

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 14, 2018
Time of Incident:	2:44 P.M.
Location of Incident:	415 E. 50 th Street
Date of COPA Notification:	December 14, 2018
Time of COPA Notification:	2:45 P.M.

On December 14, 2018, at approximately 2:45 P.M., [REDACTED] was involved in a traffic accident with Officer Andrea Cottrell. [REDACTED] and Officer Cottrell exited their vehicles and approached each other. When Officer Cottrell observed the damage to her car, she stated, "Do you know you hit the mother fuckin police." Officer Cottrell allegedly had her weapon displayed on the right side of her waistband, removed her gun from her holster, and pointed her gun at [REDACTED]. COPA finds the allegations are Not Sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Cottrell, Andrea. Star #4208, Empl. # [REDACTED], DOA December 12, 2016, P.O., Unit #220, DOB [REDACTED], 1980, Female, Black
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1980, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Andrea Cottrell	It is alleged that on or about December 14, 2018, at approximately 2:44 P.M. at or near 415 E. 50 th Street, Chicago, Illinois, you:	
	<ol style="list-style-type: none"> 1. Displayed his firearm in the presence of [REDACTED] without justification. 2. Pointed his firearm at [REDACTED] without justification. 	<p>Not Sustained</p> <p>Not Sustained</p>

	<p>3. Stated to ██████████ the words to the effect of "Do you know you hit the motherfucking police."</p>	<p>Not Sustained</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8 – Disrespect to or maltreatment of any person while on or off duty.
2. Rule 9 – Engaging in an unjustified verbal or physical altercation with any person while on or off duty.

General Orders

1.G03-02

V. INVESTGATION

a. Interviews

COPA interviewed the **complainant**, ██████████, on December 19, 2018. On December 14, 2018, ██████████ said that he and his fiancé, ██████████ were on King Drive driving southbound. ██████████ made a left turn on 50th Street but realized he was going down a one-way. ██████████ continued driving on 50th Street toward a nearby alley and began to turn in the opposite direction. ██████████ started to make a left at the alley when a black Mazada (Now known to be driven by Officer Cottrell) exited the opposite alley and struck him from behind.

██████████ exited the vehicle to check on Officer Cottrell, at which time Officer Cottrell exited her car and said, "do you know you hit an M.F.² police."³ ██████████ stated that he observed the Chicago Police insignia on Officer Cottrell's turtleneck. Officer Cottrell then removed her gun from her holster, pointed it at ██████████ and asked for his "M.F." license.⁴ ██████████ informed Officer Cottrell that his license was suspended and walked away from her. Officer Cottrell then put the weapon back in her holster as ██████████ walked away. Officer Cottrell made a phone call to an unknown person, and told the person that ██████████ was being hostile and acting crazy.

██████████ stated that responding officers arrived on the scene within fifteen minutes and spoke with ██████████ talked to the officers and explained to them what occurred. ██████████ was taken to the district, where the officers completed his paperwork and registered a complaint against Officer Cottrell.

¹ Att 9

² ██████████ was asked to clarify "MF" during his interview, and he stated that it meant Mother Fucker.

³ 4:38 mark

⁴ 4:55 mark

COPA interviewed the witness, ██████████⁵ on October 18, 2019. ██████████ said that on December 14, 2018, she and her fiancé, ██████████ were turning down a one-way street when they got into a car accident with Officer Cottrell⁶. ██████████ indicated that ██████████ was driving her car because there was a problem with the steering column. ██████████ said she is not from Chicago, and she did not know precisely where she was when the accident occurred.

██████████ exited the vehicle and asked Officer Cottrell if she was okay. Officer Cottrell was on the phone and appeared upset. As ██████████ approached Officer Cottrell, she told him not to walk up on her. ██████████ and Officer Cottrell got into a verbal altercation, during which time ██████████ called Officer Cottrell a "bitch" several times. According to ██████████ - ██████████ Officer Cottrell said words to the effect of, "You don't know who I am. I'm the police." ██████████ exited her vehicle to assess the damage, and Officer Cottrell informed her that she was a police officer. Officer Cottrell and ██████████ continue to argue back and forth, at which time Officer Cottrell unfasten the strap around her gun. ██████████ told ██████████ to stop arguing with Officer Cottrell and stand next to her. ██████████ never observed Officer Cottrell remove her gun from her holster. Officer Cottrell asked for ██████████ driver's license and insurance card and took pictures of ██████████ information. The police eventually arrived on the scene, and ██████████ and ██████████ were issued citations.

COPA interviewed the accused, **Andrea Cottrell**,⁷ on September 30, 2021. On December 14, 2018, Officer Cottrell said that she was exiting the alley onto 50th Street, a one-way going westbound, when a vehicle, driven by ██████████ struck her front bumper at a high rate of speed. ██████████ continued driving and stopped about a half block later. Officer Cottrell exited her vehicle to check the damages.

