

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 18, 2017
Time of Incident:	9:28 am
Location of Incident:	4200 W. Chicago Avenue, Chicago, IL 60624
Date of COPA Notification:	December 18, 2017
Time of COPA Notification:	9:56 am

On December 18, 2017, near 4200 W. Chicago Ave., Officer Roy Visor Jr. conducted a traffic stop on the complainant, Mr. [REDACTED] for failing to stop at stop sign. During the traffic stop, [REDACTED] did not have identification and was detained in the rear of a CPD vehicle. Officer Visor completed a traffic citation and released [REDACTED] COPA discovered that Officer Visor Jr.'s In-Car Camera System did not capture the interaction.

II. INVOLVED PARTIES

Involved Officer #1:	Roy Visor Jr., Star #11359, Employee ID # [REDACTED], Police Officer, Unit 145, Date of Appointment: April 13, 1987, DOB: [REDACTED] 1956, Male, Black.
Involved Individual #1:	[REDACTED] Birth Date: [REDACTED], 1983, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Roy Visor Jr.	1. Detained Mr. [REDACTED] without probable cause, in violation of Rule 1.	Exonerated
	2. Twisted Mr. [REDACTED] left arm, in violation of Rules 6, 8, and 9.	Not Sustained
	3. Pushed Mr. [REDACTED] against a vehicle, in violation of Rules 6, 8, and 9.	Not Sustained
	4. Searched Mr. [REDACTED] in violation of Rule 1.	Exonerated

5. Threatened to shoot Mr. [REDACTED] by stating, “you don’t want this to turn into a fatal stop,” in violation of Rules 8 and 9.	Not Sustained
6. Failed to record the interaction with Mr. [REDACTED] in violation of Rule 6.	Sustained / Reprimand

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance.
2. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
3. Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G03-02-01 – Force Options – effective October 16, 2017.

Special Orders

1. S03-05 – In-Car Video Systems – effective February 25, 2016.

United States Constitutional Provisions

1. United States Constitution, Amendment IV

V. INVESTIGATION¹

a. Interviews

In a **statement to COPA** on December 18, 2017,² Mr. [REDACTED] stated that he was driving his vehicle on Chicago Avenue with his girlfriend, Ms. [REDACTED] who was seated in the passenger seat. A police officer (identified through the investigation as Officer Roy Visor Jr.) stopped him, approached the driver’s door, and informed [REDACTED] that he was stopped for failing to stop at a stop sign. Officer Visor requested [REDACTED] driver’s license. [REDACTED] informed Officer Visor that he had left his wallet and driver’s license at home. Officer Visor ordered [REDACTED] to exit the vehicle. As [REDACTED] exited the vehicle, Officer Visor grabbed and twisted [REDACTED] left arm behind his back while pushing him against the vehicle. Office Visor quickly searched³ [REDACTED] and stated, “you

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

² Att. 3.

³ On April 17, 2018, COPA spoke with [REDACTED] who clarified that Officer Visor’s search was limited to a pat down of his outer clothing. See Att. 34, page 2.

don't want this to turn into a fatal stop."⁴ Officer Visor escorted ██████ to the CPD vehicle. ██████ was clear that the officer never placed him in handcuffs.

Once at the CPD vehicle, Officer Visor placed ██████ in the rear passenger compartment. Officer Visor returned to the vehicle and spoke to ██████⁵ Officer Visor returned to the CPD vehicle, completed a traffic citation, and released ██████

In a **statement to COPA** on January 22, 2018,⁶ Ms. ██████ stated that she was a passenger in ██████ vehicle when Officer Visor stopped them. Once Officer Visor was at the driver's window, and before asking for ██████ driver's license, he ordered ██████ to exit the vehicle. After ██████ exited the vehicle, Officer Visor grabbed him and pinned him against the vehicle. Officer Visor escorted ██████ to the CPD vehicle and placed him in the rear seat.

After approximately ten minutes, Officer Visor issued ██████ a traffic citation, released him from the CPD vehicle, and allowed him to leave the traffic stop. ██████ was certain that ██████ stopped at the stop sign. The only conversation ██████ heard between ██████ and Officer Visor was the request for ██████ to exit the vehicle. ██████ stated that the officer never said anything to her.

In a **statement to COPA** on March 19, 2018,⁸ **Officer Roy Visor, Jr.**, stated he was working alone in a marked vehicle, wearing a uniform, and conducting a pedestrian safety mission at the intersection of Chicago and Keeler Avenues when he observed a vehicle fail to stop at the stop sign. Officer Visor activated his emergency lights, stopped the vehicle, and approached the driver (██████). Officer Visor informed ██████ he was stopped for failing to stop at a stop sign and requested his driver's license. ██████ informed Officer Visor that he did not have a driver's license or any other identification which prompted Officer Visor to request ██████ to exit the vehicle. ██████ protested being stopped but eventually exited the vehicle. Because ██████ identity was unknown, Officer Visor elected to place ██████ in the rear of the CPD vehicle while the officer confirmed ██████ identity and completed the citation. Prior to placing an un-restrained ██████ in the rear of the CPD vehicle, Office Visor conducted a pat down to ensure ██████ was unarmed.

Once ██████ was in the rear seat, Officer Visor conducted a name check and verified that ██████ had a valid driver's license.⁹ Officer Visor completed a citation, had ██████ sign the citation, and released ██████. Officer Visor estimated the entire interaction lasted ten to fifteen minutes. Officer Visor was clear he never placed ██████ in handcuffs. Officer Visor was adamant that during the entire encounter ██████ was verbally protesting being stopped. Officer Visor was clear his only

⁴ ██████ interpreted this statement as threat to shoot him.

⁵ ██████ later learned that Officer Visor's conversation with ██████ was to ask her to identify ██████

⁶ Att. 16.

⁷ ██████ accompanied ██████ to her scheduled statement. ██████ remained in the lobby area while ██████ provided her statement. While escorting them out of the office, COPA Investigator Garrett Schaaf observed ██████ yell at ██████ "you didn't tell them nothing," "you didn't tell them he threatened to shoot me," "why didn't you tell them about the handcuffs behind my back?"

⁸ Att. 30

⁹ Officer Visor added that he would have either arrested ██████ or issued an additional citation if the name check revealed that he did not have a valid driver's license.

physical contact with [REDACTED] was limited to the pat down prior to placing [REDACTED] in the vehicle. Officer Visor does not recall stating, “you don’t want this to turn into a fatal stop.”

Officer Visor confirmed that the vehicle he was operating was equipped with an In-Car Camera System (“the System”), but he could not recall if the System was functioning on December 18, 2017. Officer Visor explained how the System functions, and that the only way he is aware the System is not working is when the monitor no longer displays a picture. Officer Visor has never encountered an instance where the System stopped working during a shift. Office Visor stated if the monitor stopped displaying a picture, he would notify CPD at the end of a shift.¹⁰

b. Documentary Evidence

A copy of **Citation TN-478-584**¹¹ details that on December 18, 2017 at 9:25 a.m., [REDACTED] was cited for failing to stop at a stop sign. The citation was issued by Officer Visor.

Court Records¹² detail that on February 2, 2018, citation TN-478-584 was dismissed.

c. Digital Evidence

CPD provided sixteen files of **In-Car Camera Footage**¹³ to COPA; however, none of the files depict the interaction between [REDACTED] and Officer Visor. The files depict interactions that occurred prior to and after the interaction between [REDACTED] and Officer Visor.¹⁴

VI. ANALYSIS

A. Applicable rules and standard of analysis

It is alleged that Officer Visor violated the 4th Amendment when he stopped [REDACTED] without probable cause, and when he subsequently searched [REDACTED]. It is further alleged that Officer Visor used excessive force in twisting [REDACTED] arm, also in violation of the 4th Amendment, and in violation of Rules 8 and 9 the Rules and Regulations of the Chicago Police Department, which together “prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.”¹⁵ Finally, it is alleged that Officer Visor failed to capture the incident on his in-car camera, in violation of CPD Special Order S03-05, and thus Rule 6 of the CPD Rules and Regulations, which prohibits violation of any CPD order. When making investigative findings, COPA uses a preponderance of the evidence standard.¹⁶ “A proposition proved by a preponderance

¹⁰ The Bureau of Technical Services confirmed it had not received any reports of a malfunction for the In-Car Camera System. Att. 33.

