

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 3, 2019, to September 4, 2019
Time of Incident:	10:00 pm to 12:01 am
Location of Incident:	9300 S. Clyde Avenue
Date of COPA Notification:	September 4, 2019
Time of COPA Notification:	12:40 pm

Officers Jerald Williams (Officer Williams) and Christopher Paschal (Officer Paschal) performed a traffic stop on [REDACTED] ([REDACTED] vehicle on September 3, 2019, for switching lanes without using a turn signal and not coming to complete a stop at a red light. During the traffic stop, officers asked [REDACTED] out of the vehicle, but she refused and called for a supervisor to respond to the scene. Sergeant Thompson responded to the scene and spoke with [REDACTED] eventually exited her vehicle, was issued four citations, and was subsequently released. Officers Williams and Paschal were served with multiple allegations related to the stop. However, COPA does not find that any of the allegations are sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Jerald Williams, star# 3317, emp.# [REDACTED], DOA: August 26, 2013, Officer, Unit 002/376, DOB: [REDACTED], 1987, Male, Black
Involved Officer #2:	Christopher Paschal, star# 11996, emp.# [REDACTED], DOA: December 14, 2012, Officer, Unit 004/716, DOB: [REDACTED], [REDACTED], 1979, Male, Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1982, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Jerald Williams	It is alleged by [REDACTED] that on or about September 3, 2019, at approximately 10:04 pm, at or near 2051 E. 93rd Street, Officer Jerald Williams, star 3317, committed misconduct through the following acts or omissions:	

	<p>1. Telling [REDACTED] words to the effect that “he would snatch her out of her vehicle and search it.”</p> <p>2. Stopping [REDACTED] vehicle without justification.</p> <p>3. Detaining [REDACTED] without justification.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Christopher Paschal</p>	<p>It is alleged by [REDACTED] that on or about September 3, 2019, at approximately 10:04 pm, at or near 2051 E. 93rd Street, Officer Christopher Paschal, star 11996, committed misconduct through the following acts or omissions:</p> <p>1. Handcuffing [REDACTED] without justification.</p> <p>2. Seizing [REDACTED] cell phone, scrolling through it and powering it off, without justification.</p> <p>3. Stopping [REDACTED] vehicle without justification.</p> <p>4. Detaining [REDACTED] without justification.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p>

**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.
2. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Federal Laws

1. Fourth Amendment of the U.S. Constitution

V. INVESTIGATION<sup>1</sup>  
a. Interviews

COPA interviewed ██████████ on September 10, 2019.<sup>2</sup> The incident occurred on September 3, 2019. ██████████ was traveling eastbound on 95<sup>th</sup> Street, and she made a left-hand turn on Jeffrey Avenue, when she observed squad behind her. Upon reaching 93<sup>rd</sup> Street, she stopped at a red light and made a right-hand turn. As ██████████ made the turn, officers in an unmarked squad car activated their emergency lights. ██████████ pulled over on Clyde Street and rolled down her driver's side and passenger's side windows because she had tints on her windows. Officer Williams exited the driver's side of the unmarked vehicle and approached the driver's side of ██████████ vehicle. According to ██████████ Officer Williams had his hand on his gun as he approached her vehicle, but he never unholstered the weapon. Officer Williams asked ██████████ if she was in a rush because she had turned on a red light. ██████████ told Officer Williams that there was no sign that prohibited her from turning on a red light and that she stopped at the light first.

Officer Williams asked for her license and insurance, and she provided both items to him. Officer Williams told ██████████ that she was acting erratic and suspicious, and he asked her if there was something in her vehicle. Officer Williams also asked her if she had a FOID and a CCL. Officer Williams then informed ██████████ that he would need to search her vehicle. ██████████ asked Officer Williams why he needed to search her vehicle and that she did not give him consent to search her vehicle. ██████████ also informed Officer Williams that she would not exit her vehicle. Officer Williams told ██████████ that he would snatch her out of the vehicle and search her vehicle. At that point, ██████████ asked Officer Williams to call a supervisor, but he refused. ██████████ raised her windows up, locked her doors, and informed Officer Williams that she would call a supervisor. However, before she called a supervisor, she called her wife and asked her to come to the scene.

A sergeant<sup>3</sup> finally arrived at the scene and spoke with the officers. ██████████ rolled down her window to hear the conversation between the Sergeant and Officer Williams. According to ██████████ Officer Williams told the Sergeant that she was driving erratically. The Sergeant walked to ██████████ vehicle and asked her what was the problem. ██████████ explained to the Sergeant that the officers pulled her over for a right-hand turn at a red light. The Sergeant asked ██████████ to exit her vehicle and to let the officers search her vehicle, but ██████████ refused. The Sergeant told ██████████ that she was given a direct order to exit the vehicle and that they could lock her up for violating that order. ██████████ stepped out of the vehicle, locked the doors, and threw the keys to her wife.<sup>4</sup> Officer Williams attempted to run across the street and take the keys from her wife, but her wife placed the keys inside her vehicle.

