDACTED] without justification.	Exonerated
	2. It is alleged that on January 23, 2021 at approximately 3:05 p.m., at or near 2245 W Roscoe Street, Chicago, IL, the accused seized [REDACTED] driver’s license without justification.	Exonerated

II. SUMMARY OF EVIDENCE

Officer Philip Fox responded to the alley of 2245 W Roscoe Street, Chicago, IL for a vehicle crash report with no injuries. Both vehicles were on scene when Officer Fox arrived. The offending vehicle was being operated by [REDACTED] (hereafter Mr. [REDACTED] who was not in possession of a valid driver’s license as it had expired. Mr. [REDACTED] informed Officer Fox that the vehicle in front of him stopped abruptly, he slid on the ice and rear ended the other driver. Officer Fox issued Mr. [REDACTED] a citation for “No Valid Driver’s License,” and transported Mr. [REDACTED] to the district to complete a bond slip and provide a bond receipt. Mr. [REDACTED] was released on recognizance with a court date to follow. Mr. [REDACTED] alleged to COPA that Officer Fox’s actions were without justification because the Illinois Secretary of State had extended Driver License expiration dates due to the COVID-19 pandemic.

III. 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** is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.¹ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense.² Clear and convincing is 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.”³

IV. ANALYSIS AND CONCLUSION

COPA finds that the allegations against Officer Fox are **EXONERATED**. At the time of the incident, the Secretary of State, Jesse White, issued an extension for driver’s whose licenses were expired. The letter dated January 4, 2021 stated that all driver’s license and ID card expiration dates were extended to June 1, 2021.⁴ While this letter is a mitigating factor regarding Officer Fox’s issuance of the citation, the department affords officers the ability to utilize discretion when issuing citations. Given the fact that Mr. ██████████ was the offending vehicle in a traffic crash, Officer Fox’s decision to issue the citation was reasonable and proper. Additionally, a person cited for a violation that requires a court appearance is not allowed the option of signing a Promise to Comply in lieu of bail.⁵ Therefore, Officer Fox’s actions were within department policy, and accordingly the allegations are **EXONERATED**.

¹ 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 been found to be more probably true than not).

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

³ *Id.* at ¶ 28.

⁴ See Att. 9

⁵ See Att. 8 page 2

Since Officer Fox's actions were reasonable and proper, there is no reason for him to answer to the allegations.

Approved:



8-31-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Investigator:	Shakira Nubern
Supervising Investigator:	Jessica Ciacco
Deputy Chief Administrator:	Angela Hearts-Glass