

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	February 14, 2019
Time of Incident:	8:35 a.m.
Location of Incident:	949 West 111 <sup>th</sup> Street, Chicago, Illinois 60643
Date of COPA Notification:	March 14, 2019
Time of COPA Notification:	11:00 a.m.

On February 14, 2019, at approximately 8:35 a.m., Chicago Police Department (CPD) Officer Tiffany Washington (Officer Washington) conducted a traffic stop of ██████████ (██████████ near 949 West 111<sup>th</sup> Street for failing to stop at a stop sign. In her interview with the Civilian Office of Police Accountability (COPA) on March 14, 2019, ██████████ alleged Officer Washington and an unidentified female Caucasian officer<sup>1</sup> searched her purse without consent.<sup>2</sup>

**II. INVOLVED PARTIES**

Involved Officer #1:	Tiffany Washington, Star #14376, Employee ID # ██████████ Date of Appointment: July 2, 2012, Police Officer, 22 <sup>nd</sup> District, Date of Birth: ██████████, 1973, Female, Black
Involved Officer #2:	Dawnn Albrecht, Star #13133, Employee ID # ██████████ Date of Appointment: July 31, 2006, Police Officer, 22 <sup>nd</sup> District, Date of Birth: ██████████, 1974, Female, White
Involved Individual #1:	██████████ Date of Birth: ██████████, 1991, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Washington	1. It is alleged that on February 14, 2019 you searched Ms. ██████████ purse without justification.	Exonerated
Officer Albrecht	1. It is alleged that on February 14, 2019 you searched Ms. ██████████ purse without justification.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

<sup>1</sup>The officer has since been identified as Officer Dawnn Albrecht.

<sup>2</sup>Additional allegations against Officer Washington included turning on/off her Body Worn Camera, not telling ██████████ the reason for the stop and the reason for the arrest. BWC clearly exonerates these allegations and therefore, we did not serve them in this case.

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**Rules**

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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.
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**Federal Laws**

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1. United States Constitution, Amendment IV: Prohibits unlawful searches and seizures
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**V. INVESTIGATION<sup>3</sup>****a. Interviews**

██████████

In an interview with COPA on March 14, 2019, Ms. ██████████ (██████████) provided the following information. ██████████ was driving on 111<sup>th</sup> street when she stopped at a stop sign and saw a police officer to the left of her at the end of the block. ██████████ said she was going to a house a few houses after the stop sign. ██████████ parked in front of the house and while getting out of her car the police officer pulled behind her.

██████████ stated the officer spoke on her megaphone and told her to get back in the vehicle. ██████████ complied with the officer's request. ██████████ stated the officer walked to the car and told her to do the following- put her feet back inside, close the door, put the key in the ignition and lower the window.

After initially objecting to the officer's request, ██████████ complied. At that point, the officer informed her she was being recorded. ██████████ responded to the officer saying the recording started after you told me to put the key back in the ignition and told me to lower the window. The officer said she did not ask her to do that, the key was already in the ignition. The officer asked for her license and went back to the police vehicle.

██████████ said the vehicle she was driving belonged to her boyfriend who arrived a short time later. It was a Hertz rental vehicle his insurance gave him because he was in an accident. As the boyfriend began talking to ██████████ the officer told him to go back to his vehicle across the street. ██████████ boyfriend tried explaining to the officer the vehicle was his and he had a license and insurance.

██████████ said the officer came back to the window after running her license and informed her it was suspended for financial issues relating to SR 22. ██████████ informed the officer she was done with SR 22. ██████████ said the officer called for another police car and told her to wait in the vehicle. ██████████ tried giving her boyfriend the car keys but the officer objected and told ██████████ to give her the car keys. ██████████ refused the officer's request and put the keys in her purse.

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<sup>3</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>4</sup>Att. 9

█████ said the officer got on her radio and said she was afraid. █████ said four other police cars arrived. When the four other cars arrived, the officer told her to get her things and get out of the car. █████ said the officer told her to leave the car keys in the vehicle and once again, she refused. █████ grabbed her purse and zipped it up. The officer took █████ purse and put it in the trunk area of the police vehicle and placed █████ in the police vehicle.

█████ repeatedly asked the officer what she was being arrested for and did not receive a response. A female Caucasian officer arrived, and both went through her purse. █████ stated to the officers she did not consent to them searching her purse. █████ said the other officer said they did not need her authorization. She said the other officer retrieved the car keys, sat in the vehicle and waited for a tow truck.

While in the police vehicle she asked why she was being arrested and was told because she was driving on a suspended license. The other officer drove the car to the police station.

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

Officer Washington's **Body Worn Camera**<sup>5</sup> (BWC) shows her performing a traffic stop. Officer Washington partially opens her door and says, "stay in your car." Officer Washington exits her vehicle, walks to the driver side as █████ partially opens her door to speak to Officer Washington. Officer Washington directs █████ to lower the window.

█████ puts the key in the ignition and lowers the window. Officer Washington directs █████ attention to her BWC and informs her she is being recorded. Officer Washington asks for █████ driver's license and insurance. █████ begins to look for it and informs Officer Washington she does not have it because she is driving a rental. █████ is heard asking if she can call her mother because she is CPD. After further conversation █████ provides Officer Washington with her name and date of birth. Officer Washington goes back to her vehicle to run █████ name but returns to █████ vehicle and asks her if she has a middle initial. █████ provides her with it after initially telling Officer Washington she does not have one.

As she walks back to her vehicle Officer Washington can be heard speaking to someone off camera asking him, as he appears on camera, if he's trying to speak to █████ before directing him back across the street to his vehicle. The male informs Officer Washington the vehicle █████ is driving belongs to him. Officer Washington tells the male several times to go back to his vehicle.

Officer Washington returns to █████ vehicle and informs her that her driver's license is revoked. She tells █████ to give her the car keys but █████ refuses to hand them over because she wants to give them to her boyfriend. Officer Washington explains to █████ she needs the keys and tells █████ once again to give her the keys before telling █████ to step out. █████ refuses to hand over the keys and instead places the keys in her purse.

Once out of the vehicle █████ informs her boyfriend to come get the keys and her purse. Officer Washington explains to them that he cannot do anything she has not directed him to do

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<sup>5</sup>Att. 10

before telling him to go back to his vehicle. Officer Washington then requests another police car to her location. Officer Washington places [REDACTED] purse in the trunk of her police vehicle.

Officer Washington can be heard calling someone name Dawn, later identified as Officer Albrecht, and asking if she has a caged car. Other police vehicles drive through the area and Officer Washington interacts with them. [REDACTED] boyfriend can be seen speaking with an officer inside a police vehicle.

After arriving, Officer Albrecht stands with Officer Washington at the back of Officer Washington's vehicle as Officer Washington opens [REDACTED] purse and retrieves the keys. Officer Washington tells Officer Albrecht's partner to drive [REDACTED] vehicle back to the district.

Officer Washington tells [REDACTED] she is being arrested for driving with a revoked license while transporting her to the 22<sup>nd</sup> District.

Audio and video footage from the **In-Car Camera<sup>6</sup> (ICC)** exists with content similar to Officer Washington's BWC. The difference is the ICC shows [REDACTED] vehicle, traveling east, rolling through a stop sign as Officer Washington activates her vehicle's emergency lights and follows [REDACTED] pulls over to the side a short time later.

### c. Documentary Evidence

Officer Washington issued [REDACTED] three **citations<sup>7</sup>** for failure to stop at a stop sign, driving with a suspended/revoked license, and operating [an] uninsured vehicle.

An **Office of Emergency Management and Communications<sup>8</sup>** (OEMC) event query documented Officer Washington conducted a traffic stop at 949 West 111<sup>th</sup> Street and performed a name check on [REDACTED]

The event query also documented Officer Washington transported one individual to the 22<sup>nd</sup> District and an assisting unit, Beat 2212, going to the 22<sup>nd</sup> District with a vehicle.

## VI. ANALYSIS

### I. 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;

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<sup>6</sup>Att. 13

<sup>7</sup>Att. 6

<sup>8</sup>Att. 1

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.

#### **Officer Tiffany Washington**

COPA finds **Allegation 1**, the search of Ms. [REDACTED] purse without justification against Officer Washington **EXONERATED**. Under the "automobile exception" to the search warrant requirement, "law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize." *People v. James*, 163 Ill. 2d 302, 312 (Ill. 1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)). "When officers have such probable cause, the search may extend to 'all parts of the vehicle in which contraband or evidence could be concealed, including closed compartments, containers, packages, and trunks.'" *United States v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013) (citing *United States v. Williams*, 627 F.3d 247, 251 (7th Cir. 2010)). Officers are not limited to searching the driver's possessions; "police officers with probable cause to search a car may [also] inspect passengers' belongings found in the car that are capable of concealing the object of the search." *Wyoming v. Houghton*, 526 U.S. 295, 307 (1999). In this case, Officer Washington had probable cause to believe the vehicle keys were in Ms. [REDACTED] purse because Officer Washington saw Ms. [REDACTED] place them there after Ms. [REDACTED] refused to hand the keys over when ordered. As such, the officers search of only her purse for the keys was justified. COPA finds the allegation against Officer Washington is exonerated.

#### **Officer Dawnn Albrecht**

COPA finds **Allegation 1**, the search of Ms. [REDACTED] purse without justification against Officer Dawnn Albrecht **UNFOUNDED**. In her COPA interview, Ms. [REDACTED] stated an unidentified white female officer and Officer Washington searched her purse without her consent. Officer Washington's BWC footage clearly shows at no time did Officer Albrecht search Ms. [REDACTED] purse. Therefore, there is clear and convincing evidence this allegation against Officer Albrecht is unfounded.

**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Washington	1. It is alleged that on February 14, 2019 you searched Ms. [REDACTED] purse without justification.	Exonerated
Officer Albrecht	1. It is alleged that on February 14, 2019 you searched Ms. [REDACTED] purse without justification.	Unfounded

Approved:

[REDACTED]

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 Angela Hearts-Glass  
 Deputy Chief Administrator – Chief Investigator

5-6-2020

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 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	6
<b>Investigator:</b>	Orlando Ortiz
<b>Supervising Investigator:</b>	Elaine Tarver
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass