

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 3, 2019
Time of Incident:	10:34 a.m.
Location of Incident:	5001 South Lake Shore Drive, Chicago, Illinois
Date of COPA Notification:	Web Complaint (No date or time listed); Interview at COPA: March 5, 2019 at 11:06 a.m.
Time of COPA Notification:	11:06 a.m.

On March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, [REDACTED] Complainant, was arrested by officers of the Chicago Police Department (CPD) for failure to provide a valid driver’s license and insurance. According to the CPD Original Case Incident Report (RD# JC172303)<sup>1</sup>, [REDACTED] had been parked in a tow zone with no valid front or rear license plates. [REDACTED] was outside of her vehicle when she observed the officers. She quickly accessed her vehicle, started it, and attempted to flee the scene. The officers had stopped her and, when she could not produce a valid driver’s license and insurance, she was arrested. She resisted arrest and was handcuffed without injury.

In her initial complaint to COPA, [REDACTED] had maintained that she was falsely arrested and that her driver’s license was in her purse in a different vehicle, which had been parked across the street. The police did not allow her to retrieve her driver’s license, arrested her, and subsequently transported her to the 2<sup>nd</sup> District. She claimed to be pregnant at the time and that her arm was forcefully twisted when she was handcuffed. The police account of the event detailed that she was uninjured at the time and had been resisting arrest. She was subsequently charged with three motor vehicle violations and resisting arrest.<sup>2</sup>

As a result, COPA initiated this investigation.

**II. INVOLVED PARTIES**

Involved Officer #1:	Malcolm D. Brooks, Star #6562, Employee ID# [REDACTED], Date of Appointment: October 16, 2017, Rank: Police Officer, Unit of Assignment: 002, DOB: [REDACTED], 1980, Male, Black
Involved Officer #2:	Jeffrey Price, Star #17723, Employee ID#: [REDACTED], Date of Appointment: November 24, 2003, Rank: Police Officer,

<sup>1</sup> Attachment #7

<sup>2</sup> Attachment #6

Unit of Assignment: 002, DOB: ██████████, 1972, Male, Black

Involved Individual #1: ██████████ DOB: ██████████, 1990, Female, Black

Involved Individual #2: ██████████ DOB: ██████████, 1988, Male, Black<sup>3</sup>

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Jeffrey Price	1. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Jeffrey Price (Star #17723) committed misconduct by arresting ██████████ without justification.	<b>Exonerated</b>
	2. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Jeffrey Price (Star #17723) used excessive force when arresting ██████████ by twisting her arm, without justification.	<b>Exonerated</b>
Officer Malcolm D. Brooks	1. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Malcolm D. Brooks (Star #6562) committed misconduct by arresting ██████████ without justification.	<b>Exonerated</b>
	2. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Malcolm D. Brooks (Star #6562) used excessive force when arresting ██████████ by twisting her arm, without justification.	<b>Exonerated</b>

<sup>3</sup> ██████████ was not interviewed in this matter, as he had arrived on the scene after ██████████ had been arrested by the officers, and would not have added any additional information to the investigation.

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 1: Violation of any law or ordinance.
  2. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
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Orders

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1. General Order G03-02 (Use of Force)<sup>4</sup>
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Federal Laws

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1. 4<sup>th</sup> Amendment to the U.S. Constitution
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State Laws

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1. Constitution of the State of Illinois, Article I, Section 6

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<sup>4</sup> Section III (B): Department members may only use force that is objectively reasonable, necessary, and proportional, *under the totality of the circumstances*, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

## V. INVESTIGATION<sup>5</sup>

### a. Interviews

In her interview with COPA on March 5, 2019,<sup>6</sup> ██████████ stated that, with respect to the incident which occurred on March 3, 2019, at or near 5001 South Lake Shore Drive, Chicago, Illinois, at approximately 10:34 a.m.,<sup>7</sup> she had exited her home with her fiancée, ██████████ and her two-year old child. She had just entered one of her vehicles, a Ford Mustang, with her family. She then pulled around to her other vehicle, a Ford Taurus, which was parked near 50<sup>th</sup> Street and Lake Shore Drive. She was going to retrieve a child's car-seat when she observed police in the area. She then pulled her Ford Mustang about 1,000 feet away and parked it in a spot where she was going to park the Ford Taurus. She then went back to the Ford Taurus on foot. It was then that she was approached by two police officers, one of whom identified himself as Officer Brooks.<sup>8</sup> Officer Brooks told her it was a traffic stop and asked her for her driver's license and insurance. She protested that she wasn't driving the Ford Taurus and told the officers that her identification was in her other vehicle, but they would not allow her to retrieve it. She asked to speak to a sergeant. The officers then approached her, grabbed her and threw her onto the car. She was yelling for help and was *tussling* with the police. Meanwhile, her fiancée, ██████████ approached them, and Officer Brooks identified himself and told ██████████ that ██████████ did not have a valid driver's license. ██████████ then told Officer Brooks that she did have a valid driver's license and offered to get it from the other car, but the police refused. She was then taken to the police station.

At the police station, she was searched and then placed in the bullpen for approximately ten hours before she was fingerprinted. She was told by a sergeant, whose name was either Beacon or Bacon, that she was not going to be charged and that they were just waiting for her fingerprints to clear. Later, when the shift changed, a female sergeant came on duty and she was told the same thing. She described the first sergeant as an older Black male having a light complexion and being about 6'0" tall. She described the female sergeant as a Black female, 5'5", and wearing glasses. Finally, a third sergeant, a White Male, 5'6", 40-50 years old, came and told her that she was going to be issued citations and that she would be allowed to bond out. She received three traffic citations and a citation for resisting arrest. Subsequently, she posted on *Facebook* what had happened during her arrest.

### b. Digital Evidence

Audio-Recorded Statement of ██████████ at COPA on March 5, 2019<sup>9</sup>

**Body Worn Camera (BWC) video of Officer Travis Stokes, Star #5866, on March 3, 2019<sup>10</sup>** Shows at the scene of ██████████ arrest, a Black male, holding a child, is observed talking

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<sup>5</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>6</sup> Attachment #4

<sup>7</sup> Attachment #7

<sup>8</sup> PO Malcolm D. Brooks

<sup>9</sup> Attachment #4

<sup>10</sup> Attachment #32

with officers.<sup>11</sup> [REDACTED] can be heard yelling from inside of a police vehicle. Officer Stokes arrived on scene after [REDACTED] had been placed in custody.

**Body Worn Camera (BWC) video of Officer Malcolm Brooks, Star #6562**, on March 3, 2019<sup>12</sup> [REDACTED] is transported to the 2<sup>nd</sup> District and arrives without incident.<sup>13</sup> She is observed exiting the police vehicle while handcuffed in front of her body. She is escorted into the building by Officer Jeffrey Price, Star #17723, holding her left arm, without incident. [REDACTED] is compliant. Once inside of the building, the handcuffs are removed and [REDACTED] is placed in the custody of a female officer, and then taken for processing.<sup>14</sup> [REDACTED] appears uninjured and does not complain of any injuries. While waiting for the female officer to arrive, [REDACTED] makes the statement to Officer Brooks that he had stopped her when she was trying to move her car.<sup>15</sup>

**Body Worn Camera (BWC) video of Officer Donna Hursey, Star #18208**, on March 3, 2019<sup>16</sup> [REDACTED] is placed in a police vehicle driven by Officer Jeffrey Price, Star #17723. Present in the video is [REDACTED] fiancée, who was holding a child, and complaining to police. [REDACTED] can be heard complaining from inside of the police vehicle. Officer Hursey did not take part in the arrest of [REDACTED]

**Body Worn Camera (BWC) video of Officer Jeffrey Price, Star #17723**, on March 3, 2019<sup>17</sup> [REDACTED] is observed standing near her vehicle, a Ford Taurus, gray in color, which is backed into a no-parking area, and which has no license plates visible on the front of the vehicle. Officer Price approaches [REDACTED] and tells her that she is parked in tow zone. He asks [REDACTED] for her driver's license. [REDACTED] tells him that it is in her purse in her other vehicle. Officer Price tells her that she has been operating a vehicle without a driver's license. [REDACTED] responds, "I'm moving my car because it is not supposed to be here."<sup>18</sup> Officer Malcolm Brooks tells [REDACTED] that her vehicle does not have license plates displayed on it, and that she has not provided the officers a driver's license or insurance. Officer Price then pulls out his handcuffs and attempts to arrest [REDACTED] who forcibly resists.<sup>19</sup> [REDACTED] is verbally combative and actively resisting. [REDACTED] claims that she is being hurt and states that she is pregnant. [REDACTED] is told to put her hands behind her back, but continues to resist, stiffening her arms.<sup>20</sup> [REDACTED] is finally handcuffed, behind her back.<sup>21</sup> Officer Price then places [REDACTED] in the police vehicle.<sup>22</sup> It was then that [REDACTED] fiancée, [REDACTED] holding a child,

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<sup>11</sup> This individual is believed to be [REDACTED] the fiancée of [REDACTED]

<sup>12</sup> Attachment #33

<sup>13</sup> 10:51:48

<sup>14</sup> 10:56:37

<sup>15</sup> 10:56:19: This is consistent with the police version of events, in that [REDACTED] admitted that she had been operating a motor vehicle just prior to her arrest. [REDACTED] did not display a valid driver's license to the officers, thus making her arrest lawful.

<sup>16</sup> Attachment #34

<sup>17</sup> Attachment #37

<sup>18</sup> (10:36:05): [REDACTED] statement confirms Officer Brooks' assertion that [REDACTED] was parked in a tow zone. It also corroborates the fact that [REDACTED] was, in fact, driving the vehicle, which is illegal to do without a driver's license. [REDACTED] did not display a driver's license to Officer Brooks; and, as such, was unlawfully operating a motor vehicle.

<sup>19</sup> 10:36:41

<sup>20</sup> 10:38:28

<sup>21</sup> 10:39:24

<sup>22</sup> 10:39:30

appears on the scene, inquiring what happened. Officer Brooks tells ██████ that ██████ has no driver's license, and that there are no license plates on her vehicle, to which he pointed. ██████ does not contest the issue, only repeatedly states that he is sorry.<sup>23</sup> ██████ gray, Ford Taurus is seen backed into a no parking area. No license plates are visible on the front of the vehicle.<sup>24</sup> ██████ makes the statement to the officers that ██████ was moving the car.<sup>25</sup> ██████ was tells him that ██████ is going to be transported to the police station at 51<sup>st</sup> and Wentworth. The keys to her vehicle are then taken from ██████ who is seated in the back of the police vehicle.<sup>26</sup> The police vehicle transporting ██████ then leaves the scene.<sup>27</sup> The vehicle then arrives at the 2<sup>nd</sup> District without incident.<sup>28</sup>

### c. Documentary Evidence

**CPD A&A Sheet, Unit 002, Watch 2, March 3, 2019<sup>29</sup>**

**OEMC<sup>30</sup> Event Query Report, Event No. 1906205577, March 3, 2019<sup>31</sup>**

**CPD Arrest Report, CB No. 19776259, March 3, 2019, for ██████**

**CPD Original Case Incident Report RD# JC172303<sup>33</sup>**

**Sworn Affidavit from ██████ at COPA on March 5, 2019<sup>34</sup>**

**Tactical Response Report (TRR) of Officer Malcolm Brooks, Star #6562, for the arrest of ██████ on March 3, 2019<sup>35</sup>**

**Tactical Response Report (TRR) of Officer Jeffrey Price, Star #17723, for March 3, 2019, for the arrest of ██████ on March 3, 2019<sup>36</sup>**

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<sup>23</sup> 10:40:05

<sup>24</sup> 10:40:51

<sup>25</sup> 10:41:11: This confirms that ██████ was operating the vehicle, which is consistent with the police version of the incident.

<sup>26</sup> 10:43:08

<sup>27</sup> 10:44:00

<sup>28</sup> 10:51:31

<sup>29</sup> Attachment #2

<sup>30</sup> City of Chicago - Office of Emergency Management and Communications

<sup>31</sup> Attachment #3

<sup>32</sup> Attachment #6

<sup>33</sup> Attachment #7

<sup>34</sup> Attachment #15

<sup>35</sup> Attachment #16: The TRR stated that Supervisor Troy Williams, Star #2670, reviewed the BWC footage of the incident in the 2<sup>nd</sup> District and observed no injuries to ██████

<sup>36</sup> Attachment #18: The TRR stated that Supervisor Troy Williams, Star #2670, reviewed the BWC footage of the incident in the 2<sup>nd</sup> District and observed no injuries to ██████

CPD Traffic Stop Statistical Study, Stop No. 2050521, on March 8, 2019, at 1712, for traffic stop of ██████████ at 9912 South Lafayette Street, Chicago, Illinois, for operating a motor vehicle with no insurance and revoked registration (625 ILCS 5.0/3-708)<sup>37</sup>

## VI. ANALYSIS

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 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.

According to the police version of the incident, ██████████ was arrested for failure to produce a valid driver's license when she had attempted to move her vehicle after observing the police. She had been parked in a tow zone, with no license plates displayed on her vehicle, a gray in color, Ford Taurus.<sup>38</sup> When officer Brooks approached her, ██████████ was standing near her vehicle and she explained that, "I'm moving my car because it's not supposed to be here."<sup>39</sup> It should be noted that after her arrest, and when she had been taken to the 2<sup>nd</sup> District, ██████████ stated to Officer Brooks, while they were waiting for a female officer to arrive, that he had stopped her when she was trying to move her car.<sup>40</sup> ██████████ statement thus confirms, and corroborates, the officers' report

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<sup>37</sup> Attachment #13: This traffic stop occurred 5 days after ██████████ had been stopped in this investigation and had claimed that she had a valid Illinois driver's license.

