

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 15, 2019
Time of Incident:	1:15 pm
Location of Incident:	1233 North Lake Shore Drive
Date of COPA Notification:	March 15, 2019
Time of COPA Notification:	3:56 pm

Officer Steve Flores (Officer Flores) stopped complainant [REDACTED] ([REDACTED] after [REDACTED] car passed Officer Flores on the left while both were driving on the ramp leading from Michigan Avenue to northbound Lake Shore Drive. Officer Flores pulled his patrol vehicle parallel to [REDACTED] vehicle and initially interacted with [REDACTED] through his passenger-side front window while both remained seated in their vehicles. [REDACTED] addressed Officer Flores by asking, “What’s up?” Officer Flores then exited his patrol vehicle, approached [REDACTED] window, and stated to [REDACTED] that he was not [REDACTED] friend, not his “homie on the corner” and he should never address a police officer with “What’s up?” Officer Flores then explained that [REDACTED] failed to yield to his police cruiser and was driving 48 miles-per-hour in a 40 mile-per-hour zone. Officer Flores offered to allow [REDACTED] to proceed with a verbal warning, which [REDACTED] reluctantly accepted. [REDACTED] denied committing either of these infractions and complained that he was racially profiled during the stop. COPA investigated the allegations and determined that Officer Flores committed a traffic violation, improperly used race or color when he decided to prolong the traffic stop, used inappropriate language when he spoke to [REDACTED] and failed to properly document the stop.

**II. INVOLVED PARTIES**

Involved Officer #1:	Steve Flores, star #19627, employee ID# [REDACTED], Date of Appointment March 17, 1997, Police Officer, Unit of Assignment 145, DOB [REDACTED], 1962, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1993, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Steve Flores	<p>It is alleged by ██████████ that on or about March 15, 2019, at approximately 1:15 pm, at or near 1200 North Lake Shore Drive, that Police Officer Steve Flores #19627 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Failing to comply with 625 ILCS 5/11-709(a) by moving from a lane of traffic without first ascertaining that such movement could be made with safety; and</li> <li>2. Detaining ██████████ without justification; and</li> <li>3. Stating words to the effect of, "Not with the 'what's up' routine, you're not," in response to ██████████ stating that he was addressing Officer Flores; and</li> <li>4. Stating words to the effect of, "I'm not your buddy. I'm not your friend. I'm not your homie on the corner. You don't address me as 'what's up?' Do we understand each other?" to ██████████ and ██████████</li> <li>5. Stating words to the effect of, "I've noticed that your demeanor and your attitude has changed significantly since I got some important documents from you. What I'd like to do in return is give you a verbal warning. If that's not sufficient or not agreeable to you, then I could do something else. How would you like to play?" to ██████████ and ██████████</li> <li>6. Stating words to the effect of, "Please don't address me or any other police officer that stops you for a traffic violation as 'Whassup,' 'cause we're not your homies;" and</li> <li>7. Using race or color in making the decision to prolong the detention of ██████████</li> </ol>	<p>Sustained / Reprimand</p> <p>Not Sustained</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p> <p>Not Sustained</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p>

<p>It is alleged by the Civilian Office of Police Accountability that on or about March 15, 2019, at approximately 1:15 pm, at or near 1200 North Lake Shore Drive, that Police Officer Steve Flores #19627 committed misconduct through the following acts or omissions, by:</p> <p>8. Failing to complete a Traffic Stop Statistical Study - Driver Information Card after initiating a traffic stop that did not result in the issuance of a Personal Service Citation for an Illinois Vehicle Code, Traffic Code of Chicago, or compliance violation, in violation of Special Order S04-14-09.</p>	<p>Sustained / 1-day Suspension</p>
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**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 1.** Violation of any law or ordinance.
2. **Rule 2.** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.  
**COMMENT:** This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department, including public and open association with persons of known bad or criminal reputation in the community unless such association is in the performance of police duties. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.
3. **Rule 6.** Disobedience of an order or directive, whether written or oral.  
**COMMENT:** This Rule prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.
4. **Rule 8.** Disrespect to or maltreatment of any person, while on or off duty.
5. **Rule 9.** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.  
**COMMENT:** Rules 8 and 9 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.

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General Orders

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1. **G02-04**, Prohibitions Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017)<sup>1</sup>
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Special Orders

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1. **S04-14-09**, Illinois Traffic and Pedestrian Stop Statistical Study (effective March 23, 2018)<sup>2</sup>
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Federal Laws

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1. United States Constitution, Amendment IV
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State Laws

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1. 625 ILCS 5/11-212, Traffic and Pedestrian Stop Statistical Study
2. 625 ILCS 5/11-709, Driving on Roadways Laned for Traffic

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<sup>1</sup> Attachment 43.

<sup>2</sup> Attachment 44.

## V. INVESTIGATION<sup>3</sup>

### a. Interviews

Complainant ██████████ (██████████) was interviewed by COPA investigators on March 29, 2019.<sup>4</sup> ██████████ provided investigators with the following account: On March 15, 2019, at about 1:00 pm, ██████████ was driving his 2017 Honda Accord northbound on Michigan Avenue. ██████████ brother, ██████████ was seated in the front passenger seat. ██████████ sister, ██████████ along with her boyfriend, ██████████ were seated in the rear. ██████████ stopped at a red traffic signal before proceeding onto a ramp leading to Lake Shore Drive when the signal turned green. As ██████████ proceeded, a marked Chicago Police Department (CPD) vehicle made a U-turn from southbound Michigan Avenue onto the northbound Lake Shore Drive ramp. The CPD vehicle appeared to be driving normally, without emergency equipment in operation. The ramp had two lanes of traffic traveling in the same direction, and the CPD vehicle turned into the right lane while ██████████ moved from the right lane to the left lane. ██████████ was initially behind the CPD vehicle but began to overtake the CPD vehicle when a slower-moving vehicle impeded the CPD vehicle's progress in the right lane. As ██████████ approached the CPD vehicle,<sup>5</sup> the CPD vehicle's left-turn signal flashed, but ██████████ continued to accelerate as he passed the CPD vehicle on the left. As ██████████ passed the CPD vehicle, the CPD vehicle attempted to merge into ██████████ lane. After ██████████ vehicle passed the CPD vehicle, the CPD vehicle's emergency lights turned on and ██████████ pulled over to the right shoulder and stopped near the end of the ramp.

The CPD vehicle stopped in the right lane of traffic, directly adjacent (to the left of) ██████████ vehicle. ██████████ was surprised that the CPD vehicle stopped next to him instead of behind him. ██████████ looked to his left and saw that the officer in the driver's seat of the CPD vehicle was gesturing for ██████████ to roll his window down. ██████████ described the lone officer in the CPD vehicle as male, with a darker complexion and dark, curly hair. The front passenger-side window of the CPD vehicle was already rolled down, and ██████████ rolled his window down as requested. ██████████ looked at the officer and asked, "What's up?" ██████████ then heard the officer shift his vehicle from "drive" to "park." The officer then exited his vehicle, walked around the vehicle, and approached ██████████. The officer said something to the effect of, "What do you mean, 'what's up?'" The officer also told ██████████ that he was not his friend, not his buddy, and not his homie on the corner. ██████████ also asked the officer to explain what had happened on the ramp, and the officer became visibly angry and seemed to take offense to ██████████ using the phrase, "What's up?" ██████████ was upset because the officer used the word "homie." ██████████ who identifies as African American, did not believe the officer would have used the word "homie," which ██████████ understood to be a racially charged word, if he was speaking with a white person.

The officer asked ██████████ what the speed limit was on the ramp, and ██████████ answered, "40 miles per hour." The officer asked ██████████ how fast he was going, and ██████████ replied, "40."

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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> Attachment 3.

<sup>5</sup> ██████████ described his front bumper being even with the CPD vehicle's rear bumper at the time the CPD vehicle's turn-signal activated.

The officer then told [REDACTED] that he was going 48 miles per hour and that he had failed to yield to the officer. [REDACTED] attempted to explain that he was not required to yield because he was already in the left lane when the officer attempted to merge from the right lane into the left lane. [REDACTED] was certain he was not exceeding the speed limit when he passed the CPD vehicle because he was very aware he needed to obey traffic laws when driving directly in front of a police officer. [REDACTED] believed the officer was lying when he told him he was going 48 miles per hour, and the officer ignored [REDACTED] when he asked if his speed had been measured by a speed gun.

The officer asked [REDACTED] for his license, registration, and insurance, and [REDACTED] provided the requested documents. The officer then told [REDACTED] that he had noticed a change in [REDACTED] demeanor,<sup>6</sup> and he told [REDACTED] he would proceed by giving [REDACTED] a verbal warning. [REDACTED] felt threatened when the officer asked, “Can I give you a verbal warning, or do you want me to do something else – how do you want to play?” [REDACTED] as a Black man, believed that the officer’s reference to “something else” was a veiled threat, particularly because the officer’s hand was resting on his holster. [REDACTED] asked if he could explain his perspective, but the officer insisted that [REDACTED] make a choice, so [REDACTED] agreed to accept a verbal warning. Before instructing [REDACTED] to proceed, the officer again lectured [REDACTED] not to address any police officer with “What’s up” because the police are not his friends. The encounter ended and [REDACTED] drove away. [REDACTED] described the officer’s demeanor during the encounter as hostile, threatening, and unprofessional. [REDACTED] also noted that his sister had recorded the encounter from the back seat using her cell-phone video camera.

[REDACTED] ( [REDACTED] was interviewed by COPA investigators on May 28, 2019.<sup>7</sup> [REDACTED] identified herself as [REDACTED] younger sister. She provided an account of the traffic stop on March 15, 2019, that was consistent with her brother’s account and consistent with the video and audio recordings described below. [REDACTED] was certain that her brother never exceeded the speed limit, although she admitted she could not see his car’s speedometer. [REDACTED] described the officer’s use of the phrase, “homie on the corner,” as directed towards her brother, as disgusting. [REDACTED] also described recording the encounter on her cell phone as she sat in the rear seat behind her brother.

[REDACTED] ( [REDACTED] was interviewed by COPA investigators on May 28, 2019.<sup>8</sup> [REDACTED] identified himself as the boyfriend of [REDACTED] and as a rear-seat passenger in [REDACTED] vehicle during a traffic stop that occurred in Chicago on March 15, 2019. [REDACTED] provided an account of the traffic stop that was consistent with [REDACTED] account and with the video and audio recordings described below. [REDACTED] did not believe that [REDACTED] committed any traffic violations prior to the stop and did not believe that [REDACTED] ever exceeded 40 miles per hour while accelerating on the ramp.

