

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 23, 2019
Time of Incident:	4:07 pm
Location of Incident:	232 E. 133 <sup>rd</sup> Street
Date of COPA Notification:	July 30, 2019
Time of COPA Notification:	6:02 pm

On July 23, 2019, Officer Reginald Pippen and Officer Tracey Drew pulled over a car being driven by [REDACTED] for a traffic stop after [REDACTED] overtook the officers' marked squad car on the right of a single lane street. [REDACTED] who was driving a second car that also overtook the officers on the right, stopped his car slightly ahead of where [REDACTED] car was stopped. After both cars were curbed, Officers Pippen and Drew approached [REDACTED] car to initiate a traffic investigation. After speaking with [REDACTED] Officer Pippen walked back to the officers' car.

At the same time, [REDACTED] walked toward [REDACTED] car. Initially, Officer Drew told [REDACTED] to stay with his own car and to not approach. However, after [REDACTED] ignored this request, Officer Drew asked [REDACTED] for his driver's license. [REDACTED] did not comply with Officer Drew's request and leaned into [REDACTED] car. When Officer Drew repeated his request and [REDACTED] did not comply, Officer Drew grabbed his handcuffs and moved to put [REDACTED] in custody. [REDACTED] moved to avoid being placed in custody and Officer Pippen attempted to take-down [REDACTED] from behind. [REDACTED] then struck Officer Drew in the back of the head. Officer Pippen pursued [REDACTED] and directed a racial slur at [REDACTED]

[REDACTED] moved in between Officer Pippen and [REDACTED] and attempted to strike Officer Pippen. Officer Pippen pushed her down. [REDACTED] stood up to again strike Officer Pippen and Officer Pippen struck her in the mouth, resulting in [REDACTED] suffering a chin injury and a missing tooth. Officer Pippen then deployed his Taser on [REDACTED] striking him in the face. When [REDACTED] did not comply with Officer Pippen's direction to put his hands behind his back, Officer Pippen deployed his Taser on [REDACTED] again.

While [REDACTED] was being placed into custody, Officer Pippen directed a gender-based slur at her.

**II. INVOLVED PARTIES**

Involved Officer #1:	Reginald Pippen, star #15512, employee ID # [REDACTED] Date of Appointment: July 31, 2006, Police Officer, Unit of Assignment: 005, DOB: [REDACTED], 1976, male, black
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Involved Officer #2:	Tracey Drew, star #13167, employee ID # [REDACTED] Date of Appointment: December 18, 2006, Police Officer, Unit of Assignment: 005, DOB: [REDACTED], 1968, male, black
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1997, male, black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 2019, female, black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Reginald Phippen	<p>It is alleged that on or about July 23, 2019, at approximately 4:00 pm at or near 232 W. 133<sup>rd</sup> Street, Chicago, Illinois, Officer Reginald Phippen, Star #15512, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Forcefully taking [REDACTED] to the ground without justification, in violation of Rule 8.</li> <li>2. Discharging his Taser probes at or about the head of [REDACTED] without justification, in violation of Rule 6.</li> <li>3. Initiating the ARC switch in his Taser to re-energize the subject approximately once at or about the head of [REDACTED] without justification, in violation of Rule 8.</li> <li>4. Stating words to the effect of “what up nigger?” at or in the direction of [REDACTED] in violation of Rule 2 and Rule 9.</li> <li>5. Striking [REDACTED] on or about the head with his fist without justification, in violation of Rule 8.</li> <li>6. Stating words to the effect of, “Bitch, you throwing punches” at or in the direction of [REDACTED] in violation of Rule 2 and Rule 9.</li> </ol>	<p>Exonerated</p> <p>Sustained / 15 Day Suspension</p> <p>Unfounded</p> <p>Sustained / 5 Day Suspension and Training</p> <p>Exonerated</p> <p>Sustained / 5 Day Suspension and Training</p>

<p>Officer Tracey Drew</p>	<p>It is alleged that on or about July 23, 2019, at approximately 4:00 pm at or near 232 W. 133<sup>rd</sup> Street Chicago, Illinois, Officer Tracey Drew, Star #13167 committed misconduct through the following acts or omissions:</p> <p>1. Being inattentive to duty by failing to properly conduct a stop of [REDACTED] in violation of Rule 10.</p>	<p>Sustained / 10 Day Suspension and Training</p>
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**IV. APPLICABLE RULES AND LAWS**

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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.
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.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
5. Rule 10: Inattention to duty.

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General Orders<sup>1</sup>

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1. General Order G03-02: Use of Force (eff. 10/16/17 – 2/28/20)
2. General Order G03-02-01: Force Options (eff. 10/16/17 – 2/28/20)
3. General Order G03-02-04: Taser Use Incidents (eff. 10/16/17 – 2/28/20)

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Special Orders

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1. U04-02-04: Taser Devices (eff. 1/21/16 – 2/28/20)

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State Laws

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1. 720 ILCS 5/12-1(a) Assault
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<sup>1</sup> All references in this report to Department Directives are to the orders that were in effect at the time of this incident, unless otherwise noted.

