



Log # 2021-0004176

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 22, 2021, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] ([REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD/Department). COPA's investigation identified the accused members as Sgt. [REDACTED] Gochee and Officer Courtney Borges. [REDACTED] alleged that on October 21, 2021, Sergeant Gochee: 1) conducted an improper stop and seizure; 2) conducted an improper arrest without justification; and 3) was verbally abusive while conducting the traffic stop investigation. Additionally, COPA alleged that Officer Borges failed to apply the seat belt to secure [REDACTED] once she had been placed into a CPD vehicle for transport to the district station.² Following its investigation, COPA reached Exonerated and Not Sustained findings regarding the allegations against Sgt. Gochee.³ COPA reached a Sustained Finding regarding the allegation against Officer Borges.

II. SUMMARY OF EVIDENCE⁴

On October 21, 2021, Sgt. James Gochee, while on duty, conducted a traffic stop. Sgt. Gochee notified OEMC of the traffic stop⁵, activated his emergency lights and trailed the complainant driver [REDACTED] vehicle to 401 E. 47th Street's local lane. Sgt. Gochee related his observance of [REDACTED] vehicle failure to yield the right of way.⁶ During the investigation of the traffic violation, it was learned [REDACTED] was operating a rental car while working as a Lyft driver (ride share company). [REDACTED] admitted she did not have her driver's license.⁷ [REDACTED] admitted that she heard a tire skid sound near the intersection implying that Sgt. Gochee may have been speeding although his emergency lights were not activated.⁸ [REDACTED] alleged that Sgt. Gochee used "profiling" against her.

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ Allegations were not served against Sgt. Gochee in this matter. Accordingly, there was no interview conducted.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including Body Worn Camera (BWC) video, OEMC (Office of Emergency Management and Communications) Event Query Report(s), Police Observation Device (POD) video, CPD records, still photography, civilian interview(s), and officer interview(s).

⁵ Att. 5

⁶ Att. 10 Sgt. Gochee BWC mark

⁷ Att. 2 at 9:15

⁸ Att. 2 and 18

Sgt. Gochee requested assistance at the scene, ordered [REDACTED] to exit her vehicle and placed her in handcuffs. [REDACTED] was told she was “under arrest because right now you’re driving on suspended”.⁹¹⁰ [REDACTED] denied driving on a suspended license and driving without insurance.¹¹ While [REDACTED] was seated in the backseat of Sgt. Gochee’s vehicle, he searched the interior of her vehicle, including a folder containing a copy of [REDACTED] license and insurance documents. Officer Borges and Officer Masteal Harris responded to the scene. Sgt. Gochee subsequently ordered Officer Borges to transport [REDACTED] to the station in Officer Borges’ CPD vehicle while Officer Harris drove [REDACTED] vehicle to the district station. Sgt. Gochee directed [REDACTED] into the back seat of the CPD vehicle to be driven by Officer Borges. Officer Borges did not place [REDACTED] in the car seat safety restraint system (seat belt).¹² Officer Borges transported [REDACTED] to the 2nd district station.

During the transit, [REDACTED] related that she was profiled by Sgt. Gochee. [REDACTED] described Sgt. Gochee’s behavior as disrespectful and hollered at her as if she is inhuman. [REDACTED] denied disobeying the traffic light and related her observation of a CPD vehicle driven at an extremely high rate of speed headed north bound on King Dr. [REDACTED] admitted the red light was illuminated but claims she stopped and was preparing to make a right turn when she observed the CPD vehicle and described a tire skid sound. She described Sgt. Gochee screaming out of his window referring to her driving. According to [REDACTED] Sgt. Gochee continued to scream “do you understand me”.¹³ [REDACTED] was informed at the station that she was detained.

III. ALLEGATIONS

Sergeant James Gochee:

1. It is alleged that Sgt. Gochee was verbally abusive while conducting the traffic stop investigation.
 - Not Sustained
2. The complainant alleged Sgt. Gochee conducted an improper arrest without justification.
 - Exonerated
3. The complainant alleged Sgt. Gochee conducted an improper stop and seizure without justification.
 - Exonerated

⁹ Ibid at 3:36

¹⁰ Att.20 Review of CPD CLEAR Name Check reported no records found for arrests nor traffic stops.

¹¹ Att. 10 at 4:19

¹² Att. 24 at 10:30

¹³ Ibid at 7:50

Officer Courtney Borges:

1. Failing to apply the seat belt to secure the arrestee during the transport of [REDACTED]

- Sustained, Violation of Rules 1, 2, 3 and 5

IV. CREDIBILITY ASSESSMENT

[REDACTED] alleged that Sgt. Gochee was traveling at a high rate of speed (“about 90mph”). A review of Sgt. Gochee’s vehicle GPS records shows that he was traveling at a speed of 32 - 45 mph while in the vicinity. [REDACTED] credibility is questionable due to her great exaggeration and false representation of this fact.¹⁴

V. ANALYSIS¹⁵

The following summarizes the review of the available evidence and the COPA findings.

a. Sergeant James Gochee**i. Allegation of Verbal Abuse**

COPA finds that there is no available evidence to support the allegation that Sgt. Gochee committed misconduct in his communication. Sgt. Gochee is accused of verbal abuse and racial profiling. [REDACTED] stated that Sgt. Gochee discriminated against her because of the way she looked. Additionally, she described Sgt. Gochee’s actions and language as disrespectful and hollering. In the video, [REDACTED] can be generically described as a Black woman wearing a (bonnet-type) cap on her head. She is driving a Lyft (a transportation company) vehicle and transporting a passenger. It was nighttime and dark outside. Sgt. Gochee was direct in his communications to [REDACTED]. He did not verbally refer to [REDACTED] apparent physical traits, appearance or reference discriminatory language or connotations on either of the videos. There is no video or audio evidence available that supports her allegation of verbal abuse. There is insufficient evidence to prove the allegations by a preponderance of the evidence. For these reasons, COPA finds that the allegation is Not Sustained.

ii. Allegation of Improper Arrest

COPA finds that Sgt. Gochee followed the Department rules and regulations when he arrested [REDACTED]. CPD directives state an officer must have probable cause to arrest a subject. Probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it.¹⁶ The reasonable

¹⁴ Att. 8

¹⁵ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

¹⁶ S04-13-09 II(D) Investigatory Stop System (effective July 10, 2017, to current).

basis of any arrest “should be considered from the perspective of a reasonable officer at the time” of the arrest.¹⁷ Illinois drivers are required to provide their license and insurance information upon request by an officer. It is illegal and an arrestable traffic violation. ██████ admitted on BWC video and during her interview with COPA that she did not have her license on her person.

Review of Department records reveals that ██████ was not arrested on the night in question.¹⁸ She was detained and transported to the station, as is customary for officers to take a driver without a driver’s license, into the district station, thereby preventing them from further violating the law by continuing to drive without a valid license. ██████ contends that Sgt. Gochee could have reviewed her license information based on her memorization and recall of her license number. Sgt. Gochee is not required to make an exception to appease ██████. Sgt. Gochee acted as directed by the CPD Rules and Regulations when he detained ██████ and placed her into custody.¹⁹ Based on the circumstances, there is no evidence to support the allegation that Sgt. Gochee committed misconduct when place ██████ into custody. For these reasons, COPA finds that Sgt. Gochee acted lawfully and properly and therefore the allegation is Exonerated.

iii. Allegation of Improper Stop and Seizure Without Justification

COPA finds that Sgt. Gochee followed Department rules and regulations when he stopped and seized ██████ based on the traffic violation. CPD directives state a lawful traffic stop requires at least a reasonable articulable suspicion that the person is breaking the law, based on the totality of the circumstances and the member's observation combined with his training and experience.²⁰ Members of CPD are responsible for following the procedures as it relates to a traffic violator.²¹ A vehicle under the control of an arrestee is subject to an immediate tow when the vehicle cannot be legally and safely driven to the place of detention by authorized police personnel.²² The Illinois traffic control signal legend requires vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line and shall remain standing until an indication to proceed is shown. Vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right.²³ After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways.

His decision to issue the citations was based on his observation, experience, and training. In his BWC video he relates, to other officers on the scene, his account of ██████ actions. In his BWC video, at approximately 8:40 p.m. Sgt. Gochee was traveling north bound on King Dr. near 45th St. and made a slight adjustment at or near the intersection. The ICC nor BWC capture the

¹⁷ Ibid.

¹⁸ Att. 20

¹⁹ Noted is Sgt. Gochee’s BWC video capture of his search of ██████ vehicle, incident to the member’s initial actions and statement that ██████ was under arrest.

²⁰ S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017, to current).

²¹ S04-14-05, Traffic Violators, Name Checks, and Bonding (effective September 03, 2015, to current).

²² Ibid.

²³ 625 ILCS 5/11-306 Traffic Control Signal Legend

complete street level view at the intersection. COPA reviewed POD video of the intersection and the moments that led to the incident. POD video footage captured both vehicles approaching the intersection. While [REDACTED] states she came to a complete stop before entering the intersection, the POD video footage and still photo frame depicts that the front of her vehicle had crossed the stop line. The close contact, near collision, is not captured on video. However, the stop light located at the southeast corner of 46th and King Dr. captures the traffic control signal giving north-south bound traffic, and Sgt. Gochee, the green light, and the right of way. [REDACTED] account that she heard a sound similar to a tire skid sound may implicate that Sgt. Gochee had to brake suddenly or take a necessary and sudden corrective action to prevent an accident. For these reasons, COPA finds that Sgt. Gochee conducted the traffic stop under lawful and proper authorization and therefore the allegation is Exonerated.

b. Officer Courtney Borges

Allegation of Neglect of Duty

COPA finds that the allegation that Officer Borges committed misconduct when she failed to apply the seat belt to secure [REDACTED] and drove the Department vehicle to transport her is Sustained. Department directives require all Department members to operate Department vehicles in a manner that is consistent with the law, their training, and this and other relevant Department policies. Department members may be held responsible for the consequences of their conduct when operating a department vehicle.²⁴ Illinois Compiled Statutes and the Municipal Code of Chicago²⁵ require that both the driver and passengers of a motor vehicle being operated upon a public way of this state or city be secured by seat safety belts. The seat belt law requires 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 unless an exemption applies.²⁶ [REDACTED] is captured on video; handcuffed and in the backseat without a fastened seat safety belt. Shortly thereafter Officer Borges enters through the driver's door and proceeds to drive toward the station.