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<sup>6</sup> [REDACTED] told investigators that he had been calm throughout the encounter, and it was the officer’s demeanor that changed when the officer appeared to notice that [REDACTED] was recording the encounter with his car’s dashboard camera.

<sup>7</sup> Attachment 29.

<sup>8</sup> Attachment 25.

**Police Officer Steve Flores was interviewed by COPA investigators on March 9, 2020.**<sup>9</sup> Officer Flores, who has been assigned to the traffic enforcement unit for approximately 13 years, was assigned to patrol Lake Shore Drive North on March 15, 2019. Officer Flores was working alone, in uniform, in a marked patrol vehicle. After viewing his in-car-camera (ICC) video recording of the stop, Officer Flores said that he vaguely remembered the incident, although he could not recall any personal details about [REDACTED] including [REDACTED] race. Officer Flores first became aware of [REDACTED] vehicle when [REDACTED] passed him on the left while he (Officer Flores) was trying to move into the left lane on the ramp leading from Michigan Avenue to northbound Lake Shore Drive. Officer Flores recalled that [REDACTED] was speeding and almost struck his patrol vehicle: “This, obviously, got my adrenaline going a little bit and I conducted a traffic stop.”<sup>10</sup> Based on his own statements in the ICC recording, Officer Flores asserted that [REDACTED] was driving 48 miles-per-hour in a 40 mile-per-hour zone. Officer Flores could not recall how he determined [REDACTED] speed, but said it was likely he either captured the speed on his vehicle’s front or rear radar, or he estimated the speed based on his experience. Officer Flores explained, based on his extensive experience in traffic enforcement, he has become proficient at estimating speed by first approximating a vehicle’s speed in his mind and then confirming the speed using a speed-measuring device.

Officer Flores admitted that just prior to stopping [REDACTED] he was driving in the right lane behind a slow-moving vehicle, and he was attempting to move into the left lane to pass. When asked what, if any, violation [REDACTED] committed by failing to yield to Flores’ patrol vehicle, Officer Flores responded, “I believe that if I was apparently one-third or even halfway into the left lane that he would have maybe yielded to me trying to get into the left-hand lane.”<sup>11</sup> After reviewing a portion of the Illinois Vehicle Code governing lane usage,<sup>12</sup> Officer Flores admitted that he never saw [REDACTED] vehicle coming up behind him. “Was I at fault for going into the left lane when he was speeding up behind me? That’s very possible. I can’t deny that.”<sup>13</sup> Officer Flores also admitted that he had a responsibility, as a driver, to make sure it was safe before changing lanes.

Officer Flores explained that he stopped his patrol vehicle next to [REDACTED] car, rather than behind [REDACTED] car as would be normal protocol, because “[i]t was my intention to bring to his attention the violations that I believed that he committed and to allow him to proceed. During my surprise and a bit of adrenaline rush, for whatever reason, I got the ‘What’s up?’ Probably not a wise move on his part and possibly got my dander up.”<sup>14</sup> Officer Flores further explained that he had been assigned to Englewood and South Chicago during his first ten years as a police officer. Based on his experience in those areas, which Officer Flores later described as “the hood, . . . the ghetto,”<sup>15</sup> Officer Flores interpreted the greeting “What’s up?” as a challenge: “‘What’s up’ is vernacular, almost akin to ‘Put your dukes up.’ It’s a challenge. Why are f-ing with me? Who the

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<sup>9</sup> Attachments 34, 38.

<sup>10</sup> Officer Flores Tr. 15:22–23. Attachment 38.

<sup>11</sup> *Id.* at 25:12–15.

<sup>12</sup> 625 ILCS 5/11-709(a) (“A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.”). Attachment 45.

<sup>13</sup> Officer Flores Tr. 27:23–28:1 Attachment 38.

<sup>14</sup> *Id.* at 29:5–11.

<sup>15</sup> *Id.* at 32:20. Officer Flores later referred to the South Chicago area as “South Chi-ghetto.” *Id.* at 35:12.

F are you? That's what 'what's up' means."<sup>16</sup> Officer Flores further explained that he believed [REDACTED] was being disrespectful, so he told [REDACTED] "I'm not your buddy. I'm not your friend. I'm not your homie on the corner. You don't address me as 'what's up.' Do we understand each other?"<sup>17</sup> Also, Officer Flores did not believe the term "homie" referred to any particular racial group, and it was simply a word that meant "friend."<sup>18</sup>

After interacting with [REDACTED] during the stop, Officer Flores believed that [REDACTED] became more respectful, and Officer Flores decided to offer to allow [REDACTED] proceed with a verbal warning. Officer Flores also admitted that his initial perception of [REDACTED] greeting, "What's up?" as a challenge may have been wrong.<sup>19</sup> Officer Flores also admitted he was not sure he would have reacted to [REDACTED] greeting the same way if [REDACTED] had been an older white man, and he was not sure if he would have used the phrase "homie on the corner" under those circumstances.<sup>20</sup> Officer Flores said that he could not remember what race he perceived [REDACTED] to be, and that [REDACTED] race was "absolutely not" a factor that he considered when he decided to exit his patrol vehicle and temporarily detain [REDACTED].<sup>21</sup> Officer Flores explained that when he asked [REDACTED] "How would you like to play?" and stated that he "could do something else" if a verbal warning was not sufficient, he was referring to writing a ticket and not making a threat.<sup>22</sup>

Officer Flores admitted that he was familiar with the CPD directive<sup>23</sup> requiring officers who conduct traffic stops to document those stops. Based on the directive, Officer Flores admitted that he was required to complete a Traffic Stop Statistical Study Driver Information Card to document stopping [REDACTED]. Officer Flores could not recall if he completed the card as required, although he explained it was his "normal course of duties"<sup>24</sup> to do so. Officer Flores admitted that it was possible he had not completed the card, and Officer Flores declined to offer any explanation as to why there was no apparent record of the card in the CPD's database. When confronted with the specific allegations in this investigation, Officer Flores admitted to making the statements in question, but denied that any of his statements constituted misconduct. Officer Flores also denied any other misconduct during his interaction with [REDACTED].

## b. Digital Evidence

**Dashboard-camera video and audio**<sup>25</sup> was submitted to COPA by complainant [REDACTED]. The recording is 4 minutes and 22 seconds in duration and begins with [REDACTED] vehicle driving north on Michigan Avenue and stopping at a red light at East Lake Shore Drive. While

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<sup>16</sup> *Id.* at 31:1–4.

<sup>17</sup> *Id.* at 34.

<sup>18</sup> *Id.* at 40:12–41:15.

<sup>19</sup> *Id.* at 36:5–11. Officer Flores also explained, "Once I found out that this guy was not, in my opinion, being purposely or intentionally disrespectful, I think you notice the conversation changing." *Id.* at 38:14–17.

<sup>20</sup> *Id.* at 37:3–11.

<sup>21</sup> *Id.* at 48:5.

<sup>22</sup> *Id.* at 39:2–40:3.

<sup>23</sup> Special Order S04-14-19. Attachment 44.

<sup>24</sup> Officer Flores Tr. 44:6–7. Attachment 38.

<sup>25</sup> Attachment 5.



■■■■■ waits at the light, southbound traffic turns onto East Lake Shore Drive. A marked CPD Ford Explorer that was headed south makes a U-turn at the light and enters the ramp leading to northbound Lake Shore Drive just as the light turns green for ■■■■■ proceeds north onto the ramp, with the CPD vehicle ahead of him in the right lane. ■■■■■ moves to the left lane and begins to accelerate as he overtakes the CPD vehicle, which remains in the right lane behind a slower-moving vehicle. Just before ■■■■■ overtakes the CPD vehicle, the CPD vehicle's left-turn signal activates. ■■■■■ continues to accelerate, passing the CPD vehicle, as the CPD vehicle moves partly into ■■■■■ lane. The vehicles avoid a collision and ■■■■■ continues up the ramp in the left lane. Approximately 10 seconds after ■■■■■ passes the CPD vehicle, ■■■■■ begins to slow, pulling to the right shoulder and stopping at the top of the ramp. A white vehicle stops in the roadway to ■■■■■ left, with only the corner of the front fender visible to ■■■■■ camera.

Just as ■■■■■ stops, the audio for his dashboard camera turns on. ■■■■■ says, "What's up," followed by, "Can you explain to me what happened back there?" Officer Flores walks around the front of his vehicle and approaches ■■■■■. Officer Flores asks, "To whom are you speaking, sir?" ■■■■■ again asks what happened, and Officer Flores repeats his question. ■■■■■ answers, "You, officer." Officer Flores responds, "Not with the 'what's up' routine, you're not." ■■■■■ says, "OK," and Officer Flores continues, "Let's make that clear right away. I'm not your buddy. I'm not your friend. I'm not your homie on the corner. You don't address me as 'what's up.' Do we understand each other?" ■■■■■ replies, "Yes, we're on the same page," and asks what he did incorrectly. Officer Flores asks ■■■■■ what the speed limit is, and ■■■■■ replies, "40." Officer Flores agrees that the speed limit is 40 and asks ■■■■■ how fast he was going on the ramp. ■■■■■ again replies, "40." Officer Flores disagrees, asserting that ■■■■■ was going 48, and also asserts that ■■■■■ failed to yield when Officer Flores attempted to turn into the left lane. Officer Flores asks ■■■■■ why he failed to yield, and ■■■■■ answers that he was in the left lane already. Officer Flores then asks for ■■■■■ driver's license and insurance and acknowledges receiving the documents by thanking ■■■■■.

Officer Flores notes that ■■■■■ demeanor and attitude have changed after providing the documents. Officer Flores says that he would like to give ■■■■■ a verbal warning, adding, "If that's not sufficient or not agreeable to you, then I could do something else. How would you like to play?" ■■■■■ attempts to ask a question, but Officer Flores repeats, "I asked you a question: Can I give you a verbal warning, or do you want me to do something else?" ■■■■■ then agrees to move forward with a verbal warning. Officer Flores again advises ■■■■■ of the speed limit and then states, "Please don't address me or any other police officer that stops you for a traffic violation as 'Whassup,' 'cause we're not your homies." ■■■■■ asks for an opportunity to explain his side of the situation, but Officer Flores replies, "I don't want you to explain anything, because what you're gonna do is make me want to change my mind, and I don't want to do that." Officer Flores asks if this is agreeable to ■■■■■ and ■■■■■ replies affirmatively. Officer Flores instructs ■■■■■ to proceed, and the encounter ends.