## V. INVESTIGATION<sup>2</sup>

### a. Interviews<sup>3</sup>

COPA interviewed accused Officer Reginald Pippen<sup>4</sup> on October 1, 2019, after Officer Pippen reviewed footage from his BWC, Officer Drew's BWC and the In-Car Camera footage from his police car. The following is a summary of his statement.

Officer Pippen was on patrol with his partner, Officer Tracey Drew, at the time of the incident. It was their day off, but they were working overtime. The officers observed [REDACTED] and [REDACTED] pass on their right on a one lane street. The officers therefore curbed [REDACTED] car and [REDACTED] stopped his car further up the street. Officer Pippen approached [REDACTED] car and asked her for her license and insurance. Officer Pippen stated that [REDACTED] was compliant but that she appeared irritated.

Officer Pippen went back to his car to run [REDACTED] information. While he was doing this, his partner had an interaction with [REDACTED] whose attitude was angry and defiant, about 25 feet away. Officer Drew asked [REDACTED] for his driver's license. [REDACTED] did not comply and instead began walking back toward [REDACTED] car while pulling away from Officer Drew. Because [REDACTED] pulled away from Officer Drew, Officer Pippen deemed [REDACTED] to be an active resister. [REDACTED] was also an active resister because [REDACTED] was making movements to avoid Officer Drew's physical control. [REDACTED] had his hands up over his head, not letting Officer Drew cuff him. During this interaction, Officer Pippen believed he heard [REDACTED] state "I'll beat your ass,"<sup>5</sup> to Officer Drew. After Officer Pippen heard [REDACTED] threaten Officer Drew and saw Officer Drew pull out his handcuffs, he knew that Officer Drew was trying to place [REDACTED] in custody and so Officer Pippen attempted an emergency take down of [REDACTED] Officer Pippen stated that the take down was authorized under the Force Options model. The emergency take-down failed, and he and Officer Drew wound up on the ground while [REDACTED] was standing up.

While on the ground, it appeared to Officer Pippen that [REDACTED] motioned toward him. Officer Pippen arose, threw his guard up, and tried to get [REDACTED] into custody. Officer Pippen further stated that Officer Drew looked dazed and was staring at the ground with a half-smile on his face. Officer Pippen stated that he did not know what Officer Drew's look meant, but he knew that at that moment, he was on his own. Later, Officer Pippen learned that Officer Drew hit his head and had a concussion. [REDACTED] told Officer Pippen to take that badge off. Officer Pippen replied that he did not have to take off his badge. Officer Pippen stated that he directed the word "nigger"<sup>6</sup> at [REDACTED] Officer Pippen called [REDACTED] that because it was a word that he used growing up. Officer Pippen stated that the slur was said in the heat of the moment during the fight and it came out before he thought about it.

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<sup>2</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>3</sup> [REDACTED] and [REDACTED] declined to provide COPA with statements.

<sup>4</sup> Atts. 54 (audio) and 57 (transcript).

<sup>5</sup> Att. 57, p. 9 line 18.

<sup>6</sup> Att. 57, p.11 lines 23-24 and p. 12, line 1.

Officer Pippen and ██████ were facing each other when ██████ ran up on Officer Pippen. Prior to ██████ approaching him, Officer Pippen assumed ██████ was still in her car. Officer Pippen stated he was not aware of ██████ until she was right in his face. Officer Pippen initially used a diffused palm strike to push her to the ground. Officer Pippen explained that he pushed ██████ to get her out of the fight. When ██████ got up and tried to hit him again, Officer Pippen used a focused pressure strike to ██████ face. Officer Pippen stated that ██████ never made physical contact with him but that his use of force was authorized under the Force Options model because ██████ was an assailant. Officer Pippen stated that he was trying to end the fight as quickly as possible.

When Officer Pippen struck Ms. ██████ a second time, ██████ said something to the effect of “why did you hit my girl, bro?”<sup>7</sup> After ██████ fell, Officer Pippen stated that he faced ██████ again and ██████ still would not put his hands behind his back. Officer Pippen then employed his Taser against ██████ twice. The first time Officer Pippen deployed his Taser on ██████ was walking toward him with his hands out. Officer Pippen denied aiming at ██████ face. Officer Pippen stated that he was in a fight, his adrenaline was spiking and that he was aiming for ██████ chest. Officer Pippen stated that as he was pointing the Taser, his hand went too high and he caught ██████ in the face.

Officer Pippen did not recall giving any commands to ██████ before he deployed his Taser the first time. After Officer Pippen deployed his Taser on ██████ the first time, he looked over and saw that Officer Drew was cuffing ██████. Officer Pippen stated ██████ reached around him toward Officer Drew and so Officer Pippen grabbed ██████ hand and told ██████ to put his hands behind his back. Officer Pippen stated that ██████ then pushed him, which made ██████ an assailant, so Officer Pippen Tasered him again. Officer Pippen stated that during this second deployment of his Taser, he did not hit the arc switch but in fact hit the trigger because the original prongs were ineffective. The new prongs hit ██████ in the chest but were still ineffective. Officer Pippen stated that after the second time he deployed his Taser on ██████ was still tensing up his arms, but Officer Pippen and Officer Drew were able to get ██████ arms and handcuff him.