¹¹ Att. 5.

¹² Att. 20.

¹³ Att. 19.

¹⁴ One of these files has a timestamp of 9:25 am, but the interaction and vehicle depicted are not the incident under investigation involving [REDACTED]. It is not clear if the timestamp is incorrect or if Officer Visor used an approximate time for his stop with [REDACTED].

¹⁵ Official Comment to Rule 9, Rules and Regulations of the Chicago Police Department (effective April 1, 2010)

¹⁶ COPA Rules and Regulations, Article IV, §4.1.1 Investigative Outcomes (effective April 13, 2018)

of the evidence is one that has been found to be more probably true than not true." *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005).

B. Allegations 1 and 4- Officer Visor detained [REDACTED] and searched him

Mr. [REDACTED] alleges that Officer Visor detained him without probable cause. A police officer may detain an individual when the "officer has probable cause to believe a person committed even a minor crime in his presence . . . the arrest is constitutionally reasonable." *Virginia v. Moore*, 553 U.S. 164, 171 (2008). A traffic stop for a minor violation, however, is more akin to an investigator stop under *Terry v. Ohio*, 392 U.S. 1, 21-20 (1968) than to a formal arrest. *Knowles v. Iowa*, 525 U.S. 113, 117 (1998).

Pursuant to *Terry*, a law enforcement officer may, under appropriate circumstances, briefly detain a person for questioning if the officer reasonably believes that the person has committed, or is about to commit, a crime. However, the investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop.

People v. Jones, 215 Ill. 2d 261, 270-71 (2005) (internal citations omitted). During a routine traffic stop, an officer "may order out of a vehicle both the driver, and any passengers [and] perform a "patdown" of a driver and any passengers upon reasonable suspicion that they may be armed and dangerous . . ." *Knowles v. Iowa*, 525 U.S. 113, 118 (1998) (internal citations omitted).

Here, COPA finds by a preponderance of the evidence that Officer Visor had probable cause to stop [REDACTED] vehicle. After reviewing Officer Visor's other stops from that day, he was apparently only stopping drivers at the intersection where this incident occurred. In the other stops COPA's investigators observed on video, there was a violation prior to every stop. Additionally, COPA does not find that Ms. [REDACTED] testimony to COPA was credible. Based on what the investigator observed, it appears Ms. [REDACTED] was under duress from Mr. [REDACTED] as further demonstrated by his berating her for not corroborating his version of events. Further, [REDACTED] lack of identification and Officer Visor's need to confirm his identity to issue a traffic citation prompted Officer Visor to place [REDACTED] in the rear of the CPD vehicle while attempting to discover his identity. Additionally, since [REDACTED] was unrestrained as he was placed in the rear of the CPD vehicle, behind Officer Visor, Officer Visor conducted a pat down to ensure that [REDACTED] was not armed or a threat to his personal safety.

C. Allegations 2 and 3- Excessive force allegations against Officer Visor

Mr. [REDACTED] alleges that Officer Visor twisted his arm and pushed him up against a vehicle. The 4th Amendment also dictates the amount of physical force an officer may use in effectuating an arrest. "[T]he right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it." *Graham v. Connor*, 490 U.S. 386, 396 (1989) (citing *Terry v. Ohio*, 392 U.S. 1, 22-27 (1968)). Whether a use of force is reasonable varies by situation, and

requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.

Graham v. Connor, 490 U.S. 386, 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)).