According to Officer Cottrell, ██████████ exited the vehicle, ran toward her, got very close to her, and stated, "you hit my car." Officer Cottrell said she backed away from ██████████ and he continued to close the distance between them. Officer Cottrell then pulled up her sweater to display her police star, located on her belt, to defuse the situation. Officer Cottrell indicated that her duty weapon was on her waistband area and ██████████ possibly saw her gun, which was in her off-duty holster. ██████████ then stated words to the effect of "I don't give a fuck about your star. I don't give a fuck who you are." ██████████ fiancé, now known to be ██████████ exited the vehicle and stood between Officer Cottrell and ██████████ During the verbal altercation, ██████████ asked Officer Cottrell if she was going to point her weapon at him, and she said "no." Officer Cottrell requested to see ██████████ identification, but he refused and walked away. Officer Cottrell indicated that she called 911 on her phone because ██████████ refused to show his identification. ██████████ offered to provide her driver's license, and they exchanged information.

When the responding officers, now known to be Officers Harriet Davis and Doretha Miller, arrived on the scene, they spoke with the involved parties and completed the paperwork. Once everything was completed, Officer Cottrell left and went to work. Officer Cottrell denied the allegations made against her. Officer Cottrell said she never removed her gun from the holster. Officer Cottrell stated that she might have yelled and cursed at ██████████ but she did not recall what

⁵ Att 22

⁶ ██████████ did not know her name, but she described her as a black/female wearing all blue.

⁷ Att. 26

she said. Officer Cottrell described ██████ as belligerent and using derogatory language toward her. Officer Cottrell indicated that she did not have an altercation with ██████

b. Digital Evidence

The **body-worn camera of Officer Davis**⁸ did not capture the incident between ██████ and Officer Cottrell. The video captures Officer Davis asking ██████ if he wanted to speak with a supervisor. ██████ told the officers no and that they will deal with that later. Neither ██████ or ██████ indicated why they needed a supervisor. At the 27:57 mark, ██████ said words to the effect of "What if her gun would have discharged? Her gun could of discharge or anything."

c. Documentary Evidence

The **initiation report**⁹ authored by Sgt. Michael Shrake for ██████ indicated that Officer Cottrell and ██████ were involved in a motor vehicle crash. ██████ reported that he and Officer Cottrell exited their vehicles, and Officer Cottrell saw the damage to her car and stated, "Do you know you hit the mother fuckin police." ██████ further reported that Officer Cottrell displayed a weapon on her right side and later demonstrated how Officer Cottrell pointed the gun at a downward 45-degree angle. ██████ stated that he walked away, and ██████ engaged in a conversation with Officer Cottrell.

The **Illinois Traffic Crash Report**¹⁰ authored by Officer Doretha Miller indicated that the vehicle driven by ██████ was struck by Officer Cottrell's vehicle.

The **OEMC Event Query**¹¹ indicated that off-duty officer (Officer Cottrell) called OEMC and said the offender (██████) was combative, had no license and hit Officer Cottrell's car as he was coming down a one-way street. The reports further stated that two vehicles were involved in an auto accident in the vicinity of 4898 S. King Drive. No one was injured during the traffic accident. The report specifically stated, "yelling at caller, being threatening & combative, refusing to give info gray chev malibu lp # ██████ caller in blk mazda nfi."

██████ was issued two **citations** (██████ and ██████)¹². One of the citations was for license Suspended/Revoked, and the other was for driving on a one-way street in the wrong direction. Officers Davis and Miller issued the citations.

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;

⁸ Att 17

⁹ Att 4

¹⁰ Att. 11

¹¹ Att. 10, 14

¹² Att. 16

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 proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the 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 I.L. 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

Allegations #1 and 2 allege that Officer Cottrell displayed her firearm and pointed it at ██████████ stated in his report that Officer Cottrell removed her gun from her holster and pointed her gun at him. Officer Cottrell denied the allegations. Officer Cottrell reported that she never removed her weapon from her holster. ██████████ said she observed Officer Cottrell unfasten the strap around her gun but never saw Officer Cottrell remove her gun from her holster. The body-worn camera of Officer Davis did not capture the altercation between Officer Cottrell and ██████████ but he mentioned that Officer Cottrell had her weapon out during the incident. Based on the lack of evidence to prove or disprove the allegations, COPA recommends finds the allegations is **Not Sustained**.

Allegation #3 alleges that Officer Cottrell stated to ██████████ "Do you know you hit the motherfucking police." Officer Cottrell denied the allegation. Officer Cottrell reported that she possibly yelled and cursed at ██████████ but she did not recall what she said. ██████████ heard the officer say, "You don't know who I am. I'm the police." ██████████ did not mention anything else that Officer Cottrell stated. Officer Cottrell said she pulled her sweater up to show her police identification in an attempt to defuse the situation. Due to the lack of evidence to either prove or disprove the allegation, COPA finds the allegation is **Not Sustained**.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

2/28/22

Date