Officer Pippen admitted to directing the words “bitch, you were the one punching at me”<sup>8</sup> at ██████. Officer Pippen called ██████ a bitch in that moment because he was upset and shocked, and he did not understand why ██████ would think it was okay to try and hit him twice.

**COPA interviewed accused Officer Tracey Drew**<sup>9</sup> on October 8, 2019, after Officer Drew reviewed footage from his BWC, Officer Pippen’s BWC and the In-Car Camera footage from his police car. Officer Drew stated that he was on patrol with his partner, Officer Reginald Pippen at the time of the incident and was working overtime. Officer Drew and Officer Pippen observed two cars that passed their car on the right. Officer Drew stated that ██████ car pulled over and then another car pulled over approximately three or four car lengths ahead of

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<sup>7</sup> Att. 57, p.16, lines 5-6.

<sup>8</sup> Att. 57, p.19 lines 1-2.

<sup>9</sup> Atts. 53 (audio) and 58 (transcript).

the car of [REDACTED] While Officer Pippen spoke with [REDACTED] Officer Drew served as the guard officer. When [REDACTED] was stopped, [REDACTED] began walking toward the stop and Officer Drew told him to wait. Officer Drew stated that when he gave the initial command, [REDACTED] waited and leaned against a car next to [REDACTED]

As Officer Pippen continued to speak with [REDACTED] Officer Drew began speaking with [REDACTED] Officer Drew said that because [REDACTED] committed a traffic violation too, he wanted to speak with him and to get his driver's license. Officer Drew did not initially tell [REDACTED] that he was going to issue a citation to him because issuing a citation is at the officer's discretion and Officer Drew had not decided if he was going to issue a citation to [REDACTED] Officer Drew stated that he just wanted [REDACTED] information because [REDACTED] committed a violation. Officer Drew described [REDACTED] demeanor as uncooperative, angry and disrespectful.

When Officer Drew asked [REDACTED] for his license the first time, [REDACTED] walked past him and told Officer Drew that he (Officer Drew) did not pull him over. [REDACTED] then went over to [REDACTED] car and began talking to [REDACTED] When [REDACTED] walked over to [REDACTED] car, Officer Drew stated that he could not see what [REDACTED] was doing in her car and that his focus was on [REDACTED] Officer Drew believed that while [REDACTED] was talking to [REDACTED] hands were on her windowsill. Officer Drew was not focused on [REDACTED] hands, he was focused on [REDACTED] face. Officer Drew could not see [REDACTED] hands while [REDACTED] was at her window. Officer Drew stated that he did not feel that it was safe to allow [REDACTED] to approach [REDACTED] car and that it was also not safe to allow [REDACTED] to lean into the car.

While [REDACTED] was at [REDACTED] car, Officer Drew tapped [REDACTED] on the shoulder and again asked [REDACTED] for his driver's license. [REDACTED] became aggressive toward Officer Drew. [REDACTED] directed words to the effect of "if you didn't have that badge on, I'd beat your ass"<sup>10</sup> to Officer Drew. Officer Drew stated that he then went to handcuff [REDACTED] In response, [REDACTED] raised his hands and began backing up to avoid being handcuffed. Officer Drew was aware of Officer Pippen's presence behind [REDACTED] and that Officer Pippen might attempt an emergency take down.

During the scuffle to take down [REDACTED] punched Officer Drew in the back of the head resulting in Officer Drew suffering a concussion. Officer Drew said that after being hit by [REDACTED] he remembered getting up, but otherwise his memory is foggy.

Officer Drew stated that he believed he properly conducted a stop of [REDACTED] because [REDACTED] committed a traffic violation. Officer Drew further stated that [REDACTED] stopped his car because [REDACTED] saw the red lights on the police car and heard the siren. It was Officer Drew's intention to pull over both cars, but it was atypical to pull over two cars at once in a stop. Officer Drew explained that to pull two cars over, an officer would put lights and sirens on and hope that both cars pull over. He stated that if both cars pulled over, an officer would address both violations. Officer Drew further stated that an officer is dependent on any car to comply and stop. When a car pulled over and stayed, Officer Drew believed that the person knew they may have committed a violation.

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<sup>10</sup> Att. 58, p.15, lines 6-7.

Officer Drew stated that if Mr. [REDACTED] had not gotten out of his car, he would have approached Mr. [REDACTED] car after first dealing with [REDACTED] Officer Drew stated that in his thirteen years on the force, he has pulled two cars over at one time maybe once or twice and that never had a motorist gotten out of their car like [REDACTED]

### b. Digital Evidence

The **Body Worn Camera (“BWC”)** footage of Officer Pippen and Officer Drew captures most of the incident.

**Officer Pippen’s BWC**<sup>11</sup> shows Officer Pippen taking Ms. [REDACTED] information while officer Drew stands on the passenger side of her car. [REDACTED] is recorded walking toward [REDACTED] car and stopping when Officer Drew tells him to wait. [REDACTED] briefly gets back in his car and then gets out. Officer Drew can be seen approaching [REDACTED] walks past Officer Drew and leans into [REDACTED] car. Officer Drew approaches [REDACTED] and [REDACTED] moves away from Officer Drew. Officer Pippen approaches [REDACTED] from behind and attempts to take him down. When the take down fails, Officer Pippen stands up, approaches [REDACTED] and states “Ok. Come on, come on. What’s up, nigger?”<sup>12</sup> to him. [REDACTED] can be heard telling Officer Pippen to take his badge off. [REDACTED] then moves between Officers Pippen and [REDACTED] can be seen falling to the ground twice. Officer Pippen radios in an emergency. [REDACTED] then approaches with his hands down, stands still and gestures towards [REDACTED] asks why Officer Pippen hit [REDACTED] since she is a woman. Officer Pippen replies “I don’t give a fuck.”<sup>13</sup> Immediately after, Officer Pippen then points and deploys his Taser, striking [REDACTED] face.<sup>14</sup> [REDACTED] walks away. Officer Pippen directs [REDACTED] to get on the ground, and when [REDACTED] does not comply, Officer Pippen deploys his Taser on [REDACTED] again. While Pippen is handcuffing [REDACTED] Pippen can be heard directing the statement, “Bitch, you throwing punches at me”<sup>15</sup> toward [REDACTED]

**Officer Drew’s BWC**<sup>16</sup> records Officer Drew telling [REDACTED] to stay where he is. When [REDACTED] disregards this instruction and walks toward [REDACTED] car, Officer Drew asks [REDACTED] for his license. [REDACTED] responds by stating that Officer Drew did not pull him over. [REDACTED] then walks past Officer Drew and leans into [REDACTED] car with his hands partially in the car. Officer Drew then taps [REDACTED] on the shoulder and asks for [REDACTED] license again. [REDACTED] can be seen walking away and can be heard saying to Officer Drew, “If you didn’t have that badge, I’d beat your ass.”<sup>17</sup> Officer Pippen can be seen approaching [REDACTED] from the back and attempting the take down. Immediately after Officer Pippen attempts the take down, Officer Drew appears to fall and then grabs [REDACTED] hat.

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<sup>11</sup> Att. 25. All references to specific times within a BWC video correspond to the time stamped on the upper righthand corner of the video.

<sup>12</sup> Att. 25 at T20:54:30Z.

<sup>13</sup> Att. 25 at T20:54:44Z.

<sup>14</sup> Att. 25 at T20:54:45Z.

<sup>15</sup> Att. 25 at T20:55:13Z.

<sup>16</sup> Att. 26. All references to specific times within a BWC video correspond to the time stamped on the upper righthand corner of the video.

<sup>17</sup> Att. 26 at T20:54:17-19Z.

**In-Car Camera (“ICC”)**<sup>18</sup> footage shows [REDACTED] and [REDACTED] cars overtaking the accused officers patrol car on the right side of a one lane road. [REDACTED] car stops for the officers and [REDACTED] car stops a few car lengths further up the street. The ICC also captures the physical interactions between the accused officers and [REDACTED] and [REDACTED]. In particular, the ICC shows [REDACTED] appear to strike Officer Drew in the back of the head.<sup>19</sup> The ICC also shows [REDACTED] exit her car and runs towards Officer Pippen and [REDACTED] after the attempted take down.<sup>20</sup> She steps in between the two men, facing Officer Pippen with her hands moving towards his head and face area, and engages in a physical interaction with him. Officer Pippen is seen striking [REDACTED].

**Photos**<sup>21</sup> taken of [REDACTED] on July 23, 2019, at Roseland Community Hospital show an injury to [REDACTED] chin and a missing lower-front tooth. Photos taken of [REDACTED] on July 23, 2019, at Roseland Community show injuries around his upper lip and nose.

### c. Physical Evidence

**Medical records** from Roseland Community Hospital for [REDACTED] show that she was treated for a chin injury and loss of a tooth. They also show that [REDACTED] received instruction for the treatment of a head injury.<sup>22</sup> COPA also requested medical records for [REDACTED] but Roseland Hospital responded that they had no record of treating [REDACTED].<sup>23</sup>

### d. Documentary Evidence

COPA reviewed documents generated by the Chicago Police Department (CPD) and the Circuit Court of Cook County.

**An Original Case Incident Report**<sup>24</sup> dated July 23, 2019, relating to the incident, records [REDACTED] and [REDACTED] as suspects and Officer Drew and Officer Pippen as victims.

A narrative in the report states that Officer Pippen and Officer Drew were on patrol when they observed [REDACTED] and [REDACTED] overtake them on the right with only one lane. The officers curbed [REDACTED] to conduct a traffic stop. As Officer Pippen walked back to the squad car, Officer Drew approached [REDACTED] and requested [REDACTED] driver’s license. [REDACTED] refused to produce his driver’s license because he had not been pulled over. Officer Drew informed [REDACTED] that he was being audio and video recorded and [REDACTED] still refused to produce his driver’s license. [REDACTED] then faced Officer Drew and stated, “If you didn’t have that badge on, I would beat your ass.”<sup>25</sup> Officer [REDACTED] then attempted to place Drew in custody and when he resisted, Officer Pippen attempted an emergency take down of [REDACTED] and both

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<sup>18</sup> Att. 37.

<sup>19</sup> Att. 37, at 3:12.

<sup>20</sup> Att. 37, at 3:14.

<sup>21</sup> Att. 41.

<sup>22</sup> Att. 22.

<sup>23</sup> Att. 40.

<sup>24</sup> Att. 3.

<sup>25</sup> Att. 3 (Narrative section).



officers and ██████ fell to the ground. ██████ then took a boxer's stance towards Officer Pippen. ██████ rushed toward Officer Pippen to aid ██████ Officer Pippen pushed ██████ to the ground. ██████ got up and rushed toward Officer Pippen in a boxer's stance and Officer Pippen struck her once in the mouth. ██████ then called Officer Pippen a "bitch"<sup>26</sup> and squared up in a boxer's stance again. In response, Officer Pippen deployed his Taser against ██████

The report lists no injury information for Officer Drew or Officer Pippen and states that ██████ and ██████ had minor injuries and were taken to Roseland Community Hospital where they were treated and released. The report also indicates that First Aid was provided to ██████

An **Arrest Report for ██████** dated July 23, 2019, charged her with Simple Assault. The narrative provided in ██████ arrest report reflects the narrative provided in the Original Case Incident Report but also includes additional information. The arrest report narrative adds that ██████ swung at Officer Pippen several times with a closed fist in an effort to strike him. It specifies that when Officer Pippen struck ██████ it resulted in a minor laceration to her lip and caused her to lose a tooth.

An **Arrest Report for ██████** dated July 23, 2019, charged him with two counts of Simple Assault, one for assault on Officer Pippen and one for assault on Officer Drew. ██████ was also charged with Resisting and Obstructing an Officer with Officer Drew listed as the victim. The narrative provided in ██████ arrest report reflects the narrative provided in the Original Case Incident Report but includes additional information. Specifically, it states that Officer Pippen strained his finger while attempting to take down ██████ The arrest report further states that Officer Pippen deployed his Taser on ██████ because ██████ squared into a boxer stance thus putting Officer Pippen in fear of a battery and that the Taser had no effect on ██████ The arrest report then states that Officer Pippen deployed his taser again on ██████ when ██████ continued to resist.

Officer Reginald Pippen submitted two **Tactical Response Reports (TRR)** relating to the incident; one regarding ██████ and the other regarding ██████<sup>30</sup>

The report relating to ██████ states that in response to ██████ pulling away and posing an immediate threat of battery, Officer Pippen performed a take down and deployed his Taser against ██████ The narrative included in the TRR reflects the content of the narrative included in the Original Case Incident Report. The TRR also records that Officer Pippen deployed two Taser charges, deployed two charger cycles and deployed one arc cycle. The reviewing Member found Officer's Pippen's actions complied with Department Policies and Directives.

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<sup>26</sup> Att. 3 (Narrative section).

<sup>27</sup> Att. 2.

<sup>28</sup> Att. 7.

<sup>29</sup> Att. 10.

<sup>30</sup> Att. 9.

The report relating to ██████████ states that in response to ██████████ attempting to strike him, placing him fear of immediate battery, Officer Pippen first pushed ██████████ to the ground and then struck her in the face when she continued to try to strike him. The narrative included in the TRR reflects the content of the narrative included in the Original Case Incident Report. The reviewing Member found Officer's Pippen's actions complied with Department Policies and Directives.

Officer Drew submitted a TRR relating to his contact with ██████████.<sup>31</sup> It states that Officer Drew attempted to place ██████████ in custody and in response ██████████ stiffened and turned away from him. Being in immediate fear of battery, Officer Drew responded by using emergency handcuffing on ██████████. The TRR also indicates that Drew suffered an injury as a result of the incident but does not specify the nature of the injury. With respect to the Subject's Actions section of the TRR, no physical attack by ██████████ against Drew is indicated. The narrative included in the TRR reflects the content of the narrative included in the Original Case Incident Report. The reviewing Member found Officer Drew's actions complied with Department Policies and Directives.

**A Taser Report**<sup>32</sup> recording the use of Officer Pippen's Taser during the incident was obtained by COPA. The report indicates that Officer Pippen engaged his trigger to deploy Cartridge 1 at 3:54:55 pm for a duration of five seconds. Seventeen seconds later, Officer Pippen engaged his trigger to deploy Cartridge 2 for a five second cycle and then immediately engaged his trigger a third time which again deployed Cartridge 2 for an additional five second cycle. The report reflects the Arc function was used at 3:24:41, when the Taser was first armed, but does not indicate that Officer Pippen used the Arc function during this interaction.

**Cook County Circuit Court** records show that in connection to the incident, on August 12, 2019, ██████████ pleaded guilty in the Circuit Court of Cook County, Case No. 19 MC1-197649, to one count of Simple Assault and was sentenced to six months of Court Supervision. On February 11, 2020, the Court ordered the supervision terminated, and the matter was discharged.<sup>33</sup> Cook County Circuit Court records also show that in connection to the incident, on August 12, 2019, in the Circuit Court of Cook County, Case No. 19 MC1-209449, ██████████ was ordered into a Deferred Prosecution Program by the court. On November 12, 2019, the case against her was then dismissed by an order of *nolle prosequi*.<sup>34</sup>

## 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;

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<sup>31</sup> Att. 11.

<sup>32</sup> Att. 16.

<sup>33</sup> Att. 66.

<sup>34</sup> Att. 67.

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 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

### a. Officer Pippen was justified in attempting to perform an emergency takedown of [REDACTED]

The Department's Force Options directive allows officers to perform a takedown of a person who is an active resister.<sup>35</sup> A person is an active resister when they attempt "to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest."<sup>36</sup>

Verifiable video evidence shows that Officer Pippen attempted a take-down of [REDACTED]. It also shows that immediately prior to Pippen's attempt to take down [REDACTED] was moving away from Officer Drew while placing his hands in the air in order to evade Officer Drew's efforts to place him in custody. The statements of Officer Drew and Officer Pippen corroborate the video evidence. [REDACTED] actions, therefore, made him an active resister at the time and Officer Pippen was authorized to perform a take down at that time. Based on the clear and convincing evidence, COPA finds that Officer Pippen is **Exonerated**<sup>37</sup> for this allegation.

### b. Officer Pippen improperly discharged his Taser probes at or about the head of [REDACTED]

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<sup>35</sup> G03-02-01(IV)(B)(2)(c)(3).

<sup>36</sup> G03-02-01(IV)(B)(2).

<sup>37</sup> COPA recognizes that the take-down was not successful but is reviewing the action as a use of force, not whether it was successful.

Taser devices may be used by officers to gain control or restrain and assailant or an active resister.<sup>38</sup> And, as with all use of force by Members of the Chicago Police Department (“Members”), the use of force must be objectively reasonable, necessary and proportional to the threat, actions and level of resistance offered by the subject.<sup>39</sup> When possible, prior to deploying a Taser, officers are required to inform all nearby Members of the imminent deployment of a Taser; give verbal commands to the subject prior to, during and after deployment; and during frontal shots, aim for a subject’s lower center mass.<sup>40</sup>

Here, ██████ had previously acted as both an assailant and an active resister. And, Officer Pippen deployed his Taser within 18 feet of ██████. However, under the circumstances, Officer Pippen could have given both verbal commands and warnings before first deploying his Taser on ██████ and failed to do so. Officer Pippen likewise could have directed his Taser below ██████ chest area. Officer Pippen’s BWC shows that immediately prior to Officer Pippen’s deployment of his taser, ██████ was standing still with his arms pointing down toward ██████ and he was asking the officers why they hit her. At that moment, Officer Pippen was not being assailed and had adequate time to issue a verbal command to ██████ prior to deploying his Taser. He did not do so. Similarly, Pippen also had time to announce the imminent deployment of his Taser to his partner and did not.

Most troubling, the video evidence indicates that based on Officer Pippen’s close proximity to ██████ the time Officer Pippen had to aim, and the height and manner in which Officer Pippen held his Taser, it is more likely than not that Officer Pippen deliberately aimed for Mr. ██████ face in violation of G03-02-04. Based on this verifiable evidence, Officer Pippen’s claim that he was aiming for ██████ chest instead of his face is not credible. Even if Pippen’s claim that he was aiming for ██████ chest was credible, it would be unavailing because aiming a Taser at a subject’s chest is also impermissible when it can be avoided.<sup>41</sup> COPA finds this allegation against Officer Pippen is **Sustained**.

**c. Officer Pippen did not improperly initiate his arc switch to re-energize ██████ at or about the head.**

A review of the Taser Report for the Taser used by Officer Pippen in this incident indicates that the arc switch was initiated once 30 minutes before this incident and that the trigger switch was initiated three times during this incident. Officer Pippen stated that he deployed his taser against ██████ twice and that the second time he deployed his Taser on ██████ he did not initiate the arc switch but initiated the trigger because the original prongs were ineffective. The Taser Report corroborates Officer ██████ assertion that he did not re-energize his arc switch. COPA finds that the evidence is clear and convincing that this conduct did not occur, and therefore finds that this allegation against Officer Pippen is **Unfounded**.

**d. Officer Pippen improperly directed race-biased verbally abusive language at or in the direction of ██████**

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<sup>38</sup> G03-02-01(IV)(B)(2)(c)(5), (C)(1)(a) and G03-02-04(II)(C).

<sup>39</sup> G03-02-01(II)(C) and G03-02-04(II)(C).

<sup>40</sup> G03-02-04(III)(B)(1) and (2).

<sup>41</sup> G03-02-04(III)(B)(2).

Officer Pippen admitted to directing the racial slur, “nigger,” at [REDACTED] who is African American. The slur is generally understood to disparage African Americans. Directing race-based, verbally abusive language toward a citizen violates Rule 2 of the Department’s Rules and Regulations which prohibits “any action or conduct that impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.”<sup>42</sup> Directing such language at citizens also violates Rule 9 of the Department’s Rules and Regulations which prohibits “engaging in any unjustified verbal or physical altercation with any person”<sup>43</sup>

By directing a racial slur at [REDACTED] Officer Pippen’s behavior impedes the Department’s goal of “promoting the respect and cooperation of all citizens for the law and for those sworn to enforce it.”<sup>44</sup> Officer Pippen’s behavior also discredits the Department as it undermines the belief of citizens that they will be treated fairly and with respect by the Department no matter their race.

Officer Pippen, who is African American, claims that he used the slur because it is a word that he used when he was growing up and that it was said in the heat of the moment. These claims are irrelevant. The Department Standard of Conduct directs officers to maintain “calm in the face of danger, scorn or ridicule” and to “develop self-restraint.”<sup>45</sup> Directing racial slurs at subjects is neither acceptable or warranted regardless of the circumstances or an officer’s background. COPA makes a finding of **Sustained** for this allegation against Officer Pippen.

**e. Officer Pippen was justified in striking [REDACTED] on or about the head with his fist.**

Rule 8 of the Chicago Police Department Rules of Conduct prohibits an officer from disrespecting or maltreating any person.<sup>46</sup> However, officers may use force on a person when the use of force is objectively reasonable, necessary under the circumstances, and proportional to the threat presented.<sup>47</sup>

Verifiable video evidence shows that immediately before Officer Pippen struck [REDACTED] [REDACTED] acted as an assailant when she repeatedly attempted to strike Officer Pippen. Officer Pippen first attempted to stop [REDACTED] with less force by pushing her down. He then struck [REDACTED] when she continued to assail him. Officer Pippen was authorized under the Force Options Model to use a punch, a focused pressure strike, to protect himself from [REDACTED] an assailant. The verifiable evidence is clear and convincing. COPA finds that Officer Pippen is **Exonerated** for this allegation.

**f. Officer Pippen improperly directed gender-biased verbally abusive language at or in the direction of [REDACTED]**

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<sup>42</sup> Chicago Police Department, Rules of Conduct, Rule 2.

<sup>43</sup> Chicago Police Department, Rules of Conduct, Rule 9.

<sup>44</sup> Chicago Police Department, Regulations Establishing the Goals of the Department.

<sup>45</sup> Rules and Regulations of the Chicago Police Department, Standards of Conduct, (I)(B)(3)(b).

<sup>46</sup> Chicago Police Department, Rules of Conduct, Rule 8.

<sup>47</sup> G03-02-01(II)(C).

Officer Pippen violated Rules 2 and 9 of the Department's Rules and Regulations when he directed gender-based verbally abusive language at [REDACTED] Officer Pippen admitted to directing the gender-based slur, "bitch," at [REDACTED] during the incident.<sup>48</sup> Officer Pippen stated that he did so because he was "upset and "shocked."<sup>49</sup> However, like Officer Pippen's use of a racial slur, Officer Pippen's use of a gender-based slur was disrespectful and unacceptable under any circumstances. It was also detrimental to the goals of the Department. COPA makes a finding of **Sustained** for this allegation against Officer Pippen.

**g. Officer Drew failed to properly conduct a stop of [REDACTED]**

Officer Drew violated Rule 10 of the Department's Rules and Regulations when he failed to properly conduct a stop of [REDACTED] Department policy provides that Members should seek to gain the voluntary compliance of subjects but only when consistent with personal safety.<sup>50</sup> To mitigate the use of force, when safe to do so, Members are directed to use tactical positioning to isolate and contain a subject<sup>51</sup> as well as create a zone of safety where the subject does not pose a continuing threat to Members or the public and can be continually monitored.<sup>52</sup>

The record indicates that it is more likely than not that Officer Drew did not conduct the stop of [REDACTED] in a manner consistent with personal and public safety. Verifiable evidence shows that Officer Drew sought [REDACTED] compliance through verbal commands several times but was repeatedly ignored by [REDACTED] Specifically, Officer Drew initially directed [REDACTED] to stay by his vehicle and then later directed [REDACTED] to provide his driver's license. [REDACTED] instead, walked past Officer Drew and leaned into [REDACTED] driver side window to speak with her and Officer Drew allowed [REDACTED] to do so.

