

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 18, 2017
Time of Incident:	8:00 PM
Location of Incident:	6701 S. Jeffrey Boulevard, Chicago, IL
Date of COPA Notification:	December 19, 2017
Time of COPA Notification:	11:30 AM

██████████ registered this complaint following contact with police officers who were investigating an Armed Robbery involving a handgun. ██████████ complained that officers handcuffed him and told him that he was going to be arrested for armed robbery before they released him. This investigation revealed that officers had stopped ██████████ because he was wearing a Chicago Bulls jacket similar to the jacket in the description of the armed robber offender. Once the officers confirmed that ██████████ was not the offender, they released him.

II. INVOLVED PARTIES

Involved Officer #1:	Cathlene HILLMAN, #1024, employee ID# ██████████, Date of Appointment: January 2, 1992, Sergeant, Unit of Assignment: 008th District, DOB: ██████████, 1970, female, white
Involved Officer #2:	Maria Christina AGUILERA, #17627, employee ID# ██████████, Date of Appointment: November 25, 2013, Police Officer, Unit of Assignment: 003 rd District, DOB: ██████████, 1985, female, Hispanic
Involved Individual #1:	██████████, 1961, male, black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Hillman	1. It is alleged that Sergeant Hillman detained ██████████	Exonerated
	2. It is alleged that Sergeant Hillman searched ██████████	Not Sustained
	3. It is alleged that Sergeant Hillman failed to properly document her contact with ██████████	Not Sustained

	4. It is alleged that Sergeant Hillman failed to record her contact with [REDACTED] on Body Worn Camera.	Not Sustained
Officer Aguilera	1. It is alleged that Officer Aguilera failed to properly document her contact with [REDACTED]	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1 – Violation of any law or ordinance.
2. Rule 6 - Disobedience of an order or directive, whether written or oral.
3. Rule 8 – Disrespect to or maltreatment of any person, while on or off duty.

Special Orders

1. Special Order S04-13-09 Investigatory Stop System
2. Special Order S03-14 Body Worn Camera

Federal Laws

1. The 4th Amendment to the Constitution of the United States of America

V. INVESTIGATION¹

a. Interviews

In a statement with COPA² on December 26, 2018, [REDACTED] stated he was waiting at a Dunkin’ Donuts inside a gas station at 6701 S. Jeffrey Blvd for “[REDACTED] to drop off a check for work he had done. [REDACTED] estimated that he waited about 3½ hours for Ms. [REDACTED] stated that he was wearing a Bulls jacket while he waited. [REDACTED] saw two Hispanic female uniformed officers enter the store and place an order. An unknown female entered the store and told the officers that someone had just stolen her purse and phone. The officers went outside and arrested a black male, whom the unknown female identified as the person that stole her property. The officers placed the black male in their vehicle and drove away. Approximately an hour later, a white female supervisor, now known as the accused, Sergeant Cathlene Hillman, entered the store and ordered coffee. Sergeant Hillman received her coffee and left the store. [REDACTED] saw Sergeant Hillman drive around the perimeter of the gas station property and then stop her vehicle. Sergeant Hillman re-entered the store and asked [REDACTED] if he had a weapon. [REDACTED] said he did not, and Sergeant Hillman patted him down. Sergeant Hillman told [REDACTED] that he was under arrest for

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 10

armed robbery. The Hispanic female uniformed officers returned to the scene and asked [REDACTED] for his name, date of birth, address, and phone number. [REDACTED] gave his information and the officers let him go.

In a statement with COPA³ on 27 September 2018, **Police Officer Maria Christina Aguilera, #17627**, denied failing to properly document her contact with [REDACTED]. Officer Aguilera stated that she did not recall having any contact with [REDACTED]. Officer Aguilera stated that she responded to a call for assistance from Beat 310. Officer Aguilera stated that she did not recall who was assigned to Beat 310 on the date of the incident. Officer Aguilera stated that the sergeant assigned to Beat 310 told her to complete an Investigatory Stop Report. Officer Aguilera stated that she did not handcuff [REDACTED] and did not pat him down. Officer Aguilera stated that she did not recall having any contact with [REDACTED] nor did she recall witnessing any officer's contact with [REDACTED]. Officer Aguilera stated that she completed the ISR based on a very short conversation with the sergeant assigned to Beat 310. Officer Aguilera stated that inconsistent answers to questions on the ISR⁴ were likely a mistake due to difficulties in completing the ISR on the equipment in the squad car.

