

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 03, 2021 / 1:30 p.m. / 1953 W. Garfield Boulevard
Date/Time of COPA Notification:	May 05, 2021 / 3:31 p.m.
Involved Officer #1:	Zaireh Acsvecs, Star #10089, Employee ID # [REDACTED], Date of Appointment: September 01, 2010, Rank: Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1979, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1973, Female, Black
Case Type:	4 th Amendment / Conduct Unbecoming

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Acsvecs	<p>It is alleged by [REDACTED] that on or about May 3, 2021, at approximately 1:30 p.m., at or near 1953 W. Garfield Boulevard, Officer Acsvecs Star # 10089, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> conducted an improper traffic stop without justification, and committed conduct unbecoming of an officer by moving his police vehicle back and forth near [REDACTED] vehicle to harass and intimidate her, and/or by being untruthful about the status of [REDACTED] driver’s license. 	<p>EXONERATED</p> <p>EXONERATED</p>

II. SUMMARY OF EVIDENCE

On May 3, 2021, at approximately 1:30 p.m., uniformed Chicago Police Department Officer Zaireh Acsvecs (Officer Zaireh) conducted a traffic stop near 1953 W. Garfield Boulevard. Officer Acsvecs approached the driver, [REDACTED] and explained that he observed her driving without using her seatbelt. Officer Acsvecs then ran [REDACTED] driver’s license number and learned her license was suspended. Officer Acsvecs issued [REDACTED] traffic citations and ordered a tow truck to impound her vehicle. Two days later, [REDACTED] filed a complaint with

COPA alleging Officer Acsvecs committed misconduct by acting to intimidate and harass her, and by being untruthful when he stated her driver's license was suspended.

The **In Car Camera (ICC) Video**¹ captures Officer Acsvecs driving westbound on Garfield Boulevard in the center lane of traffic. As the officer approaches Damen Avenue, he attempts to merge into the left lane, then almost immediately veers back into the center lane.² Seconds later, the front end of a blue Acura comes into view in the left lane, parallel to Officer Acsvecs' vehicle. Officer Acsvecs slows down, then briefly stops in the center lane as other vehicles pass him and drive out of view. As the blue Acura pulls ahead, Officer Acsvecs merges into the left lane behind the Acura and activates his vehicle's emergency lights. The Acura comes to a stop, and Officer Acsvecs exits and approaches the driver's side window. He appears to engage in a brief verbal exchange with the driver, now known to be [REDACTED]

Officer Acsvecs returns to his vehicle to review [REDACTED] driver's license information and the Acura's out-of-state temporary license plate. He inches his vehicle closer to the Acura, briefly pulling alongside the Acura before reversing and returning to his original position. Next, Officer Acsvecs uses the PDT (portable data terminal) in his vehicle³ to request information on the Acura's temporary plate, which is affixed to the top right corner of the rear window. He then reads the plate number to the OEMC dispatcher over the radio, causing him to pull closer to [REDACTED] vehicle a second time. When the dispatcher asks Officer Acsvecs to repeat the plate number, he drives closer to [REDACTED] vehicle a third time, then reverses back to his original position.⁴ Officer Acsvecs exits his vehicle and walks back to the Acura, where he informs [REDACTED] her license is suspended. He then returns to his vehicle and requests a supervisor respond to the scene. After additional officers arrive, [REDACTED] exits her vehicle and Officer Acsvecs issues her multiple tickets.

The **Body-Worn Camera (BWC) Video**⁵ of Officer Acsvecs captures the traffic stop and the interaction between Officer Acsvecs and [REDACTED]. Officer Acsvecs approaches the driver's window of the Acura and tells [REDACTED] he stopped her for not wearing a seatbelt. He obtains her driver's license and returns to his vehicle, where he runs the Acura's temporary plate number through his PDT, then requests the same information from the OEMC dispatcher. Officer Acsvecs next runs [REDACTED] driver's license number through his PDT, and it comes back suspended. The officer returns to the Acura and informs [REDACTED] her license is suspended. She disputes the officer's assertion and does not lower her window when requested. Officer Acsvecs tells [REDACTED] that he cannot hear her and repeatedly asks her to cooperate with him. [REDACTED] response is unclear as she speaks from behind the window that has been lowered approximately one inch.

Officer Acsvecs returns to his vehicle and asks the dispatcher to send a supervisor to the scene, stating the driver is uncooperative and refuses to roll down her window. When a supervisor arrives, Officer Acsvecs explains that [REDACTED] failed to yield, was not wearing a seatbelt, and

¹ Attachment # 1.

² Attachment #1, at 45 seconds.

³ See Attachment #7, BWC video, at 4:00 minutes.

⁴ Officer Acsvecs drives his vehicle closer to the Acura at 2:30 minutes, 4:10 minutes, and 4:40 minutes into the ICC video (Attachment #1).