When [REDACTED] walked toward [REDACTED] car and passed Officer Drew and then leaned into the car, [REDACTED] lack of voluntary compliance was no longer consistent with Officer Drew's personal safety. In addition, allowing [REDACTED] to lean into the car created a potential threat to Officer Drew and to the public that voided any zone of safety Officer Drew attempted to establish when he requested that [REDACTED] stay in place. Officer Drew stated he could not see [REDACTED] hands in the car and that although he believed [REDACTED] hands were on the window of the car, he was not focusing on [REDACTED] hands. In fact, Officer Drew's BWC footage shows that [REDACTED] had at least one hand briefly inside of [REDACTED] car during his interaction with [REDACTED] Officer Drew admitted in his statement that he did not feel that it was safe to allow [REDACTED] to approach [REDACTED] car or to allow [REDACTED] to lean into the car. By his actions, Drew was inattentive to his duty to conduct the stop of [REDACTED] as safely as possible. COPA makes a finding of **Sustained** for this allegation against Officer Drew.

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<sup>48</sup> Att. 57, p.19 lines 1-2.

<sup>49</sup> Att. 57, p.22 line 19.

<sup>50</sup> G03-02.

<sup>51</sup> G03-02-01(III)(B)(1).

<sup>52</sup> G03-02-01(III)(B)(2).

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Reginald Pippen**

**i. Complimentary and Disciplinary History**

Officer Pippen’s complimentary history consists of a Crime Reduction Award (2009), 20 Honorable Mentions, a NATO Summit Service Award and a Presidential Election Deployment Award (2008). Officer Pippen’s only disciplinary history is a reprimand for a tardiness SPAR in 2019.

**ii. Recommended Penalty, by Allegation**

1. **Allegation No. 2** – COPA recommends a 15-day suspension
2. **Allegation No. 4** – COPA recommends a 5-day suspension and training for both de-escalation and procedural justice.
3. **Allegation No. 6** – COPA recommends a 5-day suspension and training for both de-escalation and procedural justice.

**b. Officer Tracey Drew**

**i. Complimentary and Disciplinary History**

Officer Drew’s complimentary history consists of a Crime Reduction Award (2009), an Attendance Recognition Award, two Complimentary Letters, a Department Commendation, an Emblem of Recognition (Physical Fitness), 12 Honorable Mentions, a NATO Summit Service Award and a Presidential Election Deployment Award (2008). Officer Drew’s only disciplinary history is a reprimand for an Inattention to Duty SPAR in 2019 (completed in 2020).

**ii. Recommended Penalty, by Allegation**

1. **Allegation No. 1** – COPA recommends a 10-day suspension and use of force training.

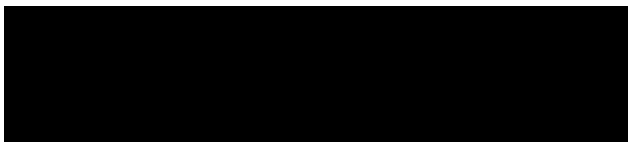
**IX. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Reginald E. Pippen	It is alleged that on or about July 23, 2019, at approximately 4:00 pm at or near 232 W. 133 <sup>rd</sup> Street Chicago, Illinois, Officer Reginald E. Pippen, Star #15512 committed misconduct through the following acts or omissions in violation of Department policy:	

	<p>1. Forcefully taking ██████████ to the ground without justification in violation of Rule 8.</p> <p>2. Discharging his Taser probes at or about the head of ██████████ without justification, in violation of Rule 6</p> <p>3. Initiating the ARC switch in his Taser to re-energize the subject approximately once at or about the head of ██████████ in violation of Rule 8.</p> <p>4. Stating words to the effect of “what up nigger?” at or in the direction of ██████████ in violation of Rule 2 and Rule 9.</p> <p>5. Striking ██████████ on or about the head with his fist without justification in violation of Rule 8.</p> <p>6. Stating words to the effect of, “Bitch, you throwing punches” at or in the direction of ██████████ ██████████ in violation of Rule 2 and Rule 9.</p>	<p>Exonerated</p> <p>Sustained/ 15 Day Suspension</p> <p>Unfounded</p> <p>Sustained/ 5 Day Suspension and Training</p> <p>Exonerated</p> <p>Sustained/ 5 Day Suspension and Training</p>
<p>Officer Tracey Drew</p>	<p>It is alleged that on or about July 23, 2019, at approximately 4:00 pm at or near 232 W. 133<sup>rd</sup> Street Chicago, Illinois, Officer Tracey D. Drew, Star #13167 committed misconduct through the following acts or omissions in violation of Department policy:</p> <p>1. Being inattentive to duty by failing to properly conduct a stop of ██████████ in violation of Rule 10.</p>	<p>Sustained/ 10 Day Suspension and Training</p>

Approved:



Angela Hearts-Glass  
Deputy Chief Administrator – Chief Investigator

4-28-2020

Date



**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	5
<b>Investigator:</b>	Vanessa D. McClinton-Jackson
<b>Supervising Investigator:</b>	Loren A. Seidner
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass