

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 2, 2018
Time of Incident:	2:41 am
Location of Incident:	7400 S. Morgan
Date of COPA Notification:	August 2, 2018
Time of COPA Notification:	12:08 pm

Log #1090499 was initiated following COPA’s receipt of a web complaint from RPV [REDACTED], a 28-year-old trans-woman, who at approximately 2:41 am on Aug. 2, 2018, was briefly detained as the passenger in a car that was stopped by the Accused officers. [REDACTED]. [REDACTED] reported being disrespected and disparaged by one of the officers during the detainment; specifically subjected to demeaning and derogatory language regarding her gender identity, and then issued what was later determined to be an ANOV for soliciting a ride on the public way. Despite multiple attempts to secure an interview, COPA was unable to obtain an affidavit from [REDACTED]; however, the BWC footage obtained by COPA during its preliminary investigation led COPA to seek and obtain an affidavit override to allow COPA to interview the Accused officers in accordance with state law.

II. INVOLVED PARTIES

Involved Officer #1:	Gilbert Aguada #15439, Emp.# [REDACTED], Date of Appt. 3/15/2013, Rank: PO, Unit of Assignment 007, M/API
Involved Officer #2:	Abdul-Aziz Vhora #8758, Emp.# [REDACTED], Date of Appt. 4/1/2013, Rank: PO, Unit of Assignment 007, M/API
Involved Individual #1:	[REDACTED], DOB [REDACTED] 1990, F/B

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Abdul-Aziz Vhora	1. That on August 2, 2018, you demeaning or derogatory language towards the Complainant, [REDACTED], during a traffic stop in the vicinity of 7400 S. Morgan, by referring to [REDACTED] as	Sustained

	<p>a “tranny” and referring to the area of the traffic stop as “tranny-ville.”</p>	
<p>Officer Gilbert Aguada</p>	<p>1. That on Aug. 2, 2018, you used demeaning or derogatory language towards the complainant, [REDACTED], during a traffic stop in the vicinity of 7400 S. Morgan, by referring to [REDACTED] as a "shim or whatever."</p>	<p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

<p>Rules</p>
<ol style="list-style-type: none"> 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. 2. Rule 8 Disrespect to or maltreatment of any person, while on or off duty. 3. Rule 9 Engaging in any unjustified verbal or physical altercation with any person, while on or off duty
<p>General Orders</p>
<ol style="list-style-type: none"> 1. G02-01-03 Interactions With Transgender, Intersex, and Gender Non-Conforming (TIGN) Individuals 2. G08-01-02, “Specific Responsibilities Regarding Allegations of Misconduct”
<p>Special Orders</p>
<p>N/A</p>
<p>Federal Laws</p>
<ol style="list-style-type: none"> 1. The Fourth Amendment to the US Constitution

Municipal Code

1. MCC 9-60-090 Soliciting rides prohibited
2. MCC 8-8-30 Prostitution or lewdness in conveyances
3. MCC 8-4-016 Prostitution-related loitering
4. MCC 8-8-060 Solicitation for Prostitution

State Law

1. 720 ILCS 5/11-14 Prostitution
2. 720 ILCS 5/11-18 Patronizing a prostitute

V. INVESTIGATION**a. Interviews****Interview of Officer Abdul-Aziz Vhora #8758¹**

Officer Abdul-Aziz Vhora was interviewed by COPA on Aug. 9, 2019. During his statement, he described being on-duty working at the date and time of the incident. Officer Vhora recalled making the traffic stop involving the Complainant [REDACTED] and some of his recollection was refreshed after viewing his body worn camera footage. In summation, Officer Vhora stated he observed the vehicle involved traveling with its lights turned off and making two trips around the block in plain view of Officer Vhora and his partner Officer Drinnan. On the second pass, Officer Vhora recalled the car stopping and an individual now known as [REDACTED] got in the front passenger seat. At this point, Officer Vhora recalls that he and his partner initiated a probable cause traffic stop for the vehicle violating the two Municipal Code of Chicago violations of driving without headlights and soliciting a ride on the public way. Officer Vhora exited his vehicle and approached the driver, removing him from the car and bringing him to the rear of the vehicle. Officer Drinnan interacted with [REDACTED] who remained in the car.

