

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 17, 2019
Time of Incident:	9:44 AM
Location of Incident:	100 S. Central Avenue, Chicago, Illinois
Date of COPA Notification:	May 17, 2019
Time of COPA Notification:	2:34 PM

On May 17, 2019, at approximately 9:44 a.m., near the vicinity of 100 S. Central Avenue, Officers Abdul Jones #13328 (“Officer Jones”) and Michael Thompson #5154 (“Officer Thompson”) conducted the traffic stop of Complainant [REDACTED] (“[REDACTED]”) for speeding. Officer Jones issued [REDACTED] a traffic citation for speeding. [REDACTED] alleged that he should not have been stopped and issued a citation. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations and recommends they be Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Abdul Jones, Star #13328, Employee ID# [REDACTED], DOA: 10/26/1998, Rank: Police Officer, Unit of Assignment: 15 th District, DOB: [REDACTED] 1972, Male, Black
Involved Officer #2:	Michael Thompson, Star # 5154, Employee ID# [REDACTED], DOA: 06/25/2018, Rank: Police Officer, Unit of Assignment: 044, DOB: [REDACTED]/89, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED]/1973, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding/Recommendation
Officer Abdul Jones	1. It is alleged by [REDACTED] that on May 17, 2019, at approximately 9:44 a.m., at or near the location of 100 S. Central Avenue, Chicago, Illinois Officer Jones stopped him without justification in violation of Rules 2 and 3.	Exonerated

	<p>2. It is alleged by ██████████ that on May 17, 2019, at approximately 9:44 a.m., at or near the location of 100 S. Central Avenue, Chicago, Illinois Officer Jones issued him a citation without justification in violation of Rules 2 and 3.</p>	<p>Exonerated</p>
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IV. APPLICABLE RULES AND LAWS

Rules

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.

Federal Laws

United States Constitution 4th Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. INVESTIGATION ¹

a. Interviews

COPA conducted complainant ██████████ (“█████████” recorded statement on May 20, 2019. He stated that on the date of the stop, he was traveling southbound on Central Avenue and stopped a red light where Central Avenue intersects with Washington Blvd. He stated the squadrol being driven by the officers was to the left of him. When the light turned green, ██████████ stated that the squadrol stated stationary as he sped up through the lights. He stated after about 30 feet, as he approached Madison Avenue, the officers activated their emergency lights and he pulled over at approximately Monroe Street. He stated the officer accused him of speeding, which he denied, yet the officer issued him a citation for speeding.²

COPA conducted the audio recorded statement of **Officer Michael Thompson** on June 18, 2019. He stated that on May 17, 2019 he was the passenger in the squadrol driven by Officer Jones as they traveled southbound on Central Avenue in the left lane, a black Dodge drove by in the right lane at a speed that far exceeded that of the squadrol. He stated that Officer Jones then initiated the emergency lights and they curbed the vehicle at approximately 100 S. Central Avenue. He

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 Attachment 17

stated that he stood by the passenger door as Officer Jones spoke with [REDACTED] and issued the citation.³

COPA conducted the audio recorded statement of **accused Officer Abdul Jones** on July 2, 2019. He stated that on the date and time of the stop he was driving a squadrol southbound on Central Avenue when he saw [REDACTED] vehicle speeding by him and another vehicle. He stated that in order to catch up to [REDACTED] vehicle to effectuate the traffic stop, he reached a speed of approximately 45 miles per hour. Officer Jones stated that in the City of Chicago, the speed limit is 30 miles per hour unless otherwise posted. He stated that he made the stop at about 100 S. Central Avenue. When he approached the vehicle, Officer Jones stated that he asked [REDACTED] why he was in a hurry. He stated that [REDACTED] retorted that he was late for a meeting. Officer Jones indicated that he issued the citation to [REDACTED] for speeding and had to write the information directly on the citation given to [REDACTED] because the ink did not penetrate through to the copy for [REDACTED].⁴

b. Digital Evidence

The **Body Worn Camera (“BWC”)** footage for both Officers Jones and Thompson capture the traffic stop from their respective positions. They do not capture [REDACTED] vehicle as it proceeded southbound on Central Avenue.⁵

c. Documentary Evidence

Traffic Citation, [REDACTED], indicates that Officer Jones issued the citation to [REDACTED] for speeding.⁶

The **Initiation Report** drafted by Sergeant Assata Olugbala reports that [REDACTED] requested a supervisor to complain of an unjustified traffic stop.⁷

VI. ANALYSIS

a. 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;

³ Attachment 26

⁴ Attachment 27

⁵ See Attachments 20, 21, and 22

⁶ Attachment 7

⁷ Attachment 11

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 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

b. COPA finds that the allegations against Officer Jones are Exonerated.

The burden of proof COPA used in its analysis is the clear and convincing evidence standard. It is alleged by ██████ that Officer Jones stopped him and issued him a citation without justification. COPA finds that Officer Jones' actions were lawful and proper.

A lawful traffic stop requires "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law," including traffic law. *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)). Articulable and reasonable suspicion means that the police "must be able to identify some 'particularized and objective basis' for thinking that the person to be stopped is or may be about to engage in unlawful activity," amounting to more than a hunch. *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)). Police need not meet the higher threshold of probable cause to perform a traffic stop, but if the stop is supported by probable cause, its lawfulness is still evaluated under Terry. *Rodriguez v. United States*, 135 S. Ct. 1609, 1617-18 (2015). See also *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) ("this court and many other courts have analyzed traffic stops under Terry principles, regardless of whether the initial stop was supported by probable cause"); *People v. Jones*, 215 Ill. 2d 261, 271 (2005) (analyzing reasonableness under Terry where the officer's "initial stop of the vehicle was supported by probable cause"). An officer's subjective intent does not enter into the analysis; even where officers hope to effectuate a goal unrelated to addressing a traffic violation (such as uncovering criminal activity), intent alone does not invalidate a stop that is otherwise objectively justified by reasonable articulable suspicion. See *Whren v. United States*, 517 U.S. 806, 812 (1996).

In the instant case, both Officers Jones and Thompson indicated that they witnessed [REDACTED] travelling at a high rate of speed. Moreover, Officer Jones indicated that he had to reach a speed of 45 miles per hour to catch up to [REDACTED] which exceeded the speed limit on Central Avenue. Therefore, there was reasonable articulable suspicion to stop the vehicle, and that allegation is Exonerated. Furthermore, Officer Jones used his discretion to issue the citation. COPA finds that there was no misconduct in doing such, and therefore that allegation is Exonerated. If [REDACTED] was unhappy about being issued the citation, the City of Chicago afforded him the opportunity to dispute the merits of the ticket in traffic court (as enumerated on the citation that he received), where the case could be adjudicated and allow him due process.

VII. CONCLUSION

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

Officer	Allegation	Finding/Recommendation
Officer Abdul Jones	1. It is alleged by [REDACTED] that on May 17, 2019, at approximately 9:44 a.m., at or near the location of 100 S. Central Avenue, Chicago, Illinois Officer Jones stopped him without justification in violation of Rules 2 and 3.	Exonerated
	2. It is alleged by [REDACTED] that on May 17, 2019, at approximately 9:44 a.m., at or near the location of 100 S. Central Avenue, Chicago, Illinois Officer Jones issued him a citation without justification in violation of Rules 2 and 3.	Exonerated

Approved: _____

[REDACTED Signature]

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

8-13-19

Date

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	Anish Shah
Supervising Investigator:	Erica Sangster
Deputy Chief Administrator:	Angela Hearts-Glass