

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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|----------------------------|------------------------|
| Date of Incident: | May 13, 2019 |
| Time of Incident: | Approximately 10:12 am |
| Location of Incident: | 3508 N. Sheffield |
| Date of COPA Notification: | May 15, 2019 |
| Time of COPA Notification: | 12:21 pm |

On May 13, 2019, at approximately 10:12 am, Officer Jennifer Terzich observed a vehicle, driven by Mr. [REDACTED] disregard a stop sign and performed a traffic stop. A PDT search disclosed that neither Mr. [REDACTED] the driver, nor Ms. [REDACTED] the passenger and vehicle owner, possessed a valid Illinois Driver’s License. Mr. [REDACTED] was searched by Officer Terzich and taken to the police station to receive tickets and a bail bond receipt. The officers allowed the couple to call their son, a licensed driver, to come pick up the vehicle.

On May 15, 2019, Mr. [REDACTED] filed a complaint alleging that Officer Terzich improperly searched him, racially profiled him, and issued false moving violations.

II. INVOLVED PARTIES

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| Involved Officer #1: | Jennifer Terzich, star # 14550, employee ID# [REDACTED], Date of Appointment April 16, 2010, rank PO/FTO, Unit of Assignment 019 th District, DOB [REDACTED], 1978, Female, White. |
| Involved Individual #1: | [REDACTED] DOB [REDACTED], 1977, Male, Black. |
| Involved Individual #2: | [REDACTED] DOB [REDACTED], 1984, Female, Black. |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|--------------------------|---|--------------------------|
| Officer Jennifer Terzich | 1. It is alleged by [REDACTED] that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich, a female, performed a pat-down on him when male officers were present and available. | SUSTAINED |
| | 2. It is alleged by [REDACTED] that on May 13, 2019, at approximately 10:11 am, at 3508 N. | NOT SUSTAINED |

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| | <p>Sheffield Ave., Officer Jennifer Terzich improperly grabbed his genitals during a pat-down.</p> <p>3. It is alleged by ██████████ that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich racially profiled him when she performed a traffic stop.</p> <p>4. It is alleged by ██████████ that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich wrote him tickets for failure to stop at a stop sign and for driving with a suspended/revoked license when those charges were untrue.</p> | <p>UNFOUNDED</p> <p>EXONERATED</p> |
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IV. APPLICABLE RULES AND LAWS

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.

General Orders

1. G06-01-02(IV)(C)-Restraining Arrestees

V. INVESTIGATION¹

a. Interviews

██████████

Mr. ██████████ was interviewed at COPA on May 15, 2019, at approximately 12:32 pm, regarding the incident that occurred on May 13, 2019, at or near 300 N. Sheffield. Mr. ██████████ told investigators that on the date in question, he, and his wife ██████████ were making a food delivery and observed Officer Terzich stare at them as they were driving.² The couple saw the same officer again while they made a second food delivery. As she neared Waveland, Officer Terzich made a U turn, followed Mr. ██████████ and then pulled him over at the 3508 N. Sheffield. Officer Terzich approached Mr. ██████████ vehicle and was informed by Mr. ██████████ that he did not have a valid driver’s license.³ The officer then asked Mr. ██████████ if there were any firearms in the vehicle and Mr. ██████████ responded that he did not own a firearm, but his wife did and had a valid FOID card, which she presented to the officer, and a Conceal Carry License. He also stated that

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 6 at 07:50.

³ Att. 6 at 13:35.

there was a gun in the vehicle, inside the middle console.⁴ When asked, Officer Terzich told Mr. ██████ that he failed to stop at a stop sign, which Mr. ██████ denied.⁵

After back-up arrived, Officer Terzich went to her vehicle to run Mr. ██████ name. When she returned, she asked Mr. ██████ to exit the vehicle. The female officer, in the presence of male officers, then patted him down and searched his genital area, meaning she grabbed his crotch, which made him feel very uncomfortable.⁶ Officer Terzich then put handcuffs on Mr. ██████ put him in a police vehicle, and took him to the police station. Once at the station, Officer Terzich made some comments that made Mr. ██████ feel uncomfortable, but he never explained what the comments were, and later said they had nothing to do with his complaint. He did, however, mention that he identified as Moorish American, not Black or African American, and that the name ██████ was a slave name and was not the name he chose to use.⁷ Mr. ██████ also stated he felt that because Officer Terzich had been watching them in an unwelcoming manner, he was profiled before he was pulled over.⁸

It was later discovered that ██████ also did not have a driver's license. Officer Terzich allowed the couple to summon their son, ██████ a licensed driver, to drive the car back their residence. Mr. ██████ was issued two traffic citations and a bond receipt. His vehicle was never searched.

Officer Jennifer Terzich

Officer Terzich was interviewed at COPA on December 12, 2019, at approximately 2:34 pm, regarding the incident that occurred on May 13, 2019, at or near 3500 N. Sheffield. While on patrol, Officer Terzich witnessed Mr. ██████ fail to make a complete stop at a stop sign and pulled him over.⁹ Officer Terzich was driving westbound on Waveland, and Mr. ██████ was driving southbound on Sheffield, about half of a block away. Before she pulled him over, Officer Terzich could not tell what race the driver of the vehicle was.¹⁰ After Mr. ██████ informed Officer Terzich that there was a weapon inside of the vehicle, she called for backup.¹¹

Backup arrived and Officer Terzich asked Mr. ██████ to exit the vehicle. Once he did, Officer Terzich performed a pat-down on Mr. ██████ to check for weapons despite the fact there were male officers present. Officer Terzich stated in her interview that she was unaware of any rule concerning whether or not a female officer was allowed to pat-down a male subject, and that she did the pat-down because it was her stop to secure.¹² When she was asked if she at any time touched or grabbed Mr. ██████ genitalia, she gave a negative response.¹³

⁴ Att. 6 at 04:33.

⁵ Att. 6 at 04:06.

⁶ Att. 6 at 05:18 and 24:10-24:55.

⁷ Att. 6 at 08:16.

⁸ Att. 6 at 08:00 and 12:20.

⁹ Att. 4 at 04:15.

¹⁰ Att. 4 at 05:25.

¹¹ Att. 4 at 05:35.

¹² Att. 4 at 07:55-09:10.

¹³ Att. 4 at 09:40.

b. Digital Evidence

In-Car and Body Worn Camera (BWC)¹⁴

The in-car camera located in the police vehicle driven by Officer Terzich captured, from about a block away, a vehicle that failed to stop at a stop sign.¹⁵ Officer Terzich performed a traffic stop of said vehicle at 3508 on Sheffield according to the audible radio call.¹⁶ When she asked the driver, now known as Mr. ██████████ for his driver's license and insurance, he presented his insurance card but stated that he just got a ticket and the judge told him to pay his SR22. He stated that he had a State of Illinois ID.¹⁷ The officer informed Mr. ██████████ that the reason she pulled him over was because rolled through the stop sign.

Officer Terzich then inquired as to whether there was a firearm in the car to which Mr. ██████████ responded in the affirmative.¹⁸ The passenger, Ms. ██████████ possessed a FOID card, a State of Illinois ID for herself, and a State of Illinois ID for Mr. ██████████. She presented them to the officer after she called for back-up.¹⁹

Once back-up arrived, Officer Terzich went back to her vehicle and ran the IDs and the FOID card. Although he has never possessed valid driver's license, Mr. ██████████ was considered to be in the suspended status because he was previously ticketed for driving without a license. Ms. ██████████ did not have a valid driver's license or a Concealed Carry License, but her FOID card was valid.²⁰ Earlier, it was determined that there was a firearm in the center console of the vehicle, and Officer Hodzinski, who responded to the call for assistance, expressed some concern about the firearm and the fact that there was a three-year-old in the vehicle.²¹ It was decided Mr. ██████████ would be taken into the district station to receive tickets and an I-bond, and a licensed driver would be summoned to transport the vehicle to avoid any disturbance to the child or impoundment of the vehicle.

Officer Terzich returned to the curbed vehicle, asked Mr. ██████████ to exit the vehicle, and advised him that he would be transported to the police station to receive tickets. Officer Terzich performed a pat-down on Mr. ██████████ in full view of several male officers, cuffed him, and placed him in her police vehicle.²² Officer Terzich told Mr. ██████████ that his 20-year-old son, a licensed driver, can pick up the vehicle and Ms. ██████████²³ As Officer Terzich pulled away from the scene, the additional officers stayed behind with the vehicle.²⁴

¹⁴ BWC for Officers Hong, Pettigrew, Cruz was also viewed and found consistent with the BWC for Officers Terzich, Khan and Hodzinski.

¹⁵ Att. 24 at 00:26-00:31.

¹⁶ Att. 24 at 01:03.

¹⁷ Att. 22 at 00:55.

¹⁸ Att. 22 at 01:35.

¹⁹ Att. 22 at 02:25.

²⁰ Att. 22 at 07:20.

²¹ Att. 22 at 01:40 and Att. 31 at 03:05.

²² Att. 22 at 10:25.

²³ Att. 24 at 14:30.

²⁴ Att. 24 at 16:20.

c. Documentary Evidence

On May 13, 2019, Officer Jennifer Terzich issued two **Chicago Police Department Citations and Complaints** to Mr. [REDACTED] one for Failure to Stop at Stop Sign, [REDACTED], and one for having a License Suspended/Revoked, [REDACTED].²⁵

On May 13, 2019, **Bond Receipt #** [REDACTED] was issued to Mr. [REDACTED] in regard to Chicago Police Department Citations and Complaints numbers [REDACTED] and [REDACTED]. His initial court date was set for July 10, 2019, at 1:00 pm.²⁶

On May 13, 2019, Officer Umer Khan, Star# 16971, drafted an **Investigatory Stop Report-#** [REDACTED] in regard to the detention of [REDACTED] at or about 10:11 am, at or near 3508 N. Sheffield Ave. Ms. [REDACTED] was the passenger of a vehicle undergoing an investigatory stop. As Ms. [REDACTED] provided her Identification Card to Officer Terzich, the officer noticed a FOID card in her wallet. Officer Terzich asked if Ms. [REDACTED] had a weapon in the vehicle to which she responded in the affirmative. The officer performed a name check and found FOID card # [REDACTED] to be valid.²⁷

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 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

²⁵ Att. 11.

²⁶ Att. 12.

²⁷ Att. 35.

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

Officer Jennifer Terzich

COPA finds **Allegation #1**, that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich, a female, performed a pat-down on him when male officers were present and available, is supported by a preponderance of the evidence and is **Sustained**.

According to G06-01-02(IV)(C)-*Restraining Arrestees*, custodial searches will be conducted by a member who is the same gender as the arrestee, however, if a member of the same gender is not immediately available and officer of citizen safety is compromised absent an immediate search, members will not endanger themselves or the public to comply with this requirement.

BWC and the statements Officer Terzich made during her interview with COPA support the allegation that Officer Terzich performed the pat-down of Mr. █████ during a traffic stop while male officers were present and immediately available. Furthermore, there was no immediate need for her to perform the pat-down, in fact she waited to even ask Mr. █████ to exit the vehicle until other officers arrived.

Lastly, Officer Terzich’s claim that she was unaware that there was a rule regarding performing a pat-down on a dissimilar gendered person was unconvincing and does not justify her actions. In fact, when one considers that she was a Field Training Officer at the time of the incident, there is cause for concern that she would be unaware of such a basic rule. Therefore, this allegation is **Sustained**.

COPA finds **Allegation #2**, that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich improperly grabbed his genitals during a pat-down is not supported by enough evidence to sufficiently prove or disprove the allegation and is **Not Sustained**.

Although Mr. █████ alleged that Officer Terzich grabbed his genitals during a pat-down, Officer Terzich denied the allegation and BWC does not definitively support or contradict the allegation. Furthermore, there was no evidence that Mr. █████ complained about the pat-down on scene or to another officer. Therefore, this allegation is **Not Sustained**.

COPA finds **Allegation #3**, that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich racially profiled him when she performed a traffic stop, is not supported by the evidence and is **Unfounded**.

Mr. █████ claimed that he saw Officer Terzich twice on the same day as he delivered food. Both times, Officer Terzich stared at him in an unwelcoming manner. He also said that Officer Terzich saw him, made a U-Turn, and followed him before she pulled him over.

According to BWC footage, before Officer Terzich pulled Mr. █████ over, she was driving perpendicular to him, not behind him, and noticed him roll through a stop sign from about a block away. She never made a U-Turn, as was alleged by Mr. █████ Furthermore, Officer Terzich stated in her interview that she did not know the race of the driver that rolled through the stop sign until she

performed the traffic stop. Mr. ██████ did not offer any additional evidence to support his allegation of racial profiling. Therefore, this allegation is **Unfounded**.

COPA finds **Allegation #4**, that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich wrote him tickets for failure to stop at a stop sign and for driving with a suspended/revoked license when those charges were untrue, is not supported by the evidence and is **Exonerated**.

Mr. ██████ allegation, in this instance, is contradicted by the evidence. BWC captured the moment when Mr. ██████ rolled through the stop sign near Wrigley Field. And, Mr. ██████ not only confessed to never having had an Illinois Driver's License, but a name-check confirmed Mr. ██████ status with the Secretary of State's office was "suspended" because he had recently been ticketed for driving without a license. Therefore, this allegation is **Exonerated**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jennifer Terzich

i. Complimentary and Disciplinary History

a. The following is a summary of disciplinary incidents for Officer Terzich:²⁸ No disciplinary history, as of September 13, 2021.

b. The following is a summary of the complimentary history of Officer Terzich:

1. 2019 Crime Reduction Award (1); 2. Attendance Recognition Award (1); 3. Complimentary Letter (3); 4. Honorable Mention (44); 5. NATO Summit Service Award (1); and 6. Traffic Stop of the Month Award (1), as of September 13, 2021.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1: 3 days and retraining of General Order G06-01-02, Restraining of Arrestees.

Body worn camera captured Officer Terzich's pat-down of Mr. ██████. Male officers were present and available to perform this action, but Officer Terzich admittedly felt it was her duty to perform the pat-down herself. Furthermore, there were no circumstances that suggested there was any immediate need for the pat-down to be done before male officers were present, in fact, she waited for back-up to arrive before she even had Mr. ██████ exit the vehicle.

Officer Terzich's justification that she did not know that there was policy that required a male officer pat-down Mr. ██████ in this instance is unpersuasive, and at the very least troubling, especially since Officer Terzich was a Field Training Officer at the time and should have been well versed in the procedures related to conducting a pat-down.

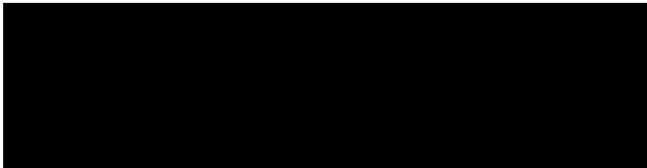
²⁸ Att. 42

IX. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|--------------------------|---|---|
| Officer Jennifer Terzich | <p>1. It is alleged by [REDACTED] that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich, a female, performed a pat-down on him when male officers were present and available.</p> <p>2. It is alleged by [REDACTED] that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich improperly grabbed his genitals during a pat-down.</p> <p>3. It is alleged by [REDACTED] that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich racially profiled him when she performed a traffic stop.</p> <p>4. It is alleged by [REDACTED] that on May 13, 2019, at approximately 10:11 am, at 3508 N. Sheffield Ave., Officer Jennifer Terzich wrote him tickets for failure to stop at a stop sign and for driving with a suspended/revoked license when those charges were untrue.</p> | <p>SUSTAINED/Retraining and Suspension for 3 day(s)</p> <p>NOT SUSTAINED</p> <p>UNFOUNDED</p> <p>EXONERATED</p> |

Approved:



12-21-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date