**In-car-camera (ICC) video and audio**<sup>26</sup> from the ICC system in Officer Flores's patrol vehicle was obtained by COPA. The recording is 5 minutes and 16 seconds in duration. The ICC recording, including the verbal exchanges between Officer Flores and ■■■■■ is consistent with the civilian dash-cam recording described above. The ICC recording depicts Officer Flores's

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<sup>26</sup> Attachments 16.

vehicle driving slowly behind a small black sedan in the right lane of the ramp from Michigan Avenue onto northbound Lake Shore Drive. Officer Flores's vehicle begins to move from the right lane into the left lane as a silver sedan passes Officer Flores on the left. Officer Flores accelerates to match the speed of the silver sedan before activating his emergency lights and sirens. The silver sedan's right-turn signal activates, followed by its brake lights, as the silver sedan slows and pulls onto the right shoulder at the top of the ramp. Officer Flores's vehicle stops in the traffic lane to the silver sedan's left. Officer Flores exits his vehicle, crosses in front of the front-facing camera, and speaks with [REDACTED]. At the conclusion of the stop, Officer Flores instructs [REDACTED] to proceed before re-entering his vehicle.

A **cell-phone audio and video recording**<sup>27</sup> of a portion of the traffic stop was created by [REDACTED] rear-seat passenger, [REDACTED]. The recording is 2 minutes and 42 seconds in duration. [REDACTED] recording is consistent with the dash-cam and in-car-camera recordings described above, but the recording begins as Officer Flores questions [REDACTED] about his speed. [REDACTED] appears to be holding the phone in her lap with the camera pointing up towards the roof of the car, and the video recording does not capture [REDACTED] passing Officer Flores in traffic and only briefly captures an image of Officer Flores standing beside [REDACTED] vehicle during their interaction. As the recording ends, the camera briefly turns towards Officer Flores and his vehicle, and the number "9426" is visible on the passenger-side front fender of the vehicle.

### c. Documentary Evidence

**CPD Attendance and Assignment records**<sup>28</sup> for Unit 145 (Traffic Section) document that Officer Flores was working on March 15, 2019, between 6:00 am and 3:00 pm, with assigned beat 3221 and assigned vehicle 9426. **CPD Global Positioning System (GPS) records**<sup>29</sup> for vehicle 9426 document that the vehicle was stationary near 1050 North Lake Shore Drive between 1:15:12 pm and 1:15:43 pm on March 15, 2019. The vehicle briefly accelerated to a speed of 42 miles per hour before coming to a stop near 1233 North Lake Shore Drive at 1:17:44 pm, where it remained until 1:21:16 pm. The same records document that Officer Flores's unique computer-identification number (PC number) was signed into the vehicle's police data terminal (PDT) during the time in question.

COPA searched CPD and Office of Emergency Management and Communication (OEMC) databases for records related to Officer Flores's stop of [REDACTED] on March 15, 2019. No records of a traffic stop were found in CPD's **Traffic Stop Statistical Study database**.<sup>30</sup> No **Event Query Reports** documenting a traffic stop by Officer Flores at or near the location of this incident on March 15, 2019, were found in OEMC's event query database.<sup>31</sup> No **PDT messages** associated with Officer Flores's PC number at or around the date and time in question were found in OEMC's PDT message database.<sup>32</sup>

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<sup>27</sup> Attachment 21.

<sup>28</sup> Attachment 6.

<sup>29</sup> Attachments 8, 9.

<sup>30</sup> Attachment 20.

<sup>31</sup> Attachment 41.

<sup>32</sup> Attachment 13.

## 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
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 proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”). 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. 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.* ¶ 28.

## VII. ANALYSIS

There is insufficient evidence to determine if Officer Flores’ initial stop of [REDACTED] was justified. There is evidence to indicate that [REDACTED] was not traveling as fast as Officer Flores believed. This evidence includes [REDACTED] statement and the statements of two witnesses who were passengers in his car. COPA does not give great weight to the witnesses’ statements, as they were not looking at [REDACTED] speedometer and had no reason to be paying close attention to his speed prior to Officer Flores turning on his vehicle’s emergency lights and siren. COPA gives some weight to [REDACTED] own account of his speed, but [REDACTED] self-interest must be considered. COPA gives some weight to Officer Flores’ account, but the officer admitted he does not remember how he determined [REDACTED] speed and that it may have been only an estimate. Furthermore, Officer Flores’ self-interest must also be considered. The available video recordings, from both [REDACTED] dashboard camera and from the ICC in Officer Flores’ vehicle, show that [REDACTED] was accelerating on the ramp but do not provide any direct indication of his speed. GPS records indicate that Officer Flores’ vehicle reached a maximum speed of 42 miles-per-hour on the ramp. The video recordings show Officer Flores accelerating to match [REDACTED] speed before activating his emergency equipment, so it is likely that the maximum speed of both vehicles was

approximately 42 miles-per-hour. But this measurement is also not definitive because the GPS does not provide continuous speed measurements and Officer Flores' vehicle may have been traveling at a higher speed in between the data points recorded by the GPS system.