⁵ Attachment #7.

was driving on a suspended license. Officer Acsvects runs ██████████ driver's license number a second time and confirms it is suspended, both on his PDT and from the OEMC dispatcher. He informs his supervisor that ██████████ license was initially suspended in February 2021, and it was suspended again on May 1, 2021, two days prior to the incident. Officer Acsvects approaches ██████████ who is now standing next to her vehicle, and explains the tickets and court requirements to her. ██████████ directs numerous profanities at the officer, calling him a "bitch" more than twenty times.

The COPA interview of ██████████ is summarized and not verbatim. ██████████ admitted she was not wearing her seatbelt at the time of the incident, and she failed to yield for Officer Acsvects' vehicle when he attempted to merge into her lane. She stated that, after Officer Acsvects pulled her over, he repeatedly drove up to the rear of her vehicle, then reversed in the opposite direction. ██████████ did not know the reason for Officer Acsvects' actions, but she interpreted them as intimidation and harassment. She also alleged Officer Acsvects harassed her when he conducted the traffic stop, asked if she was going to cooperate, and falsely stated her license was suspended. ██████████ also recalled previous incidents where officers harassed people in her neighborhood, similar to the ongoing incident.

III. ANALYSIS AND CONCLUSION

██████████ alleged Officer Acsvects conducted a traffic stop without proper justification. After examining the available BWC and ICC videos, the audio recording of ██████████ statement, and the documentary evidence, COPA finds there is clear and convincing evidence the detention was lawful and proper.

Police officers are authorized to conduct investigatory stops when they have reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a criminal offense.⁷ In this case, Officer Acsvects was traveling in the same direction as ██████████ and attempting to merge into her lane when he noticed ██████████ was not wearing a seatbelt as required by statute.⁸ ██████████ admitted to COPA she was not wearing her seatbelt at the time of the traffic stop and only fastened it when the officer pointed it out. Given ██████████ own admission, COPA finds Officer Acsvects had reasonable articulable suspicion to curb her vehicle and conduct the traffic stop.

After careful consideration of all the facts, COPA finds that it is highly and substantially more probable to be true than not that ██████████ was not wearing a seatbelt in violation of Illinois traffic laws. Accordingly, COPA finds that the traffic stop detention was not unjustified and **Allegation #1 is EXONERATED.**

██████████ also alleged Officer Acsvects attempted to intimidate and harass her by repeatedly moving his vehicle back and forth, and by falsely stating her license was suspended. After a careful review of the available evidence, COPA finds there is clear and convincing evidence that Officer

⁶ Attachment #2.

⁷ 725 ILCS 5/107-14(a) delineates the authority for conducting an investigatory stop.

⁸ 625 ILCS 5/12-603.1(a) ("Each driver and passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt.")

Acsvecs’ actions were lawful and complied with the Department’s rules and regulations concerning an officer’s conduct.

The ICC and BWC videos reveal that, as Officer Acsvecs communicated with the OEMC dispatcher, he drove his vehicle closer to [REDACTED] vehicle to read the temporary license plate attached to the inside of her rear window. On two instances, after driving forward to read the plate information aloud, Officer Acsvecs placed the police vehicle in reverse and parked some distance behind [REDACTED] vehicle. He then remained in his vehicle for approximately 20 minutes as he prepared [REDACTED] tickets and waited for a supervisor to arrive at the scene. Although [REDACTED] questioned the officer’s actions, there is no evidence to support her claim that he tried to intimidate her during the traffic stop. To the contrary, Officer Acsvecs’ BWC video shows he acted courteously and professionally throughout his encounter with [REDACTED]

[REDACTED] also alleged that Officer Acsvecs attempted to harass and intimidate her by falsely stating her license was suspended. At the time of the traffic stop, she believed her license was valid and was not scheduled to be suspended until May 5, 2021. [REDACTED] later admitted to COPA she was mistaken, acknowledging her license was suspended on May 1, 2021, two days before the traffic stop. In addition to [REDACTED] admissions, Officer Acsvecs’ BWC video captured the PDT screen indicating [REDACTED] license was suspended, as well as the OEMC dispatcher’s radio confirmation of the suspension. For these reasons, COPA finds Officer Acsvecs acted reasonably when he detained [REDACTED] after observing she was not wearing a seat belt and discovering she was driving illegally. The evidence does not support the allegation that Officer Acsvecs committed misconduct as it relates to an intent to intimidate or harass [REDACTED]

After careful consideration of all the facts, COPA finds there is clear and convincing gevidence that Officer Acsvecs’ conduct was reasonable under the circumstances. Accordingly, COPA finds that the officer’s conduct was not unlawful and **Allegation #2 is EXONERATED.**

Approved:

[REDACTED]

Matthew Haynam
Deputy Chief Administrator

7/26/2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Emmily Stokes
Supervising Investigator:	Steffany Hreno
Deputy Chief Investigator:	Matthew Haynam