In a statement with COPA⁵ on 02 October 2018, **Sergeant Cathlene Hillman, #1024**, denied the allegations against her. Sergeant Hillman stated that on the date of the incident she was assigned to the 008th District but detailed as a sector sergeant in the 003rd District. Sergeant Hillman stated that she was assigned a body worn camera on the date of the incident, but that camera was in the 008th District because she did not stop at the 008th District before her tour of duty started to pick up the camera. Sergeant Hillman stated that no one ordered her to pick up the camera and that on other occasions when she was detailed to other units, she did not pick up the body worn camera from her home District. Sergeant Hillman added that the body worn camera has to be docked at the end of a tour and picked up at the beginning of the next tour of duty.

Sergeant Hillman stated that she went to the location of the incident to assist a car investigating an armed robbery. The location was a Dunkin' Donuts where Sergeant Hillman went inside to get coffee. When Sergeant Hillman was inside, she saw a person matching the description of the armed robbery offender, in that he was wearing a leather Chicago Bulls jacket. Sergeant Hillman asked the person with the Bulls jacket if she could talk to him and detained him. Sergeant Hillman stated that the paper car returned to the scene and she told them to complete an ISR to document her contact with the person in the Bulls jacket. Sergeant Hillman stated that she did not recall patting down the person in the Bulls jacket, nor did she recall anyone handcuffing him. Sergeant Hillman stated that she did not review the ISR because she wouldn't have been able to see it in the 003rd District sergeant's work queue, as she was assigned to the 008th District.

³ Attachment 19

⁴ The ISR report (Attachment 6) includes a field with the questions "WAS A SEARCH BEYOND A PROTECTIVE PAT DOWN CONDUCTED OF THE PERSON?", "WAS A SEARCH BEYOND A PROTECTIVE PAT DOWN CONDUCTED OF HIS/HER EFFECTS?", and "WAS THE SEARCH BEYOND CONDUCTED BY CONSENT?" The first question is answered "No", the second question is answered "Yes", and the third question is answered "No." The field after the third question states "IF NO, EXPLAIN THE BASIS FOR AND ALL THE REASONS THAT LED TO THE SEARCH BEYOND A PROTECTIVE PAT DOWN IN THE NARRATIVE." The narrative section of the ISR does not mention any search of the subject of any kind and only describes a name check.

⁵ Attachment 20

Sergeant Hillman stated that she did not think that the person with the Bulls jacket had a bag or anything else with him.

b. Digital Evidence⁶

Body Worn Camera recordings⁷ from Police Officer Yvette Carranza depicts the officer arriving at the gas station after the conclusion of the incident. ██████ is not depicted in the recording, but an unidentified male uniformed officer opens the door of the gas station to tell someone, presumably ██████ that he will get his ID soon, but that the officers have to document the encounter. Officer Carranza then speaks with Sergeant Hillman who asks, “How many people are walking around with that exact jacket?”⁸

OEMC transmissions recorded that officers responding to an Armed Robbery recorded under RD#JA554540 described the offender as a black male wearing a gray and black Chicago Bulls jacket with leather sleeves, a black hooded sweater, and black pants. There was no description of the offender that included an age range, height, weight, or build.

c. Documentary Evidence

An Investigatory Stop Report⁹ completed after the incident indicates that Sergeant Hillman stopped ██████ because he matched the description of someone who committed an Armed Robbery recorded under RD# JA554540. Officers verified ██████ name and identification and that he was not the person who committed the Armed Robbery. ██████ was released at the scene. The ISR indicates that ██████ was not searched by a protective pat down or by a search beyond a protective pat down. The ISR indicates that a search beyond a protective pat down of ██████ effects was conducted.

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

⁶ COPA was unable to secure any video recording from the location of incident because of the inability to discuss the incident with a manager at the location.

⁷ Attachment 16

⁸ 2:20 of the video

⁹ Attachment 6

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 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 that Sergeant Hillman should be EXONERATED of the Allegation that she detained ██████████ without justification. A police officer may temporarily detain an individual for an investigatory stop when "the officer's decision is based on specific, articulable facts which warrant the investigatory stop intrusion." *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (citing *Terry v. Ohio*, 392 U.S. 1, 21, (1968)); *People v. Stewart*, 242 Ill. App. 3d 599, 605 (1993)). "The police officer must have an 'articulable suspicion' that the person has committed or is about to commit a crime. *Moore*, 286 Ill. App. 3d at 653 (citations omitted). An officer may not detain an individual based on mere hunches or unparticularized suspicions. *Id.* (citations omitted). Here, Sergeant Hillman was responding to an Armed Robbery and the only available description of the offender was of his jacket. Sergeant Hillman approached ██████████ ██████████ based on a similar jacket in order to rule him out as the offender. Therefore, there is clear and convincing evidence that the detention of ██████████ with justified.

COPA finds that the allegations that Sergeant Hillman searched ██████████ and that she failed to properly document her contact with ██████████ be NOT SUSTAINED. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop. *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001). "The officer may subject the person to a limited search for weapons . . . only if the officer reasonably believes that the person is armed and dangerous." *Id.* (citation omitted). An officer's subjective belief is not determinative but is probative in determining the validity of the frisk. *Id.* Here, ██████████ was detained as a potential suspect of an armed robbery. ██████████ alleged that he was searched. Although a reasonable officer may have been justified in conducting a pat down or search of a potential armed robbery suspect, Sergeant Hillman stated that she did not recall doing either. Therefore, there is not enough evidence to either sustain or refute this allegation.

Sergeant Hillman told Officer Aguilera complete the ISR relative to her contact with [REDACTED]. She stated that she could not have approved that ISR because it was not done in her district. The ISR was completed, albeit with a minor error. The error in the ISR did not appear to be malicious or fraudulent and did not obfuscate any aspect of the contact with [REDACTED]. However, because Sergeant Hillman could not recall whether she conducted a pat down or search at all, there is insufficient available evidence to either sustain or refute these allegations. Therefore, the allegation is Not Sustained.

COPA finds that the allegation that Sergeant Hillman failed to record her contact with [REDACTED] on Body Worn Camera is NOT SUSTAINED. SO 03-14-V-A-1 states that, at the beginning of the tour of duty Department members will “sign out their assigned BWC on the Personal Equipment Log...from the designated Department member.” SO 03-14-V-C-1 & SO 03-14-V-C-2 state that at the conclusion of a tour of duty Department members will “ensure the BWC is placed in the assigned slot on the docking station” and “sign-in the BWC on the Personal Equipment Log.” Since Sergeant Hillman’s Body Worn Camera was docked as appropriate following her previous tour of duty, and her next tour of duty began in a different district. The Special Order governing Body Worn Cameras is silent on the matter of body worn camera use when a Department Member is detailed to a unit other than their unit of assignment. Since there were not, and are not currently, provisions in place for BWC use for Department members detailed outside of their unit of assignment, this allegation must be Not Sustained.

COPA finds that the allegation that Officer Aguilera failed to properly document her contact with [REDACTED] is NOT SUSTAINED. Special Order S04-13-09-III-C-1 states, “Sworn members who conduct an Investigatory Stop are required to complete an Investigatory Stop Report”. Officer Aguilera completed the ISR based on a very short conversation with a visiting supervisor and at that supervisor’s direction. The ISR contained a minor error that does not appear to be malicious or fraudulent and did not obfuscate any aspect of the contact with [REDACTED]. Moreover, Sergeant Hillman could not recall whether she searched the complainant. There is insufficient available evidence to either sustain or refute these allegations.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant Cathlene Hillman	1. It is alleged that Sergeant Hillman detained [REDACTED]	Exonerated
	2. It is alleged that Sergeant Hillman searched [REDACTED]	Not Sustained
	3. It is alleged that Sergeant Hillman failed to properly document her contact with [REDACTED]	Not Sustained
		Not Sustained

	4. It is alleged that Sergeant Hillman failed to record her contact with [REDACTED] on Body Worn Camera.	
Officer Maria Christina Aguilera	1. It is alleged that Officer Aguilera failed to properly document her contact with [REDACTED]	Not Sustained

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

6-22-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Daniel Kobel, #67
Supervising Investigator:	Elaine Tarver
Deputy Chief Administrator:	Angela Hearts-Glass