

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	January 21, 2020/ 8:36 am/ 5900 S. Justine Street
Date/Time of COPA Notification:	January 21, 2020/ 9:32 am
Involved Officer #1:	Ricardo Dixon, star #19995, emp. # [REDACTED], DOA: October 10, 2000, Officer, Unit 018, DOB: [REDACTED], 1965, Male, Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1984, Female, Black
Case Type:	Traffic Stop

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Ricardo Dixon	It is alleged by [REDACTED] that on or about January 21, 2020, at approximately 8:36 am, at or near 5900 South Justine, Officer Ricardo Dixon, star 19995, committed misconduct through the following acts or omissions, by:	
	1. Stopping [REDACTED] without justification.	Not Sustained
	2. Giving [REDACTED] two tickets for the same offense.	Sustained
	3. Was demeaning towards [REDACTED] when he stated words to the effect of, "If you're operating a car, you should have at least an 8th grade comprehension level."	Exonerated
	It is alleged by COPA that on or about January 21, 2020, at approximately 8:36 am, at or near 5900 South Justine, Officer Ricardo Dixon, star 19995, committed misconduct through the following acts or omissions, by:	
	4. Failing to accurately provide his badge number when asked.	Exonerated

II. SUMMARY OF EVIDENCE¹

This complaint came to COPA via an initiation report.² The complainant, ██████████, alleged that Officer Ricardo Dixon performed a traffic stop on her without justification, and he was unprofessional and demeaning during the stop. COPA interviewed ██████████ regarding her encounter with Officer Dixon.³ According to ██████████ she was leaving a store when Officer Dixon stopped her vehicle for disobeying both a yellow light and a red light at 59th Street and Ashland Avenue. ██████████ denied she ran the red light, but she stated she did drive into the intersection while the light was yellow. When COPA interviewed Officer Dixon, he explained that he stopped ██████████ and issued her two traffic citations because she had committed two separate offenses.⁴ According to Officer Dixon, ██████████ was agitated and disrespectful during the traffic stop. Officer Dixon further stated that when ██████████ asked for his badge number, he made a mistake and missed a 9 when he was telling her the number. In reaching its factual findings, COPA reviewed both statements as well as Officer Dixon's body-worn camera (BWC) video⁵, ██████████ cell phone videos⁶, POD footage⁷, and copies of the citations Officer Dixon issued to ██████████.

On the date of the incident, the BWC footage captured Officer Dixon perform a traffic stop on ██████████ vehicle as she drove eastbound on 59th Street. As Officer Dixon approached ██████████ vehicle, she already had her driver's window down and held her license and insurance information outside the window.⁹ Officer Dixon informed ██████████ he stopped her for disobeying both a solid yellow traffic signal and a solid red traffic signal. Officer Dixon had a brief conversation with ██████████ before returning to his vehicle. While inside his vehicle, Officer Dixon wrote ██████████ two traffic citations.¹⁰ Officer Dixon then returned to ██████████ vehicle to obtain her signature on the citations, which led to a brief disagreement over the need for ██████████ signature. ██████████ asked Officer Dixon for his name and badge number, and Officer Dixon gave ██████████ his name and stated his badge number was 1995.¹¹ ██████████ eventually signed the citations and Officer Dixon informed her about the driver instruction sheet on the back of the citations, explaining that one of her options was to read the instruction sheet and mail back the green copy. In response, ██████████ commented to Officer Dixon, "What if I don't know how to read, did you ask that?"¹² Officer Dixon replied, "You can have somebody read it for you, okay, if you're operating a car you should have at least

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilians and officers and the collection and review of digital and documentary evidence.

² Att. 25.

³ Att. 4.

⁴ Att. 34.

⁵ Att. 18. COPA also requested the in car camera (ICC) footage from Officer Dixon's vehicle, but the video was purged by CPD. Att. 30.

⁶ Atts. 5 - 7.

⁷ Att. 9 at 36:26 to 36:30. The POD video captured ██████████ vehicle as it entered and drove through the intersection. Although the video did not capture the color of the traffic light facing ██████████ vehicle, it did show the traffic light on the opposite side of the street was still red when ██████████ vehicle first entered the intersection.

⁸ Att. 14.

⁹ Att. 18 at 15:35 to 15:50.

¹⁰ See Att. 14. Officer Dixon issued ██████████ one citation for disobeying the yellow light and the second citation for disobeying the red light, both at the same intersection.

¹¹ Att. 18 at 29:56 to 30:04. Officer Dixon's correct badge number is 19995. Although Officer Dixon missed a 9 in his verbal response to ██████████ his correct badge number is listed on both citations and clearly captured on the cell phone video ██████████ recorded of the incident. See Att. 5 at 5:33 to 7:35; Att. 14.