<sup>38</sup> Attachment #17

<sup>39</sup> Attachment #37 at 10:36

<sup>40</sup> Attachment #33 at 10:56:19

that [REDACTED] was inside of her vehicle and attempting to move it prior to her being arrested. Further, in her statement to COPA, [REDACTED] had stated, "I didn't move the car."<sup>41</sup> This is a contradiction of her previous statements.

At the time of her arrest, [REDACTED] did not produce a valid driver's license or insurance for the Ford Taurus, which clearly [REDACTED] had been attempting to move. Further, the vehicle had been parked in a tow zone and had no license plates visibly displayed on it. From the foregoing facts, it is clear and convincing that [REDACTED] had violated the law, for which she was lawfully arrested. The officers had clear and articulable facts, from which they derived probable cause to lawfully arrest [REDACTED]<sup>42</sup> Therefore, with respect to **Allegation 1**, both **Officer Jeffrey Price** and **Officer Malcolm D. Brooks** should be, respectively, **EXONERATED**.

[REDACTED] further claimed in her statement to COPA that during her arrest, the officers approached her, grabbed her and threw her onto their car. This is simply not reflected in the BWC of Officer Price. Review of the BWC of Officer Price does not reflect that [REDACTED] was thrown against a police vehicle. It does, however, show that [REDACTED] aggressively resisted the officers' efforts to arrest her, for which they had probable cause. [REDACTED] according to the officers, was combative and aggressively resisted arrest. This is corroborated by the BWC of Officer Price. Officers are authorized to use reasonable force in arresting an individual. The officers, in this instance, used the requisite amount of force required to arrest [REDACTED] who was an active and aggressive resister.<sup>43</sup>

Further, upon arrival at the 2<sup>nd</sup> District, [REDACTED] was removed from the police vehicle and escorted into the station by Officer Price without incident. [REDACTED] was then transferred to the custody of a female officer and [REDACTED] made no complaints about being injured or needing medical attention.<sup>44</sup> The BWC footage of the in-custody transfer of [REDACTED] into the 2<sup>nd</sup> District was also reviewed by Supervisor Troy Williams, Star #2670. Williams concluded that he observed no injuries to [REDACTED]<sup>45</sup> Thus, both **Officer Jeffrey Price** and **Officer Malcolm D. Brooks** should be **EXONERATED** of **Allegation 2**, respectively.

There is no need to interview the accused officers in this matter because it is clear and convincing that [REDACTED] was lawfully arrested; that she actively and aggressively resisted arrest; and, that the officers used requisite amount of reasonable force needed to effectuate her arrest.

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<sup>41</sup> Attachment #5 at 10:28:38

<sup>42</sup> See *People v. Lake*, 2015 IL App. (4<sup>th</sup>) 130072, ¶ 28, 28 N.E.3d 1036; See *Terry v. Ohio*, 392 U.S. 1 (1968): "A police officer may conduct a brief investigatory stop of a person when the officer reasonably believes that the person has committed, or is about to commit, a crime." Also, relative to temporary detentions of persons, see *People v. Timmsen*, 2016 IL 118181, 9, ¶ 50 N.E.3d 1092: "...the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion."

<sup>43</sup> General Order G03-02 (Use of Force): Section III (B): Department members may only use force that is objectively reasonable, necessary, and proportional, *under the totality of the circumstances*, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

<sup>44</sup> Attachment #33 (BWC of Officer Malcolm D. Brooks)

<sup>45</sup> Attachments #16 and #18



**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Jeffrey Price	1. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Jeffrey Price, Star #17723, committed misconduct by arresting ██████████ without justification.	<b>Exonerated</b>
	2. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Jeffrey Price, Star #17723, used excessive force when arresting ██████████ by twisting her arm, without justification.	<b>Exonerated</b>
Officer Malcolm D. Brooks	1. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Malcolm D. Brooks, Star #6562, committed misconduct by arresting ██████████ without justification	<b>Exonerated</b>
	2. It is alleged by ██████████ that on or about March 3, 2019, at approximately 10:34 a.m., in the vicinity of 5001 South Lake Shore Drive, Chicago, Illinois, Officer Malcolm D. Brooks, Star #6562, used excessive force when arresting ██████████ by twisting her arm, without justification.	<b>Exonerated</b>

Approved:



5-28-2020

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Angela Hearts-Glass  
*Deputy Chief Administrator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	12
<b>Investigator:</b>	James L. Whitmer
<b>Supervising Investigator:</b>	Andrew Dalkin
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass