

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 5, 2018
Time of Incident:	8:46 p.m.
Location of Incident:	8300 S. Cottage Grove Avenue
Date of COPA Notification:	June 6, 2018
Time of COPA Notification:	9:30 a.m.

COPA received an initiation report from the Chicago Police Department on June 6, 2018. ██████████ claimed that she was involved in an incident with members of CPD on June 5, 2018, at or around 8300 S. Cottage Grove Ave., at approximately 8:00 p.m. She alleged patrol officers used racial profiling and had no probable cause to conduct a traffic stop. Officers allegedly refused to call for a supervisor when she requested a supervisor respond to the scene.

On June 5, 2018, at approximately 8:46 PM, ██████████ alleged that she went to the 006th District Chicago Police Department, located at 7808 S. Halsted, requesting to speak with a “white shirt” (commonly known as CPD supervisory personnel). ██████████ related that she and her “husband” were racially profiled while driving on 83rd Street. CPD members followed her and her husband watching them and another car before pulling them over at 83rd and Cottage Grove with no probable cause. ██████████ further related she requested a white shirt and was ignored. While at the 006th District, CPD supervisory personnel reviewed BWC (Body Worn Camera) footage of the officers involved in stopping ██████████ and her husband, specifically relative to ██████████ complaint that the involved officers had failed to call for a white shirt in response to ██████████ request. CPD supervisory personnel advised ██████████ that while her request for a white shirt could be heard on BWC, it was quite possible that the officers had not heard the request given the custody interaction between the officers and the driver of the vehicle that was taking place at the time. CPD personnel obtained a COPA log number and prepared an Initiation Report in reference to ██████████ allegation.

On June 6, 2018, ██████████ filed a complaint with COPA and provided a recorded interview of the events.

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

II. INVOLVED PARTIES

Involved Officer #1:	Vincenzo Lupo, Star #: 10401; Employee ID#: [REDACTED]; Date of Appointment: April 25, 2016; Rank: Police Officer; Unit of Assignment: 004; DOB: [REDACTED], 1992; Male, White ²
Involved Officer #2:	Alejandro Avila, Star #: 7524; Employee ID#: [REDACTED]; Date of Appointment: August 16, 2017; Rank: Police Officer; Unit of Assignment: 006; DOB: [REDACTED], 1988; Male, White Hispanic
Involved Officer #3:	Andrea Heard, Star #: ***; Employee ID#: [REDACTED]; Date of Appointment: January 2, 1991; Rank: Sergeant; Unit of Assignment: ***; DOB: [REDACTED], 1966; Female, Black ³
Involved Officer #4:	Tiffany Santiago, Star #: 1402; Employee ID#: [REDACTED]; Date of Appointment: October 30, 2006; Rank: Sergeant; Unit of Assignment: Bureau of Internal Affairs; DOB: [REDACTED] 1976; Female ⁴
Involved Officer #5:	James Baier, Star #: 75; Employee ID#: [REDACTED]; Date of Appointment: June 21, 1999; Rank: Commander; Unit of Assignment: Narcotics Division; DOB: [REDACTED], 1075; Male, White ⁵
Involved Individual #1:	[REDACTED] S. [REDACTED] DOB: [REDACTED], 1979; Female, Black
Case Type:	Racial Profiling/Abuse of Authority

² At time of incident, Unit of Assignment was 006

³ Attachment 38 Par Form: Sgt. Heard resigned from CPD effective May 15, 2022; at time of incident, Unit of Assignment was 006

⁴ At time of incident, Sgt. Santiago held the rank of Police Officer; Unit of Assignment was 006

⁵ At time of incident, Commander Baier held the rank of Lieutenant; Unit of Assignment was 006. No allegations were levied against Commander Baier in this matter. Therefore, Commander Baier was not interviewed.

III. ALLEGATIONS

Officer	Allegation	Finding
PO Vincenzo Lupo	<ol style="list-style-type: none"> 1. The Accused officer stopped [REDACTED] SUV because of racial discrimination (black). 2. The Accused officer failed to summon a supervisor upon request by [REDACTED] 3. The Accused officer failed to include relevant, material information on the Vehicle Impoundment/Seizure Report (CPD 34.347). 	<p>Unfounded</p> <p>Not Sustained</p> <p>Exonerated</p>
PO Alejandro Avila	<ol style="list-style-type: none"> 1. The Accused officer stopped [REDACTED] SUV because of racial discrimination (black). 2. The Accused officer failed to summon a supervisor upon request by [REDACTED] 	<p>Unfounded</p> <p>Not Sustained</p>
Sgt. Andrea Heard	The Accused sergeant failed to take [REDACTED] complaint and initiate or file a complaint register.	Unfounded
Sgt. Tiffany Santiago	The Accused sergeant improperly ordered the towing, impound and incidental search of [REDACTED] vehicle.	Exonerated

IV. INVESTIGATION**a. Interviews**

In her **statement to COPA**⁶ on June 6, 2018, [REDACTED] stated that on June 5, 2018, she and her fiancée, now known as [REDACTED] were involved in a traffic stop with members of the Chicago Police Department. [REDACTED] was driving the vehicle and she was the passenger. They were traveling eastbound on 83rd Street in the area of 8300 S. Cottage Grove Avenue when she noticed a patrol car turn behind them. Subsequently, she noticed the officers were tailgating them and were seemingly attempting to investigate their vehicle. She related that she then told

⁶ Attachment 9

██████████ to turn on his signal to indicate an upcoming turn because he had to turn the signal on 100 feet before the intersection. As they proceeded to make a left turn, the CPD members subsequently stopped their vehicle. When she inquired of the officers the reasons for the traffic stop, an officer reportedly said they had their signal on for too long and that the officers could not see into the vehicle to determine if they were using their seatbelts while driving. The officers directed ██████████ to step out of the vehicle. After obtaining his license information, the officers advised ██████████ that ██████████ was driving on a suspended license and would be taken into custody. The officers told ██████████ that she was free to drive the vehicle.

██████████ followed the police to the 006th district station where she entered and asked to speak to a desk sergeant so she could file a complaint against the officers for racially profiling and stalking. At the station, she encountered the desk sergeant who initially refused to take her complaint. ██████████ described her as rude with a bad attitude. ██████████ threatened to seek out an authority of higher rank. The desk sergeant left and returned with a lieutenant. The lieutenant demanded her keys and told her he was taking her truck. ██████████ admitted that the desk sergeant subsequently took her complaint. After returning to the 006th district station, ██████████ learned that her truck had been impounded because ██████████ had been driving on a suspended license.

In his **statement to COPA**⁷ on September 27, 2018, accused Officer **Alejandro Avila** stated that on June 5, 2018, he was riding in a squad car with his partner, Officer Vincenzo Lupo. He recalled curbing ██████████ vehicle. He curbed the vehicle because his partner said to do so based on a traffic violation the partner observed. Avila did not see the traffic violation. After reviewing his BWC video, he admitted he could hear ██████████ ask for a white shirt. However, while at the scene, he did not hear the request, because he was pre-occupied with officer safety as he was getting ██████████ out of the vehicle and placing him into custody. Officer Avila recalled he did not tow the vehicle because he exercised discretion in allowing ██████████ to drive the vehicle as she had a valid driver's license. He was not part of the decision to impound the vehicle once ██████████ arrived at the 006th district station.

In her **statement to COPA**⁸ on October 3, 2018, accused Sergeant Andrea Heard recalled an interaction with ██████████ on June 5, 2018, at the 006th District station. ██████████ wanted to file a complaint against CPD members. Sgt. Heard reviewed the accused officer's BWC video of the traffic stop. After a discussion with ██████████ Sgt. Heard took ██████████ complaint and prepared an Initiation Report referencing ██████████ allegations. She recalled Lieutenant Baier speaking with ██████████ however, Sgt. Heard did not recall information regarding the tow and impoundment of ██████████ vehicle.

In her **statement to COPA**⁹ on October 3, 2018, accused Sergeant Tiffany Santiago stated she could recall only approving the tow report related to ██████████ vehicle. Sgt. Santiago was in the processing room with Officer Lupo when he asked her to sign the tow report. She had no recollection of who ordered the tow. Sgt. Santiago advised that the officers (Lupo and Avila) were supposed to have towed the vehicle at the time they became aware that an unlicensed driver had been driving the vehicle.

⁷ Attachment 25

⁸ Attachment 27

⁹ Attachment 27

In his **statement to COPA**¹⁰ on October 18, 2018, accused Officer Vincenzo Lupo stated that on June 5, 2018, he was riding in a squad car with his partner, Officer Alejandro Avila. He and Officer Avila were on patrol in a CPD squad car that had In Car Camera video recording capability and his partner was driving. The vehicle's ICC is activated when the emergency lights on the vehicle are activated. As a result, the ICC footage does not show the entirety of the event when [REDACTED] vehicle failed to properly use a turn signal. In summary, he recalled instructing Officer Avila to curb the vehicle. He had observed that the vehicle had failed to signal a turn before 100 feet of the intersection. He did not hear [REDACTED] request a white shirt as he was on the opposite side and moved towards the rear of the vehicle (making his way around to assist in placing [REDACTED] in custody). He used his discretion to allow [REDACTED] to drive the vehicle as she had a valid driver's license. At the 006th district station, Lieutenant Baier gave him a direct order to impound [REDACTED] vehicle based on CPD policy requiring the impoundment of a vehicle that was driven by a driver with a suspended license.

b. Digital Evidence

A **Video Recording**¹¹ from the **In Car Camera (ICC)** of the CPD squad vehicle occupied by Officers Lupo and Avila at the time of the incident on June 5, 2018, involving [REDACTED] does not support the assertion that officers had no legal justification to stop the vehicle. The video is unclear and grainy and does not definitively show Officer Lupo violated policy or had no probable cause to believe a traffic violation had occurred. The video footage captures another vehicle between the patrol vehicle and [REDACTED] and the later inside the left turning lane. It is unclear whether [REDACTED] vehicle properly signaled. The video records up to one minute prior to the activation of sirens and emergency lights.

A **Video Recording**¹² from the **Body-Worn Camera (BWC)** of Officer Alejandro Avila depicts the officer approaching the driver's side of the vehicle. Officer Avila initially and immediately advise [REDACTED] that the officer had stopped the vehicle for its failure to properly signal a turn prior to 100 feet of an intersection. Officer Avila asks [REDACTED] for license and insurance information and subsequently learns that he does not have a valid license. As Officer Avila begins the process of placing [REDACTED] in custody, [REDACTED] can be heard asking for a white shirt, from inside the vehicle on the passenger side with closed windows. Officer Avila is located at the rear of the vehicle and assisting [REDACTED] toward the backdoor of the squad vehicle which is parked directly behind [REDACTED]'s. It appears Officer Avila does not hear the request. [REDACTED] is informed she can drive the vehicle because she has a license.

A **Video Recording**¹³ from the **Body-Worn Camera (BWC)** of Officer Vincenzo Lupo depicts substantially similar information obtained from Officer Avila's BWC. Noted is Officer Lupo's unwillingness to engage [REDACTED] in continued conversation as to what prompted the officers to initially curb [REDACTED] vehicle after Officer Lupo had already informed [REDACTED] of

¹⁰ Attachment 30

¹¹ Attachment 15

¹² Attachment 15

¹³ Attachment 15

the reason for the stop. Officer Lupu moves from the passenger side of the vehicle to the rear driver's side of the vehicle near Officer Avila and [REDACTED]

c. Documentary Evidence

[REDACTED] **Arrest Report**¹⁴ documents the curbing of [REDACTED] vehicle for failure to properly use a turn signal and the subsequent arrest of Mr. [REDACTED] for driving on a suspended license.

The **Vehicle Seizure Order and Impound Inventory Reports**¹⁵ documents the seizure and impoundment of [REDACTED] vehicle.

The **Initiation Report**¹⁶ documents [REDACTED] account and allegations. Additionally, the reporting sergeant's review of both officers' BWC videos.

V. LEGAL ANALYSIS

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 e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be

¹⁴ Attachment 4

¹⁵ Attachment 5

¹⁶ Attachment 6

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.

VI. ANALYSIS AND CONCLUSION

██████████ alleged that Officers Vincenzo Lupo and Alejandro Avila used racial profiling to conduct the traffic stop. After examining the available evidence, the complainant’s interview and the accused officers’ interviews, COPA has determined that there is insufficient evidence to prove the allegations by a preponderance of the evidence.

██████████ provides no evidence that corroborates her belief that accused officer engaged in prohibited racial profiling or bias based policing. Nor does the available evidence contradict the officers’ account of the traffic violation incident to support the allegation of an unjustified violation of CPD policy.¹⁷ Members are authorized to conduct a traffic stop where there is reasonable articulable suspicion or probable cause that a crime has occurred and that the subject has committed it.¹⁸ Members based the traffic stop on their observations, experience and training. Both officers provided a similar account of the incident. Noted is Officer Avila’s initial statement that he did not observe the vehicle as the violation occurred and neither is it captured on ICC video. However, Officer Lupo provided a compelling statement that he observed the traffic infraction within 100 feet of the intersection.¹⁹ ██████████’s receipt of a citation and subsequent arrest is sufficient evidence to support the officers’ actions as compliant with CPD policy.

██████████ also alleged that Officers Vincenzo Lupo and Alejandro Avila failed to summon a supervisor upon request. Based on the investigation, there is clear and convincing evidence that the allegation is not factual.

After careful consideration of all the facts, COPA has determined that there is clear and convincing evidence that the allegation is not factual. Accordingly, COPA finds that this allegation is Unfounded.

██████████ request for a supervisor to respond to the scene can be heard on the BWC video footage of Officer Avila. However, at the time of the verbal request, officers were engaged in detaining, handcuffing and placing ██████████ inside the police vehicle. Incidentally, other vehicles were being driven by the incident. Both officers were placing ██████████ into custody when the audio of ██████████ requesting a white shirt is captured. Officers were engaged in conversation with ██████████ and ██████████ regarding the stop. Noted is the absence of the request on Officer Lupo video footage. It appears that neither officer heard ██████████ ask for a supervisor based on their lack of a reaction to the request made contemporaneously with their actions to safely and securely make the arrest. As

¹⁷ CPD General Order G02-04, Prohibition regarding racial profiling and other bias-based policing. Effective 01 December 2017.

¹⁸ CPD Special Order S04-13-09 Investigatory Stop System, effective date 10 July 2017.

¹⁹ 625 ILCS 5/11-804 of the Illinois Vehicle Code. In a business or residential district, the law requires that a turn signal is given continuously during not less than the last 100 feet traveled by the vehicle before turning right or left.

a passenger, ██████ had an opportunity to request a supervisor by calling OEMC. It would be a courtesy if an officer decided to call for a supervisor at the request of a civilian. Officers had no direct duty to call for a supervisor due to a citizen's demand.

After careful consideration of all the facts, COPA has determined that there is insufficient evidence to prove the allegation by a preponderance of evidence. Accordingly, COPA finds that the allegation that the accused Officers Vincenzo Lupo and Alejandro Avila failed to request a supervisor is **Not Sustained**.

It is alleged that Officer Vincenzo Lupo failed to include relevant, material information on the Vehicle Impoundment/Seizure Report (CPD 34.347). Based on the investigation, there is clear and convincing evidence that the officer's actions were lawful and proper.

The investigation resulted in a review of the Seizure Report and relevant information and the interviews with Officer Lupo and Sergeant Santiago. Sgt. Santiago reviewed the report for completeness and finding no errors signed the form. COPA's independent review of the report did not reveal a deficiency of relevant information. Accordingly, COPA finds the allegation that Officer Lupo failed to include relevant information is **Exonerated**.

COPA investigated the allegation that accused Sergeant Andrea Heard failed to take ██████ ██████ complaint and initiate or file a complaint register. Based on investigation, there is clear and convincing evidence that the allegation is not factual.

COPA reviewed the Initiation Report completed by Sgt. Heard. The report was received by COPA personnel via fax on August June 5, 2018, at 9:41 pm. The form was completed listing ██████ as the complainant. It addressed the allegation of Racial Profiling and summarized the investigation conducted at the 006 District. ██████ initially stated that Sgt. Heard seemed reluctant to complete the report, but later she received the log number associated with the complaint. Sgt. Heard explained her actions by stating that she left the front desk to review the BWC videos.

COPA finds there is clear and convincing evidence that the allegation against Sgt. Heard is unsubstantiated and is not factual. Therefore, COPA finds this allegation is **Unfounded**.

COPA investigated the allegation that accused Sergeant Tiffany Santiago improperly ordered the towing, impound and incidental search of ██████ vehicle. Based on the investigation, there is clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

██████ was charged with driving on a suspended license, a violation of 625 ILCS 5.0/6-303-A. Sgt. Santiago was not involved in the traffic stop. Officer Lupo presented the related information regarding the tow and impound of the vehicle to Sgt. Santiago at the district station. Sgt. Santiago fulfilled her duty to review the form thereby authorizing the impoundment of ██████ vehicle. The owner (██████) of the vehicle was notified that the vehicle was impounded by the City of Chicago under the authority granted by the Municipal Code of Chicago, section(s): 9-80-240, vehicle operated by persons with suspended or revoked licenses.

COPA finds that Sgt. Santiago acted in compliance with CPD policy, and the allegation is **Exonerated.**

For the foregoing reasons, COPA finds this case should be summarily closed at this time.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

11-16-2022

Date