¹² Att. 18 at 31:15.

should at least have an 8th grade comprehension level, and all this is on the 8th grade comprehension level.”¹³ Officer Dixon then returned to his vehicle and ended the traffic stop.

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** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy.¹⁴ 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. 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.”¹⁵

IV. ANALYSIS AND CONCLUSION

a. Traffic stop of ██████

COPA finds Allegation #1, that Officer Dixon stopped ██████ without justification, is **Not Sustained**. It is undisputed that Officer Dixon performed a traffic stop on ██████ vehicle after she drove through the intersection at 59th Street and Ashland Avenue. According to Officer Dixon, he performed the stop because ██████ disobeyed both the yellow and red traffic lights. ██████ however, denied committing the violations. While ██████ did admit to driving through the intersection when the light was yellow, this action is not prohibited.¹⁶ Further, due to the angle of the POD camera, the footage did not capture the color of the traffic light when ██████ entered the

¹³ Att. 18 at 31:17 to 31:25.

¹⁴ 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).

¹⁵ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

¹⁶ MCC 9-8-020(b)(1).

intersection. COPA has no reason to question the credibility of ██████ or Officer Dixon, and without additional independent evidence to prove or disprove whether the traffic offenses occurred, COPA finds this allegation is not sustained.

b. Issuing two tickets for the same offense

COPA finds Allegation #2, that Officer Dixon gave ██████ two citations for the same offense, is **Sustained**. Officer Dixon issued ██████ two traffic citations, one for disobeying the yellow signal and one for disobeying the red signal. Under the Municipal Code of Chicago (MCC), failing to stop at a red signal is a traffic violation.¹⁷ However, failing to stop at a yellow signal is not a traffic violation.¹⁸ In this case, ██████ drove through an intersection with one traffic signal device, yet Officer Dixon asserted that she committed two traffic offenses for that one traffic signal. As set forth above, COPA finds that Officer Dixon's interpretation of the MCC was wrong, and ██████ should not have been cited twice. Therefore, COPA finds this allegation is sustained as a violation of Rules 2, 3, and 11.

c. Using demeaning language during the traffic stop

COPA finds Allegation #3, that Officer Dixon used demeaning language towards ██████ is **Exonerated**. Near the end of the traffic stop, Officer Dixon provided ██████ with the driver instruction sheet, and he informed her that she could read the back for all her options regarding the citations. ██████ responded by asking Officer Dixon, apparently sarcastically, what if she could not read. Officer Dixon replied that the information on the instruction sheet is on an 8th grade comprehension level, and that anyone operating a vehicle should have at least that level of comprehension. ██████ felt that Officer Dixon's response was demeaning and unprofessional. However, Officer Dixon asserted that his language was not demeaning, and he was simply responding to ██████ comment. COPA has no reason to question the credibility of ██████ feelings or the credibility of Officer Dixon when he stated he did not respond in a demeaning way. Moreover, the language and tone that Officer Dixon used was not, by itself, objectively offensive. Therefore, COPA finds this allegation is Exonerated.

d. Failing to accurately provide his badge number

COPA finds Allegation #4, that Officer Dixon failed to accurately provide his badge number to ██████ is **Exonerated**. During the traffic stop, ██████ asked for Officer Dixon's badge number; however, Officer Dixon omitted a "9" when he was reciting it for her. Officer Dixon's badge number is 19995, but he erroneously told ██████ it was 1995. Officer Dixon told COPA he did not intentionally misstate his badge number but instead misspoke due to his agitation during the traffic stop. Despite the officer's error, COPA notes that his correct badge number was listed on both traffic citations, and ██████ cell phone video clearly captured the number 19995 embroidered on Officer Dixon's uniform. For these reasons, COPA finds Officer Dixon did not

¹⁷ MCC 9-8-020(c)(1), According to the MCC, "vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown."

¹⁸ MCC 9-8-020(b)(1), According to the MCC, "vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection."

intentionally misstate his badge number and his correct badge number was easily accessible to ██████ as such, COPA finds this allegation is Exonerated.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

COPA has found that Officer Dixon violated Rules 2, 3, and 11 when he issued ██████ citations for running both a yellow light and a red light at the same intersection. As discussed above, Officer Dixon misinterpreted the MCC provision regarding yellow traffic signals, leading him to erroneously issue ██████ a second citation. In recommending discipline, COPA has considered Officer Dixon’s complimentary history, disciplinary history, and 22-years of service to the Department. In particular, COPA notes that Officer Dixon has two sustained complaints and three SPARs in the past five years, including one BWC violation, one conduct unbecoming violation, two court appearance violations, and one violation for failure to inventory a prisoner’s property. Officer Dixon received no discipline or reprimands as a result of all those incidents.¹⁹ Accordingly, COPA recommends Officer Dixon receive a **Reprimand**.

Approved:

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8/22/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

¹⁹ Att. 35.