Not every push or shove, even if it may later seem unnecessary . . . violates the Fourth Amendment. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation.

Id. at 396-97 (internal citations omitted).

Here, Mr. ██████ alleges that Officer Visor twisted his arm and used excessive force in pushing him against a vehicle. Officer Visor does not assert that such force was necessary, but instead denies using any physical force on Mr. ██████ COPA was unable to locate any physical evidence to corroborate Mr. ██████ allegations. During this investigation, ██████ provided information to corroborate some of ██████ allegations; however, based on the interaction between ██████ and ██████ after her statement, COPA questions the independence and accuracy of her account. Therefore, COPA affords her statement little weight. Further, COPA was unable to locate any additional evidence to support or refute the allegations made by ██████ Therefore, COPA is unable to determine what transpired between ██████ and Officer Visor.

COPA recommends a finding of **Not Sustained** for the allegations that Officer Visor twisted ██████ left arm and pushed ██████ against a vehicle in violation of the 4th Amendment and Rules 6, 8, and 9.

D. Allegation 5 – Officer Visor threatened ██████

In addition to the 4th Amendment, the Chicago Police Department's Rules and Regulations rules number 8 and 9 prohibit verbal abuse and mistreatment of any individual. ██████ alleges Officer Visor threatened to kill him by saying, "you don't want this to turn into a fatal stop." In addition to the lack of evidence noted above regarding the physical altercation, Ms. ██████ stated that she did not hear Officer Visor say this. Officer Visor does not recall saying it, and COPA does not have any independent evidence to corroborate it. Accordingly, COPA recommends a finding of **Not Sustained** for this allegation.

E. Allegation 6 – Officer Visor failed to record the traffic stop with ██████

During this investigation, COPA discovered that the In-Car Camera System of Officer Visor's vehicle captured several interactions between citizens and Officer Visor, both prior to and after his interaction with ██████ Officer Visor was unable to explain why the interaction was not captured. Additionally, the Bureau of Technical Services confirmed it had not received any reports of a malfunction for the In-Car Camera System. COPA was unable to locate any evidence that could explain why the interaction was not captured. Accordingly, COPA finds it was more

probably true than not that the failure to record the incident was due to user error, and out of a desire to conceal a contentious interaction between Officer Visor and ██████ COPA recommends a finding of **Sustained** for failure to record the interaction as required by S03-05 in violation of Rule 6, which requires compliance with all CPD general and special orders.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Roy Visor Jr.

i. Complimentary and Disciplinary History

1. Complimentary: 74 Honorable Mentions, 8 Complimentary Letters

2. Disciplinary: None

ii. Recommended Penalty, by Allegation

1. Allegation No. 6: Reprimand

Officer Visor could not explain why this incident was not recorded on his in-car camera system. Based on the other recordings from that date, the system appeared to be functioning properly. Officer Visor’s failure to record this interaction negatively affected this investigation because COPA was unable to ascertain what occurred during the stop.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Roy Visor Jr.	1. Detained Mr. ██████ without probable cause, in violation of Rule 1.	Exonerated
	2. Twisted Mr. ██████ left arm, in violation of Rules 6, 8, and 9.	Not Sustained
	3. Pushed Mr. ██████ against a vehicle, in violation of Rules 6, 8 and 9.	Not Sustained
	4. Searched Mr. ██████ in violation of Rule 1.	Exonerated
	5. Threatened to shoot Mr. ██████ by stating, “you don’t want this to turn into a fatal stop,” in violation of Rules 8 and 9.	Not Sustained

	6. Failed to record the interaction with Mr. [REDACTED] in violation of Rule 6.	Sustained / Reprimand
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Approved:

[REDACTED]

Angela Hearts-Grass
Deputy Chief Administrator

Date

9-6-18

Appendix A

Assigned Investigative Staff

Squad#:	9
Investigator:	Garrett Schaaf
Supervising Investigator:	Shannon Hayes
Deputy Chief Administrator:	Angela Hearts-Glass
Attorney	Scott Crouch