Officer Borges admitted that she transported [REDACTED] in the backseat of her vehicle and after review of the BWC video she acknowledged that [REDACTED] was not secured in the vehicle. Officer Borges related that she was responsible for securing [REDACTED] into the seatbelt. Officer Borges did not cite an applicable exemption to the seat safety belt requirement. The act of driving the detainee without applying the safety belts impedes the Department's efforts to achieve its policy and goals or brings discredit to the Department. Additionally, the failure to secure the seatbelt is a failure to promote the Department's efforts to implement its policy or accomplish its goals. The misconduct is a failure to perform her duty. Officer Borges conceded in the admission of her actions and inactions related to the transport of [REDACTED] and is supported by a preponderance of the evidence. For these reasons, COPA finds that the allegation is Sustained.

²⁴ U02-01 Department Vehicles (effective 29 February 2020 to current).

²⁵ City of Chicago, Municipal Code 9-76-180 Safety Belts

²⁶ 625 ILCS 5/12-603.1 Seat Belt Law

VI. DISCIPLINARY RECOMMENDATION

a. Officer Courtney Borges

i. Complimentary and Disciplinary History²⁷

Officer Borges has received a total of 9 awards, including, but not limited to 3 Honorable Mention, Life Saving Award and Unit Meritorious Performance.²⁸ As of March 23, 2023, there is no Sustained Complaints History. There is no SPAR History.

ii. Recommended Discipline

COPA has found that Officer Borges violated Rules 1, 2, 3, and 5 by neglecting her duty without justification, failing to secure the passenger into the safety belt prior to the transport to the district station. Officer Borges's decision to drive the CPD vehicle without securing the detained passenger was a violation of Department policy, Illinois Compiled Statutes, City of Chicago Municipal Code, and National Highway Traffic Safety Administration endorsement²⁹. Officer Borges' lack of a disciplinary history offers mitigation regarding her misconduct during this incident. COPA recommends that Officer Borges receives a **Written Reprimand**.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

3-31-2023

Date

²⁷ Attachment ____.

²⁸ Att. 18, Pg. 4.

²⁹ National Highway Traffic Safety Administration
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813326>

Appendix A**Case Details**

Date/Time/Location of Incident:	October 21, 2021 / 10:40 / 401 E. 47 th St. Chicago, IL.
Date/Time of COPA Notification:	October 22, 2021 / 9:22 am
Involved Member #1:	James Gochee, star #1301, employee ID #■■■■■, Date of Appointment February 24, 2003, Unit of Assignment 002, Male, WHI
Involved Member #2:	Courtney Borges, star #18540, employee ID #■■■■■, Date of Appointment May 16, 2019, Unit of Assignment 002, Female, WWH
Involved Individual #1:	■■■■■ Female, Black or African American

Applicable Rules

- ☒ **Rule 1:** Violation of any law or ordinance
- ☒ **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- ☒ **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- ☒ **Rule 5:** Failure to perform any duty.

Applicable Policies and Laws

- Special Order S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017, to current).
- Special Order S04-14-05, Traffic Violators, Name Checks, and Bonding (effective September 03, 2015, to current).
- Uniform and Property U02-01 Department Vehicles (effective 29 February 2020 to current).
- 625 ILCS 5/11-306 Traffic Control Signal Legend
- 625 ILCS 5/12-603.1 Seat Belt Law

Appendix B

Definition of COPA's Findings and Standards of Proof

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 a proposition is proved.³⁰ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”³¹

³⁰ 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 is found to be more probably true than not).

³¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- ☐ Abuse of Authority
- ☐ Body Worn Camera Violation
- ☐ Coercion
- ☐ Death or Serious Bodily Injury in Custody
- ☐ Domestic Violence
- ☐ Excessive Force
- ☐ Failure to Report Misconduct
- ☐ False Statement
- ☐ Firearm Discharge
- ☐ Firearm Discharge – Animal
- ☐ Firearm Discharge – Suicide
- ☐ Firearm Discharge – Unintentional
- ☐ First Amendment
- ☒ Improper Search and Seizure – Fourth Amendment Violation
- ☐ Incidents in Lockup
- ☒ Motor Vehicle Incidents
- ☐ OC Spray Discharge
- ☐ Search Warrants
- ☐ Sexual Misconduct
- ☐ Taser Discharge
- ☐ Unlawful Denial of Access to Counsel
- ☐ Unnecessary Display of a Weapon
- ☐ Use of Deadly Force – other
- ☐ Verbal Abuse
- ☒ Other Investigation