Even if Officer Flores was objectively incorrect in his estimate of [REDACTED] speed, he may simply have been mistaken. If his mistake was reasonable, it would not transform a valid stop into an invalid stop.<sup>33</sup> Of course, such a mistake would be cause for a court not to convict [REDACTED] of speeding, had Officer Flores issued a citation. But the mistake would not, in and of itself, be a constitutional violation nor would it constitute misconduct, so long as it was reasonable. Given Officer Flores' experience as a long-time traffic-enforcement officer and his experience in estimating speed, COPA cannot determine that his apparent estimate of [REDACTED] speed was reasonable or unreasonable. COPA does find that Officer Flores' second reason for the stop – [REDACTED] alleged failure to yield – was not valid. All the evidence, including the video recordings and Officer Flores' own statement, show that [REDACTED] was traveling in the left lane while Officer Flores attempted to change lanes. Under these circumstances, it was Officer Flores' responsibility to ascertain that he could change lanes safely; it was not [REDACTED] responsibility to yield. Officer Flores, in fact, admitted that it was "very possible" he was at fault for changing lanes without checking for other traffic. But Officer Flores needed only one valid reason to conduct the stop, so COPA's finding that his second reason was invalid does not render the stop unjustified.

Based on the findings outlined above, COPA finds that **Allegation 1 against Officer Flores is Sustained**. Because Officer Flores moved his vehicle partially from the right lane into the left lane without first ascertaining that the movement could be completed safely, he violated 625 ILCS 5/11-709(a). In doing so, he also violated Rule 1 (violation of any law or ordinance). COPA also finds that **Allegation 2 against Officer Flores is Not Sustained** because there is insufficient evidence to determine if the initial traffic stop was valid.

Officer Flores admitted to making each of the statements set forth in Allegations 3, 4, 5, and 6. The only questions remaining are if these statements constituted misconduct. First, Officer Flores responded, "Not with the 'what's up' routine, you're not," in response to [REDACTED] stating that he was addressing Officer Flores. Officer Flores admitted that [REDACTED] greeting, "What's up?" may have gotten his "dander up" and that he interpreted the greeting as both disrespectful and as a challenge to his authority. Officer Flores clearly knew that [REDACTED] was speaking to him, as there were no other officers present and [REDACTED] was not speaking to the passengers in his car. Under these circumstances, Officer Flores' confrontational statement, along with his tone, was not a reasonable response to [REDACTED] greeting and would tend to escalate, rather than calm, the situation. COPA therefore finds that Officer Flores treated [REDACTED] with disrespect, violating Rule 8, and that Officer Flores engaged in an unjustified verbal altercation with [REDACTED] violating Rule 9. Officer Flores' conduct, which occurred in front of [REDACTED] and three other passengers in his

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<sup>33</sup> See *People v. Timmsen*, 2016 IL 118181, ¶9 (holding that a police officer can conduct a traffic stop based on reasonable, articulable suspicion that the driver has committed a traffic violation); *People v. Hampton*, 96 Ill. App. 3d 728, 730 (1981) (holding that a police officer's visual estimation of a driver's speed can be sufficient evidence to support a speeding conviction). Under these standards, Officer Flores could conduct a traffic stop based on his estimation of [REDACTED] speed, so long as his estimation was reasonable, even if objective evidence later revealed that his estimation was wrong.

car, also brought discredit upon the Department, violating Rule 2. Based on these violations, COPA finds that **Allegation 3 against Officer Flores is Sustained.**

Second, Officer Flores admitted that he said, "I'm not your buddy. I'm not your friend. I'm not your homie on the corner. You don't address me as 'what's up?' Do we understand each other?" to ██████████ at the beginning of their interaction. For the same reasons outlined above, COPA finds that this statement was unnecessarily confrontational under the circumstances of the stop and was more likely to escalate, rather than calm, the situation. ██████████ simple greeting, "What's up," did not warrant this response from Officer Flores. Even if Officer Flores perceived the greeting as a challenge or as disrespect, he was obligated to attempt to deescalate the encounter rather than making it worse. Officer Flores' choices to use the word "homie" and the phrase "homie on the corner" were also not appropriate. While Officer Flores argues that "homie" is simply a synonym for "friend," he should have realized that this language could reasonably be interpreted as having racial or ethnic implications to anyone listening. This is particularly true because Officer Flores coupled the word "homie" with "on the corner" and because he admitted to associating this language with his prior assignments in Englewood and South Chicago, which he referred to as the "hood" and the "ghetto." Whatever Officer Flores' subjective intent may have been, his words were reasonably interpreted by ██████████ as being related to ██████████ race or ethnicity. COPA therefore finds that Officer Flores treated ██████████ with disrespect, violating Rule 8, and that Officer Flores engaged in an unjustified verbal altercation with ██████████ violating Rule 9. Officer Flores' conduct, which occurred in front of ██████████ and three other passengers in his car, also brought discredit upon the Department, violating Rule 2. Based on these violations, COPA finds that **Allegation 4 against Officer Flores is Sustained.**

Officer Flores also used similar language later in the encounter when he said, "Please don't address me or any other police officer that stops you for a traffic violation as 'Whassup,' 'cause we're not your homies." For the reasons outlined above, COPA finds that Officer Flores' use of the word "homies" in this context also constituted misconduct. COPA therefore finds that Officer Flores treated ██████████ with disrespect, violating Rule 8, and that Officer Flores engaged in an unjustified verbal altercation with ██████████ violating Rule 9. Officer Flores' conduct, which occurred in front of ██████████ and three other passengers in his car, also brought discredit upon the Department, violating Rule 2. Based on these violations, COPA finds that **Allegation 6 against Officer Flores is Sustained.**

Officer Flores also said, "I've noticed that your demeanor and your attitude has changed significantly since I got some important documents from you. What I'd like to do in return is give you a verbal warning. If that's not sufficient or not agreeable to you, then I could do something else. How would you like to play?" to ██████████ In the context of a traffic stop, these words are most reasonably interpreted as giving the driver a choice between a verbal warning and a traffic citation. COPA does not doubt that ██████████ felt threatened by the open-ended language – "I could do something else" – used by Officer Flores. Officer Flores could have chosen his words more carefully, but COPA cannot find by a preponderance of evidence that Officer Flores either meant this statement as a threat or should have realized that it might be interpreted as a threat. COPA therefore finds that **Allegation 5 against Officer Flores is Not Sustained.**

Officer Flores admitted it would have been normal protocol to stop his patrol vehicle behind the violator during a typical traffic stop. Instead, Officer Flores pulled his patrol vehicle next to ██████ car, rather than behind ██████ car, because he intended to bring the perceived violations to ██████ attention and then allow ██████ to proceed. Officer Flores only decided to exit his vehicle and conduct a more extended stop after ██████ rolled down his window and greeted Officer Flores by asking, “What’s up?” Otherwise, Officer Flores would have spoken to ██████ through his own front-passenger side window and then allowed ██████ to leave. As noted above, Officer Flores associated ██████ language with his prior experience in areas of the city predominantly occupied by people of color. Officer Flores also candidly admitted he was uncertain if he would have reacted the same way if an older white man had greeted him by saying “what’s up,” and he was not sure he would have used the phrase “homie on the corner” under those circumstances. Officer Flores did not decide to extend the stop until after ██████ rolled down his window – allowing Officer Flores to see his face – and Officer Flores admitted to associating the otherwise-inoffensive language that ██████ used with the “hood” and “ghetto.” Examining the totality of circumstances, COPA finds it is more likely than not that Officer Flores improperly considered ██████ race or color when he decided to extend the duration of the traffic stop. In doing so, Officer Flores engaged in prohibited racial profiling, which is prohibited by CPD directives.<sup>34</sup> COPA therefore finds that Officer Flores failed to obey General Order G02-04, which prohibits racial profiling, violating Rule 6 (disobedience to an order or directive), and that Officer Flores’ conduct also brought discredit upon the Department, violating Rule 2. Based on these violations, COPA finds that **Allegation 7 against Officer Flores is Sustained.**

Officer Flores admitted he was responsible for completing a Traffic Stop Statistical Study Driver Information Card to document stopping ██████<sup>35</sup> He could not recall if he completed the card as required and he admitted it was possible he had not completed the card, although he asserted it was his usual practice to complete the cards when required. COPA searched the CPD database where the information from the cards submitted by officers is stored and did not locate any record of Officer Flores completing the required card. While other explanations are possible, the most logical and likely explanation for the absence of records related to this stop is that Officer Flores failed to complete the required card. This inference is also supported by the lack of other evidence of the stop, such as the absence of an Event Query Report and the absence of PDT messages, which indicate that Officer Flores did not call in the stop to OEMC. By a preponderance of evidence, COPA finds that Officer Flores did not complete the required Traffic Stop Statistical Study Driver Information Card to document stopping ██████ on March 15, 2019. In failing to do so, Officer Flores did not comply with the requirements of Special Order S04-14-19, violating Rule 6 (disobedience to an order or directive). COPA therefore finds that **Allegation 8 against Officer Flores is Sustained.**

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

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<sup>34</sup> See General Order G02-04 § III.B (“Members making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income, except that officers may rely on the listed characteristics in a specific suspect description.”).

<sup>35</sup> See Special Order S04-14-19 § V.D.1 (“[M]embers who initiate a traffic stop that does not result in the issuance of a Personal Service Citation for an Illinois Vehicle Code, Traffic Code of Chicago, or compliance violation will . . . complete a Traffic Stop Statistical Study – Driver Information Card . . .”).

**a. Officer Steve Flores****i. Complimentary and Disciplinary History**

Officer Flores' complimentary record consists of 46 awards, including 1 Department commendation, 35 honorable mentions, and 4 complimentary letters. Officer Flores has no sustained complaints on his disciplinary history.

**ii. Recommended Penalty, by Allegation****1. Allegation No. 1**

COPA has found that Officer Flores failed to comply with the Illinois Vehicle Code by changing lanes without first ascertaining it was safe to do so. The unsafe lane change nearly resulted in a collision, but ultimately did not result in any physical injury or property damage. Considering Officer Flores' record of service and the relatively minor nature of the traffic violation, COPA finds that a reprimand is the appropriate penalty to impose for this sustained allegation.

**2. Allegation No. 3**

COPA has found that Officer Flores violated Rules 2, 8, and 9 when he said, "Not with the 'what's up' routine, you're not," in response to the complainant stating that he was addressing Officer Flores. In doing so, Officer Flores was unnecessarily confrontational at the beginning of the traffic stop. All CPD members, and especially members with Officer Flores' years of experience, are expected to avoid unnecessary verbal altercations and to react with appropriate restraint, even if they believe they have been treated without appropriate deference. Officer Flores' inappropriate comment created a negative impression of himself and the Department on [REDACTED] and all the passengers in his car. Considering Officer Flores' record of service and the serious nature of this misconduct, COPA finds that a 5-day suspension is the appropriate penalty to impose for this sustained allegation.