During his interaction with the driver, Officer Vhora recalls using “street terms” to explain the enforcement actions he and Officer Drinnan were undertaking.² When asked if the terms he used were the appropriate terminology for interacting with gender non-conforming individuals, Officer Vhora admitted they were not but did not believe [REDACTED] had heard him.³ When asked about the applicable Department orders governing encounters with non-gender conforming individuals, Officer Vhora admitted to knowing the correct phraseology⁴ the Department requires him to use, and recalls using the correct terms in previous interactions with such individuals.⁵ He

¹ Att.#24

² *Id.*, page 21

³ *Id.*, page 22-23

⁴ *Id.*, page 23

⁵ *Id.*, page 23

doesn't know why he chose not to use these more appropriate terms during his encounter with [REDACTED].⁶

Officer Vhora was asked, and he denied that [REDACTED] transgender gender identification influenced his decision to make a traffic stop of the car he and Officer Drinnan witnessed [REDACTED] get in.⁷ Despite seeing the vehicle drive around the block at least twice with its headlights off, Officer Vhora and Officer Drinnan did not make a stop until [REDACTED] committed the act of soliciting a ride on the public way. Officer Vhora explained that he and Officer Drinnan were initially giving the driver of the car the benefit of the doubt that he may have forgotten to activate his lights upon departing a nearby gas station. When asked why no prostitution-related citations were issued or arrests made, Officer Vhora stated that since he and Officer Drinnan did not observe any actual sexual activity, they could not cite [REDACTED] or the driver for those offenses.⁸ Officer Vhora apologized for his use of the inappropriate terms he used to describe [REDACTED] and pledged to be more mindful in the future.⁹

Interview of Officer Gilbert Aguada #15439¹⁰

Officer Aguada was interviewed by COPA on Sept. 16, 2019 and was allowed to view his BWC¹¹. Officer Aguada denied the allegation that he referred to [REDACTED] as a "shim or whatever." Officer Aguada related that it was Officer Vhora's voice that was heard on his BWC and not his. Officer Aguada pointed out to investigators the differences between his speaking voice and Officer Vhora's voice and identify the moments when he was speaking as opposed to Officer Vhora. Officer Vhora and Officer Aguada bare a passing resemblance to each other and for the key moments of the incident were standing very close to each other making it difficult to determine who was speaking.

b. Digital Evidence

BWC footage from Officer Abdul-Aziz Vhora BWC¹²

Officer Vhora's footage begins with him approaching a sedan on the driver's side with an African American man seated in the driver's seat wearing a neon green tee-shirt and a black baseball cap. A female occupant is seated next to the man and the interior of the vehicle is illuminated by the officers' CPD SUV spotlight. After greeting the driver, Officer Vhora asks for license and insurance and then tells him to step out of the car. Officer Drinnan, Officer Vhora's partner, is visible standing on the passenger side of the vehicle engaging the female occupant. Another CPD SUV, Beat 732 pulls up and joins the traffic stop. The driver gradually steps out of the car and appears to be refastening his pants and belt as Officer Vhora asks him if he has any

⁶ Att. #24 page 23

⁷ Att. #18 page 30

⁸ *Id.*, page 16

⁹ *Id.*, page 34

¹⁰ Att. #16

¹¹ Att. #22

¹² Att. #20

weapons on him. Officer Vhora then asks the driver “what’s up with this?”¹³ in apparent reference to the man’s passenger. The driver then replies, “Shit, this motherfucker just jumped in my car.”¹⁴ Officer Vhora tells the driver that they have been watching him cruise around the block several times and they believe he was trying to pick up prostitutes. The man denies that’s what he was doing and asserts he had just left a nearby club. The driver indicates he is from Hazel Crest, IL and that he was just riding around after leaving the club. Officer Vhora tells the man that his passenger is a known prostitute and then asks for the driver’s ID. After a few seconds, Officer Vhora follows the driver to the passenger side of his car to retrieve the proof of insurance from the glove compartment. While watching the driver obtain the insurance paperwork, Officer Vhora engages the female occupant and says, “So he says you jumped in his car; is that true?”¹⁵ The passenger then replies, “that I jumped in his car? You said that? (speaking to driver) Are you serious? No, that is not true.”¹⁶ Officer Vhora then says “I believe you. I believe you; today I believe you.”¹⁷