Officer Paschal asked Officer Williams what they were going to do. Officer Williams told Officer Paschal that they were going to lock ██████████ up. Officer Paschal placed ██████████ in handcuffs, took her phone from her hands, and started looking through the phone.

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

<sup>2</sup> Att. 5.

<sup>3</sup> Sgt. Joseph Thompson.

<sup>4</sup> ██████████ wife was not interviewed.

Officer Paschal then powered the phone off. According to [REDACTED] she was in handcuffs for about thirty minutes. [REDACTED] wife called another sergeant that she knows and explained what was happening. The sergeant on the phone told her to get the officers' names and badge numbers. [REDACTED] started yelling out the officers' names and badge numbers. The sergeant walked away and got into his squad vehicle. Officer Paschal walked over to the sergeant's vehicle, returned to [REDACTED] and gave her four tickets. Officer Paschal uncuffed [REDACTED] and gave her back her phone, and the sergeant left the scene.<sup>5</sup>

**COPA interviewed Officer Jerald Williams** on February 18, 2021.<sup>6</sup> On September 3, 2019, Officer Williams was in uniform, working in the 4<sup>th</sup> district with his partner Officer Paschal. Officer Williams said he observed [REDACTED] vehicle switching lanes without using a turn signal. Officer Williams then got behind [REDACTED] vehicle, and observed her vehicle not come to a complete stop. Officer Williams curbed [REDACTED] vehicle and approached the vehicle. As Officer Williams approached the vehicle, [REDACTED] did not come to a complete stop, and her vehicle continued to inch forward. [REDACTED] began to make quick furtive movements toward the middle center console or glove compartment. [REDACTED] also revealed that she had a FOID card. Officer Williams believed she could be concealing a firearm based on her actions, and he asked her to exit her vehicle. While Officer Williams recalled that he asked [REDACTED] out of the vehicle, he does not recall the exact verbiage he used when he asked her out of the vehicle because the incident happened in 2019. [REDACTED] did not comply with Officer Williams' order, and she rolled her windows up.

During the interaction, a sergeant was called to the scene. After the sergeant arrived at the scene, [REDACTED] finally exited her vehicle. When [REDACTED] exited her vehicle, she locked the doors. Officer Williams did not perform a search of [REDACTED] vehicle, but he did look inside through the tinted windows. [REDACTED] was not arrested, but she was detained and issued traffic citations.

**COPA interviewed Officer Christopher Paschal** on February 18, 2021.<sup>7</sup> On September 3, 2019, Officer Paschal was in uniform and working with his partner, Officer Jerald Williams. Officer Paschal stated that she observed [REDACTED] fail to use a turn signal and drive in and out of traffic. [REDACTED] also disregarded a light and proceeded to travel further away from the officers after they initiated their emergency lights. Officer Paschal and his partner performed a traffic stop on [REDACTED]. Officer Paschal approached [REDACTED] vehicle on the passenger side and acted as the guard officer, observing their surroundings. Officer Paschal described [REDACTED] demeanor as very combative, irate, and uncooperative. Officer Williams asked [REDACTED] if she had a weapon in the vehicle or on her person, and she never answered the question, but she did inform the officers that she had a FOID card.

Officer Williams asked [REDACTED] to exit her vehicle, but she refused. [REDACTED] then called for a supervisor to come to the scene of the traffic stop. Sergeant Joseph Thompson responded to the scene and explained to [REDACTED] the reason why the officers asked her out of the vehicle. [REDACTED] explained why she felt the officers did not have the right to stop her

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<sup>5</sup> [REDACTED] texted her wife during her COPA interview and asked her if she had any video footage of the incident and she texted back that she did not have any footage of the incident.

<sup>6</sup> Atts. 35 & 39.

<sup>7</sup> Atts. 36 & 40.

or ask her out of the vehicle. [REDACTED] eventually exited her vehicle, locked her vehicle doors, and tossed her vehicle keys to her wife. [REDACTED] was also communicating with someone on her cell phone during this time.

Officer Paschal and his partner looked inside the vehicle from the outside using their flashlights, nobody ever entered the vehicle. [REDACTED] was never searched or arrested. [REDACTED] was detained while officers conducted their traffic stop. Officer Paschal placed [REDACTED] into handcuffs when she exited her vehicle. [REDACTED] was placed into handcuffs because of her demeanor, failure to comply with a lawful order, and for officer safety. [REDACTED] became combative when officers asked her if she had anything illegal in her vehicle. [REDACTED] also did not roll down her tinted windows so officers could see clearly into the vehicle. According to Officer Paschal, after [REDACTED] exited the vehicle, he was concerned with what might be on [REDACTED] person; and without having a female officer perform a pat-down on [REDACTED] he placed her in handcuffs so she could not access anything that she may have on her person. Officer Paschal removed [REDACTED] cell phone from her hand so he could properly place her into handcuffs. Officer Paschal does not recall if he powered off [REDACTED] cell phone, but he noted that it appeared from the video that he possibly ended the call that she was on when he placed her into handcuffs. [REDACTED] was issued traffic citations, and officers completed an investigatory stop report for the stop.

#### **b. Digital Evidence**

**Sergeant Joseph Thompson's body-worn camera video** depicts Sgt. Thompson standing at [REDACTED] vehicle on the driver's side, her window is rolled up, and she is talking on her cell phone.<sup>8</sup> Sgt. Thompson asks [REDACTED] if she is going to speak to him or if she is going to stay on the phone. [REDACTED] rolls down her window and tells the sergeant what occurred from her perspective. [REDACTED] stated that she gave the officer her license and insurance and asked her if she had a gun in the car. [REDACTED] said that she informed the officer that she only had a FOID and nothing in the car. [REDACTED] told Sgt. Thompson that the officer wanted her to exit her vehicle so that he could search the car, but she refused to exit the vehicle. [REDACTED] told Sgt. Thompson that the Officer Williams said, "We're gonna take you out this car and search it,"<sup>9</sup> and "If you don't get out the car, we gonna make you get you out the car."<sup>10</sup> She later related that the officer made her uncomfortable by saying he would "snatch her"<sup>11</sup> out of the car. She then rolled her windows up and called for a supervisor.

Sergeant Thompson informed [REDACTED] that the officer had the right to ask her out of the vehicle. [REDACTED] informed the sergeant that she did not know that and asked the sergeant if she had to comply with the request. The sergeant informed her that she had to comply unless she wanted to get arrested for obstruction. Sergeant Thompson and [REDACTED] continue talking back and forth about her getting out of the vehicle.

Sgt. Thompson asked [REDACTED] to exit the vehicle, but she just continued talking on her cell phone. [REDACTED] tells Sgt. Thompson that she is speaking with another sergeant on

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<sup>8</sup> Att. 23.

<sup>9</sup> Id. at 2:40

<sup>10</sup> Id. at 2:55

<sup>11</sup> Id. at 5:00

her cell phone. Sgt. Thompson and [REDACTED] continue to talk back and forth about her having to get out of the vehicle. Sgt. Thompson tells [REDACTED] that they will not search her vehicle unless she consents. The sergeant tells the officers to just do a plain view search of the vehicle. [REDACTED] finally exits the vehicle and continues to talk on the cell phone. Sergeant Thompson performs a plain view search on the vehicle. [REDACTED] continues to talk on her cell phone. Officer Paschal places handcuffs on [REDACTED] and he takes her cell phone out of her hand. Officer Paschal appears to touch the phone very briefly. The video ends with no further incident.<sup>12</sup>

### c. Documentary Evidence

An **Investigatory Stop Report (ISR)** was completed by the officers.<sup>13</sup> According to the ISR narrative, officers were on directed patrol when they noticed [REDACTED] vehicle weaving in and out of traffic without utilizing a turn signal. Officers also observed [REDACTED] vehicle fail to stop a red traffic control device. Officers initiated a traffic stop. As Officer Williams approached the vehicle, he observed [REDACTED] hastily retrieving items from the glove compartment. Officer Williams began a field interview and noticed that [REDACTED] was extremely nervous. Officer Williams asked [REDACTED] out of the vehicle because he believed that she had concealed a firearm. [REDACTED] became irate and rolled up her the windows. A sergeant was requested, and after he arrived at the scene, [REDACTED] finally exited her vehicle. [REDACTED] locked her vehicle and tossed the keys to her wife. No search of the vehicle was conducted, no protective pat down was conducted, and traffic citations<sup>14</sup> were issued.

## 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

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<sup>12</sup> Officers Williams and Paschal were not issued body worn cameras at the time of this incident.

<sup>13</sup> Att. 31.