**3. Allegation No. 4**

COPA has found that Officer Flores violated Rules 2, 8, and 9 when he said, "I'm not your buddy. I'm not your friend. I'm not your homie on the corner. You don't address me as 'what's up?' Do we understand each other?" to the complainant. Again, Officer Flores was unnecessarily confrontational, and here he used language that could reasonably be interpreted as having racial implications. Officer Flores did not use racial slurs and did not refer directly to the complainant's race or color, but the reference to "homies on the corner" was inappropriate, and a CPD member with Officer Flores' years of experience should have recognized that – at a minimum – his words could be misinterpreted as belittling the complainant based on his perceived race or color. This comment also reflected negatively on Officer Flores and on the Department and was delivered in front of multiple passengers in the complainant's car. Considering Officer Flores' record of service and the serious nature of this misconduct, COPA finds that a 5-day suspension is the appropriate penalty to impose for this sustained allegation.

**4. Allegation No. 6**

COPA has found that Officer Flores violated Rules 2, 8, and 9 when he said, "Please don't address me or any other police officer that stops you for a traffic violation as 'Whassup,' 'cause we're not your homies," to the complainant. Again, Officer Flores was unnecessarily confrontational, and he used language that could reasonably be interpreted as having racial implications. The reference to “homies” was inappropriate, and a CPD member with Officer Flores’ years of experience should have recognized that – at a minimum – his words could be misinterpreted as belittling the complainant based on his perceived race or color. This comment also reflected negatively on Officer Flores and on the Department and was delivered in front of multiple passengers in the complainant’s car. Considering Officer Flores’ record of service and the serious nature of this misconduct, COPA finds that a 5-day suspension is the appropriate penalty to impose for this sustained allegation.

**5. Allegation No. 7**

COPA has found that Officer Flores improperly considered the complainant’s race or color when he decided to prolong his detention of the complainant, violating Rule 2 and Rule 6. Racial profiling is strictly prohibited by Department directives and, when it occurs, undermines the relationship between the Department and the community. Considering Officer Flores’ record of service and the serious nature of this misconduct, COPA finds that a 5-day suspension is the appropriate penalty to impose for this sustained allegation.

**6. Allegation No. 8**

COPA has found that Officer Flores failed to obey Department directives when he did not properly document the traffic stop at issue, violating Rule 6. Accurately recording data from traffic stops allows the Department, as well as outside entities, to monitor and assess the Department’s efforts to eliminate racial profiling. When this data is not recorded, it undermines the Department’s efforts to build community trust. Considering Officer Flores’ record of service and the nature of this misconduct, which may have been inadvertent, COPA finds that a 1-day suspension is the appropriate penalty to impose for this sustained allegation.

**IX. CONCLUSION**

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

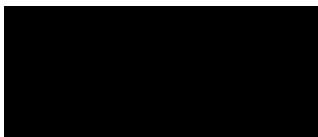
<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Steve Flores	It is alleged by ██████████ that on or about March 15, 2019, at approximately 1:15 pm, at or near 1200 North Lake Shore Drive, that Police Officer Steve Flores #19627 committed misconduct through the following acts or omissions, by:	



	<p>1. Failing to comply with 625 ILCS 5/11-709(a) by moving from a lane of traffic without first ascertaining that such movement could be made with safety, in violation of Rule 1; and</p> <p>2. Detaining [REDACTED] without justification; and</p> <p>3. Stating words to the effect of, "Not with the 'what's up' routine, you're not," in response to [REDACTED] stating that he was addressing Officer Flores, in violation of Rules 2, 8, and 9; and</p> <p>4. Stating words to the effect of, "I'm not your buddy. I'm not your friend. I'm not your homie on the corner. You don't address me as 'what's up?' Do we understand each other?" to [REDACTED] in violation of Rules 2, 8, and 9; and</p> <p>5. Stating words to the effect of, "I've noticed that your demeanor and your attitude has changed significantly since I got some important documents from you. What I'd like to do in return is give you a verbal warning. If that's not sufficient or not agreeable to you, then I could do something else. How would you like to play?" to [REDACTED] and</p> <p>6. Stating words to the effect of, "Please don't address me or any other police officer that stops you for a traffic violation as 'Whassup,' 'cause we're not your homies," in violation of Rules 2, 8, and 9; and</p> <p>7. Using race or color in making the decision to prolong the detention of [REDACTED] in violation of Rules 2 and 6.</p> <p>It is alleged by the Civilian Office of Police Accountability that on or about March 15, 2019, at approximately 1:15 pm, at or near 1200 North Lake Shore Drive, that Police Officer Steve Flores #19627 committed</p>	<p>Sustained / Reprimand</p> <p>Not Sustained</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p> <p>Not Sustained</p> <p>Sustained / 5-day Suspension</p> <p>Sustained / 5-day Suspension</p>
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misconduct through the following acts or omissions, by:	
8. Failing to complete a Traffic Stop Statistical Study - Driver Information Card after initiating a traffic stop that did not result in the issuance of a Personal Service Citation for an Illinois Vehicle Code, Traffic Code of Chicago, or compliance violation, in violation of Special Order S04-14-09 and Rule 6.	Sustained / 1-day Suspension

Approved:



March 30, 2020

\_\_\_\_\_  
Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Greg Masters
<b>Supervising Investigator:</b>	James Murphy-Aguilu
<b>Deputy Chief Administrator:</b>	Andrea Kersten