After gathering some documents from the glove compartment, Officer Vhora instructs the driver to walk back to the rear of the vehicle and for the female passenger to remain in the car after she vocalizes her intent to leave. At this point, Officer Vhora tells the driver that the reason why he was stopped is that he was driving around without his headlights on. Officer Vhora mentions again that the driver is here all the way from Hazel Crest, and that lots of married men get caught in this area soliciting prostitutes. While the driver continues to rifle through his papers for the insurance info, Officer Vhora returns to the female passenger to get her name, [REDACTED], which Officer Vhora appears to recognize. Officer Vhora and Officer Drinnan return to their vehicle and discuss preparing Administrative Notices of Violation (‘ANOVs’) for soliciting rides on the public way for each of them. Officer Aguada and Officer Bayot watch over the driver, [REDACTED], and the car while Officer Vhora and Officer Drinnan return to their vehicle.

After several minutes, Officer Vhora and Officer Drinnan emerge from their vehicle and Officer Vhora calls to the driver to come join him on the hood of Officer Vhora’s car. While completing the ANOV, the driver starts to try to explain his actions and Officer Vhora cuts him off, stating “Listen man, you’ve been driving around; you let her in. You let it him; you know that’s a dude, right? You know that’s a dude, right? You wanna see his picture? That’s a tranny dude; is that how you get down? I’m not here to judge.”¹⁸ Officer Vhora then goes to profanely explain that this area is known for having transgender prostitutes and that some of them rob the johns that are soliciting sex acts. The driver responds with surprise and insists that’s not why he was in the area. Officer Vhora then says, “And I know you got a lady; you probably got a lady at home...you gonna take bugs from him—from shim—to her?”¹⁹ Officer Vhora then explains what the ANOV is for and his court date as the driver signs the notice.

¹³ *Id.*, at the 1:00 mark

¹⁴ Att. #20 at the 1:03 mark

¹⁵ *Id.*, at the 2:17 mark

¹⁶ *Id.*, at the 2:20 mark

¹⁷ *Id.*, at the 2:27 mark

¹⁸ *Id.*, at the 16:31 mark

¹⁹ *Id.*, at the 19:03 mark

While Officer Vhora is discussing the court date with the driver, Officer Drinnan approaches ██████ who is still seated in the driver's vehicle. Officer Vhora approaches the car and addresses ██████ who is upset about being issued an ANOV. ██████ storms off and Officer Vhora warns the driver that next time he's caught in this area under the same circumstances his car will be impounded. The driver returns to his explanation and Officer Vhora cuts him off saying "Yeah but you drove past us three times and then a tranny ends up getting in your car. You was kicking it at Beat 75; how you kicking it in trannyville?"²⁰

Less than two minutes later, ██████ returns loudly requesting for a supervisor to come to the scene. At the same time, the driver is talking to Officer Vhora and admits that he called ██████ to his car and picked her up, but he didn't know that ██████ was transgender. ██████ places a call to 911 and requests for a supervisor, and Officer Vhora informs the driver that he can leave. Officer Vhora and Officer Bayot tell ██████ she may leave but she refuses preferring to wait for a supervisor to come to the scene. As Officer Vhora and Officer Drinnan walk to their SUV to leave, ██████ says "And the next time yall call me a shemale or whatever the fuck yall said... I heard yall sitting here saying what yall said; him, shim, or whatever...does your wife know this and that...don't ever disrespect me."²¹ Officer Drinnan replies saying "We didn't say any of that"²² as he closes the vehicle door.

BWC footage from Officer Gilbert Aguada BWC²³

Officer Aguada's BWC footage begins after the traffic stop was already underway by Beat 733. Officer Aguada approaches the 2014 Infiniti sedan and another marked CPD unit is visible immediately behind it. A male occupant, now known to be the driver, ██████, is standing outside the vehicle to the right of Officer Vhora. The driver walks over to the passenger side of the Infiniti to retrieve his insurance information and the dialogue replicates the dialogue captured by Officer Vhora's BWC footage.

At the point where Officer Vhora and his partner return to their SUV to draft the ANOVs, Officer Aguada and his partner, Officer Bayot, remain with the driver outside of his car and ██████ is still in the front passenger seat. Officer Aguada continues to monitor the driver's search for proof of insurance. The driver is eventually able to provide proof via an app on his phone, and Officer Aguada walks over to PO Vhora's vehicle to inform him that the driver has insurance. After a few minutes, Officer Vhora emerges from his SUV and calls the driver over to the car to sign the ANOV as mirrored in Officer Vhora's footage. At the 15:44 mark, when Officer Vhora makes the statement about bringing bugs home to his wife, ██████ can be heard saying "Never disrespect me fuck, you not gonna disrespect me!"²⁴

²⁰ Att. #20 at the 24:14 mark

²¹ *Id.*, at the 27:00 mark

²² *Id.*, at the 27:10 mark

²³ Att. #22

²⁴ *Id.*, at the 15:44 mark

BWC footage from Officer Matthew Drinnan BWC²⁵

Officer Drinnan's BWC footage begins with him still seated in his Department vehicle, Beat 733, as the SUV comes to a stop. The audio begins at the 30 second mark as Officer Drinnan and his partner, Officer Vhora, approach a dark gray sedan that is parked on the right side of the street. Officer Drinnan is heard calling in to OEMC dispatch to put them down for a traffic stop. Officer Drinnan approaches the passenger side of the vehicle while Officer Vhora is out of sight on the driver's side. Complainant [REDACTED] is seated in the front passenger seat. Officer Drinnan softly taps on the window to compel [REDACTED] to lower the window, noting to her that she is not wearing a seat belt while asking for her identification. [REDACTED] indicates she does not have her identification and offers to give her name and birthdate which Officer Drinnan writes down. The driver and Officer Vhora are not visible, and their interaction is not audible to Officer Drinnan's camera at this time. Another Department vehicle, now known to be Beat 732, pulls up and stops. Officer Drinnan walks back to Beat 733 and pauses near his partner who is talking to the driver. Officer Vhora hands Officer Drinnan a card and Officer Drinnan returns to his vehicle.

A few minutes later, Officer Drinnan returned to [REDACTED]'s car to ask [REDACTED] a second time for her name and the spelling after failing to find any information in the system. Officer Drinnan returned to his vehicle again to make more inputs into the vehicles PDT system. He remains in the vehicle until the 22:05 mark when he walks back towards [REDACTED]'s car. He gives [REDACTED] the ANOV to sign, which [REDACTED] eventually signs after voicing displeasure at being given a ticket for solicitation while claiming to know [REDACTED]. Officer Drinnan informs [REDACTED] she can contest the ANOV in court and [REDACTED] was instructed to exit [REDACTED] car. [REDACTED] angrily exits the car directing her comments towards [REDACTED]. She initially walks a few feet away but then returns, yelling for a supervisor and objecting to being issued an ANOV for solicitation.

BWC footage from Officer Bayot BWC²⁶

Officer Bayot's video opens with him seated on the passenger side of a Department vehicle with the camera pointed skyward apparently during evening time. The vehicle he's riding in is stationary and the initial footage is silent for the first 30 seconds of the footage. Officer Bayot exits his vehicle at about the 25 second mark and approaches a gray sedan that is parked behind a Department SUV with its lights on. There are three visible other Department members and a man clad in yellow t-shirt and baseball cap standing adjacent to the gray car's trunk. There's a person seated in the front passenger seat of the gray sedan whose appearance cannot initially be discerned but now known to be [REDACTED].

c. Documentary Evidence

²⁵ Att. #21

²⁶ Att. #23

OEMC Event Query #1821401557²⁷ details an “HOTE,” OEMC shorthand for hot event. This event shows that the Complainant, [REDACTED], had her date of birth and driver’s license number run through the CLEAR database at 2:46 am by Beat 733R.

OEMC Event Query #1821401764²⁸ details a “REQSUP,” OEMC shorthand for a request for supervisor. The request came from phone number [REDACTED], which is the same number the Complainant entered into her web complaint. The call came in 3:06 am.

Driver’s Information Card²⁹ details that 2:41 am on Aug. 2, 2018, Driver’s Information Card #20466326 was issued to the driver of a 2014 Infiniti QX56 sedan by Officer Vhora, Beat 733R.

Administrative Notice of Violation³⁰ under # [REDACTED] was issued to [REDACTED] and # [REDACTED] issued to the driver [REDACTED].