<sup>14</sup> Att. 15. Four citations were issued (disobey solid red signal, failure to use turn signal, no valid state registration and improper lane change on two lane roadway)

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 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

COPA finds **allegation #1** against Officer Williams in that he told [REDACTED] words to the effect that “he would snatch her out of her vehicle and search it” is **Not Sustained**. During her interview with COPA, Travis Thomas stated that Officer Williams threatened to snatch her out of her car if she did not exit the vehicle. Officer Williams admitted that he asked [REDACTED] to exit the vehicle, but he did not recall the exact wording used since the incident occurred in 2019. On scene, [REDACTED] did not consistently use the word “snatch” to describe the words Officer Williams said to her when he asked her to exit the vehicle. There is no independent evidence or video depicting the encounter between the two parties. Thus, COPA finds this allegation Not Sustained.

COPA finds **allegation #2** against Officer Williams and **allegation #3** against Officer Paschal in that they stopped [REDACTED] vehicle without justification is **Not Sustained**. According to Officer Williams, he performed a traffic stop on [REDACTED] vehicle because she switched lanes without a turn signal and failed to stop at a red light. Officer Paschal also observed [REDACTED] fail to use a turn signal and disregard a light. The officers informed [REDACTED] that she was being stopped for turning on a red light. [REDACTED] reported that there was no sign that prohibited her from turning on a red light and that she stopped at the light first. There is no independent evidence or video that depicts the encounter between the two parties. There is insufficient evidence to prove if this occurred as alleged, and COPA finds this allegation Not Sustained.

COPA finds **allegation #3** against Officer Williams and **allegation #4** against Officer Paschal in that they detained [REDACTED] without justification is **Not Sustained**. According to the officers, [REDACTED] was detained while the officers conducted their traffic stop and while they issued her traffic citations. [REDACTED] claims that she did stop at the red light, so officers had no reason to stop her and detain her. However, Officers Williams and Paschal assert that she did not use a turn signal and did not stop at the red light, so they would have had a valid reason to stop and detain her. [REDACTED] admits that she was not arrested and allowed to leave after receiving traffic citations. Because there is insufficient evidence to determine if the stop was justified, there is insufficient evidence to determine that [REDACTED] was lawfully detained. As such, COPA finds this allegation Not Sustained.

COPA finds **allegation #1** against Officer Paschal in that he handcuffed [REDACTED] without justification is **Exonerated**. Under the Fourth Amendment, a person is seized when a police officer “by means of physical force or show of authority, terminates or restrains [a person’s]

freedom of movement through means intentionally applied.”<sup>15</sup> There are situations where concerns for the safety of the police officer or the public justify handcuffing the detainee for the brief duration of an investigatory stop. The critical question is whether “the use of such restraints is reasonably necessary for safety under the specific facts of the case.”<sup>16</sup> Officer Paschal described [REDACTED] demeanor as very combative, irate, and uncooperative. According to Officer Paschal, Officer Williams asked [REDACTED] if she had a weapon in the vehicle or on her person. [REDACTED] never answered the question but informed the officers that she had a FOID card. [REDACTED] refused to exit the vehicle initially and rolled up her tinted windows. Officer Paschal was concerned with what might be on [REDACTED] person, and without having a female officer perform a pat-down on [REDACTED] he placed her in handcuffs so she could not access anything that she may have on her person. [REDACTED] admitted she did refuse to initially exit the vehicle. COPA does not find that [REDACTED] was irate. However, she was uncooperative with the orders to exit her vehicle. Additionally, based on the totality of the circumstances, the officers were justified to briefly detain and handcuff her. Thus, COPA finds this allegation **Exonerated**.

COPA finds **allegation #2** against Officer Paschal in that he seized [REDACTED] cell phone, scrolled through it, and powered it off without justification is **Exonerated**. Officer Paschal removed [REDACTED] cell phone from her hand so he could properly place her into handcuffs. Officer Paschal does not recall if he powered off [REDACTED] cell phone, but he noted that it appeared from the video that he possibly ended the call that she was on when he placed her into handcuffs. [REDACTED] was holding her cell phone in her hand when Officer Paschal attempted to put her in handcuffs. There is no evidence to support that he scrolled through the phone. COPA finds Officer Paschal creditable and that he removed [REDACTED] cell phone from her hand when handcuffed, which is further supported by body-worn camera video. As such, COPA finds this allegation **Exonerated**.

Approved:

[REDACTED]

*Sharday Jackson*

*Deputy Chief Administrator – Chief Investigator*

March 29, 2023

Date

<sup>15</sup> *Brendlin v. California*, 551 U.S. 249, 254 (2007) (citations, emphasis, and internal quotation marks deleted); *See People v. Almond*, 2015 IL 113817, ¶ 57.

<sup>16</sup> *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2009).