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

²⁷ Att. #3

²⁸ Att. #3

²⁹ Att. #8

³⁰ Att. #5

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

In reviewing the circumstances surrounding the Department members’ interaction with ██████████, it appears that the alleged misconduct was committed solely by Officer Vhora who employed derisive and offensive terminology about ██████████ while ██████████ was in earshot of the Department members. The allegation initially brought against Officer Aguada in error was not served upon Officer Vhora because Officer Vhora had accepted responsibility for referring to ██████████ as a “tranny” and the area of the City where the stop occurred as “trannyville” disparaging remarks during his statement, and the remarks he made that were originally attributed to Officer Aguada describing ██████████ as being a “shim or whatever” were duplicative in nature to the already sustained allegation. Officer Vhora expressed sincere remorse for using the phraseology he chose to employ that night and the issue of his professionalism that night was sufficiently litigated during his hearing.

Officer Aguada viewed his BWC video and related the voice heard referring to ██████████ as a “shim or whatever” was not him. Officer Aguada denied the allegation and identified Officer Vhora as the officer who made the disparaging remarks about ██████████. Furthermore, Officer Vhora admitted in his statement that he made the disparaging remarks about ██████████. Therefore, **allegation #1** against Officer Aguada must be **Unfounded**.

What occurred on August 2, 2018, was a valid traffic stop concluding with the issuance of ANOVs to both ██████████ and the driver of the automobile she was riding in. Per Department policy, a driver’s information card was created in addition to the ANOV for soliciting a ride on the public way. An investigatory stop report and receipt were not applicable since the stop was 1.) documented with a driver’s information card/TSSS and 2.) an ANOV or citation was issued to both involved citizens. There were no documentation failures on the part of any of the involved or Accused members. ██████████, in her web complaint, does not contest the legality of the traffic stop or the resulting detainment.

That leaves COPA to examine the core of ██████████ complaints—that she was demeaned by the Accused who referred to her using disparaging terms for TIGN individuals, and that her gender identity as a trans-woman was the reason for the Accused issuing the ANOV to her. COPA was substantially hampered in investigating the allegations ██████████ made in her web complaint due to her refusal to submit to an interview and provide the agency with a sworn affidavit. COPA requested and received an affidavit override³¹ to continue the investigation regarding the misconduct that was captured in contemporaneous BWC footage.

Did Officer Vhora use disparaging and offensive terms to describe ██████████?

³¹ Att. #15

G0-01-03 details the required conduct of Department members for interactions with transgender, Intersex, and Gender Nonconforming (TIGN) Individuals. In section 3(b) specifically, Department members are admonished to not:

1. stop, detain, frisk, or search any person in whole or in part for the purpose of determining that person's gender or in order to call attention to the person's gender expression;

NOTE: The above limitation does not prevent a member from following the established Department procedures relative to ensuring the proper processing of arrestees.

2. use language that a reasonable person would consider demeaning or derogatory, in particular, language aimed at a person's actual or perceived gender identity or expression or sexual orientation;
3. consider a person's gender identification as reasonable suspicion or prima facie evidence that the individual is or has engaged in a crime, including prostitution;
4. disclose an individual's TIGN identity to other arrestees, members of the public, or non-Department members, absent a proper law enforcement purpose.

General Order G02-01-03

The BWC footage reveals that Officer Vhora violated prohibitions 2, 3, and 4 of this section during their interaction with [REDACTED]. The BWC footage reveals that [REDACTED] was disparaged by Officer Vhora during a conversation with the driver/owner of the car [REDACTED] was seated in. In the conversation with the driver, Officer Vhora is heard referring to [REDACTED] as a "shim, or whatever," among other vulgar descriptions to drive home the point that [REDACTED] is transgender. Officer Vhora refers to the area where the stop occurred as "tranny-ville"³² and refers to [REDACTED] as a "tranny."³³ This conversation, despite occurring at a distance from [REDACTED], was apparently audible enough for [REDACTED] to hear it because he is later able to repeat key passages of the conversation when he is heard complaining about his treatment on Officer Drinnan's BWC footage.

Officer Vhora has admitted to COPA during his statement that he used the terms in question as revealed in his BWC footage and that he regrets using those terms to describe [REDACTED] while he was interacting with the driver. As indicated above, it was Officer Vhora alone who used the offensive language, not any of the other Department personnel. [REDACTED] reacts immediately after Officer Vhora makes the statement about the driver bringing diseases home to his wife and describing [REDACTED] as being a "shim or whatever"³⁴ in a response that can be heard on Officer Bayot's and Officer Aguada's BWC footages. Then later, [REDACTED] was able to demonstrate contemporaneously in Officer Drinnan's BWC footage that she heard what Officer Vhora had said and could repeat almost verbatim the substance of what he said about her. There is no doubt that

³⁴ Att. #20 at the 19:03 mark

Officer Vhora's disparaging statements about transgender individuals and ██████ herself were heard by ██████ and caused her great offense during this law enforcement encounter. Therefore, **allegation #1** against Officer Vhora will be **Sustained**.

Was ██████ issued an ANOV for soliciting a ride on the public way based on her status as a trans-woman?

The Complainant suggested in her initial filing with COPA, derived from her web complaint³⁵, that she was issued an ANOV for soliciting a ride in the public way and the reason for this was that the Accused labelled her as a prostitute because she is transgender³⁶. To say it another way, ██████ is alleging that in violation of G02-01-03, Sec.3(b) 3³⁷, the Accused used knowledge of ██████ transgender status as proof that she was engaged in prostitution when choosing to issue her the ANOV, which carries a \$100 fine. COPA could not compel ██████ to provide a statement despite many attempts to do so, so there is only ██████ sparsely worded web complaint to derive her viewpoint from.

As stated above, the original reason for stopping the driver was that he was operating his vehicle at night with the headlights off, a violation of MCC 9-76-050(b).³⁸ Officer Vhora then witnessed ██████ approach the driver's car and get into the front passenger seat, a potential probable cause violation of MCC 9-60-090.³⁹ The driver's information card issued to the driver confirms the reason for the stop.⁴⁰ The traffic stop then yielded reasonable articulable suspicion that a crime had or was about to occur, in this case prostitution. The driver's unbuckled and unzipped pants furthered these suspicions. The traffic stop evolved into an investigatory stop and the driver was asked to step out of the car. The driver was not patted down and the vehicle was not searched. ██████ was allowed to remain in the car as the two were separated by the officers to get uncollaborated answers from each of them. It is at this point that Officer Vhora makes the offensive comments about ██████ to the driver in a lecture about his behavior.

In her web complaint, she states that by giving her the ticket for soliciting the ride, the Accused had "basically labelled me a prostitute because I am transgender."⁴¹ Officer Vhora states he knows ██████ to be a prostitute⁴² and that they know her to frequent the area to engage in prostitution. When asked why the Accused did not cite ██████ or the driver for prostitution-related offenses, Officer Vhora told COPA that they did not have enough evidence to support that level of offense.⁴³ According to Vhora, in order to make an arrest, it wasn't enough that the possibility that a prostitution-related offense had occurred or was going to occur; it was that the officers had not seen enough incriminating activity to make a criminal arrest.

³⁵ Att. #4

³⁶ Att. #4

³⁷ Att. #6

³⁸ Att. #14

³⁹ *Id.*,

⁴⁰ Att. #8

⁴¹ Att. #4

⁴² Att. #24 page 14

⁴³ *Id.*, page 15-16

Presenting an ANOV for soliciting a ride to ██████ is not synonymous with labelling her as a prostitute given that her observed conduct meets the statutory definition of the administrative offense of soliciting a ride in the public way. ██████ purports to know the driver in her web complaint, referring to him as an “old friend,”⁴⁴ but the BWC footage shows that she was only vaguely familiar with the driver, never once referring to him by his first or last name and claiming that she was going to tell his wife about their interactions. Knowing the driver is relevant to assessing ██████ allegations because if she was accepting a ride from an acquaintance who was offering her a ride, she would not be violating the code. Without supporting additional information from ██████, COPA examined this issue and determines that no bias against ██████ transgender status factored into the decision to issue her the ANOV citation.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Vhora

i. Complimentary and Disciplinary History

Officer Vhora has received 29 various awards and no discipline in the last five years.

Recommended Penalty

COPA recommends the penalty of **Reprimand** for Officer Vhora. Officer Vhora does not have any disciplinary history. Officer Vhora acknowledged making the statements and apologized.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Abdul-Aziz Vhora	1. That on August 2, 2018, you demeaning or derogatory language towards the Complainant, ██████, during a traffic stop in the vicinity of 7400 S. Morgan, by referring to ██████ as a “tranny” and referring to the area of the traffic stop as “tranny-ville.”	Sustained
Officer Gilbert Aguada	1. That on August 2, 2018, you demeaning or derogatory language towards the Complainant, ██████, during a traffic stop in the vicinity of 7400 S. Morgan, by referring to ██████ as a “shim or whatever.”	Unfounded

⁴⁴ Att.#4

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

9-21-2022

Date