

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 12, 2019
Time of Incident:	6:30 PM
Location of Incident:	9233 S. Harper Avenue
Date of COPA Notification:	October 23, 2019
Time of COPA Notification:	1:07 PM

On October 12, 2019, at approximately 6:30 PM, Officer Zeiger and Officer Torres, working in the 4th District as Beat 461D, stopped complainant, [REDACTED] (“Mr. [REDACTED] for a minor traffic violation in the vicinity of 9233 S. Harper. Mr. [REDACTED] alleged that he was falsely stopped during this traffic stop and his person was searched without justification. Mr. [REDACTED] also alleges that his request to see a supervisor and file a complaint was ignored.

II. INVOLVED PARTIES

Involved Officer #1:	Zieger, Matthew, star # 18559, employee ID# [REDACTED], Date of Appointment: October 31, 2016, Police Officer, Unit of Assignment: 004, DOB: [REDACTED], 1991, gender: Male, Race: White
Involved Officer #2:	Torres, Albert, star # 13067, employee ID# [REDACTED], Date of Appointment: August 31, 2012, Police Officer, Unit of Assignment: 004, DOB: [REDACTED], 1978, gender: Male, Race: White/Hispanic
Involved Individual #1:	[REDACTED], 1992, gender: Male, Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Torres, Albert	1. Unlawfully stopped the Complainant solely based on race in violation of Rule(s) 2,3, and 6.	Exonerated
	2. Unlawfully searched the Complainant person in violation of Rule(s) 2, 3, and 6.	Exonerated

	3. Refused to request Supervisor at the request of Complainant in violation of Rule(s) 2 and 5.	Unfounded
Officer Zieger, Matthew	1. Unlawfully stopped the Complainant solely based on race in violation of Rule(s) 2,3, and 6.	Exonerated
	2. Unlawfully searched the Complainant in violation of Rule(s) 2, 3, and 6.	Exonerated
	3. Refused to request Supervisor at the request of Complainant in violation of Rule(s) 2 and 5.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

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 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
3. Rule 5: Failure to perform any duty.

General Orders

1. G01-01 – CPD Vision Mission Statement, and Core Values
2. G02-01 – Human Rights
3. G02-04 – Prohibition Regarding Racial Profiling and Other Bias Based Policing

Federal Laws

1. Fourth Amendment, United States Constitution

State Laws

1. 625 ILCS 5/11-804¹

¹ . Illinois Vehicle Code requires an individual to use a turn signal “to indicate an intention to turn, change lanes or start from a parallel park position.”

V. INVESTIGATION²

a. Interviews

In an interview with COPA³ ██████████ related on October 12, 2019, at approximately 6:30 PM, he was stopped by members of the Chicago Police Department for an alleged traffic stop violation in the vicinity of 9233 S. Harper. Mr. ██████████ alleged that he was illegally stopped, and his person was searched without justification. Mr. ██████████ also alleges that his request to see a supervisor and file a complaint was ignored.

In an interview with COPA⁴ on January 29, 2020, Officer Albert Torres related that on October 12, 2019, he and his partner, Officer Zeiger were on-duty working as tactical officers in the 004th district as beat 461D. While on routine patrol, Officer Zeiger observed a vehicle commit a minor traffic violation. Officer Torres related that he personally heard loud sounds blasting from the same vehicle, from approximately 60-70 away, prior to the stop. Officers performed a traffic stop, the male occupant immediately exited. Officer Torres stated that “I immediately noticed that the male was irate; got out his vehicle and slammed the door, he was using a very loud and aggressive tone, walked up to Officer Zeiger and got very close in his face, he was verbally abusive. Actions that in my experience are very irregular for a simple traffic infraction.”⁵ Officers attempted to explain the purpose of the stop, the male continued to be verbally abusive and aggressive. “I felt the individual needed to be detained and controlled at that point for my safety.”⁶ The individual was detained, placed in handcuffs by Officer Torres. Officer Torres then continued trying to explain the basis of the stop, individual requested to see a supervisor. Officer Torres did request for a supervisor to respond.

While waiting, the individual notified Officer Torres that his wallet was in his front pocket. Officer Torres removed the wallet and obtained the driver license of the individual, now known as ██████████. Officers performed a LEADS, and CLEAR inquiry to ensure that Mr. ██████████ driving privileges were valid; they were, and ensure he was not wanted for anything at the time.

Sgt. Rake arrived on scene. Mr. ██████████ explained that he was displeased with the stop and he wanted to make a complaint about being issued traffic tickets. As Mr. ██████████ was speaking with Sgt. Rake, Officer Zieger was writing citations simultaneously. Sgt. Rake advised Mr. ██████████ that he was not there to observe the initial traffic violations. Sgt. Rake further explained the process of receiving tickets and how he could go about contesting them at his court hearing.

Once Officer Zeiger completed the citation, he issued Mr. ██████████ a traffic citation, as well as an Investigatory Stop Receipt “ISR” to Mr. ██████████. Officer Torres removed the handcuffs, Mr. ██████████ was free to leave.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 09, Audio Interview of ██████████

⁴ Att. 22, Audio Interview of Officer A. Torres

⁵ Att. 22, Id at 06:54

⁶ Att. 22, Id at 07:35

In an interview with COPA⁷ on January 29, 2020, Officer Matthew Zeiger related that on October 12, 2019, he and his partner, Officer Torres were on-duty working as tactical officers in the 004th District as Beat 461D. While on routine patrol, Officer Zeiger heard the vehicle being driven by ██████████ blaring music blaring from approximately 300 ft. as Mr. ██████████ traveled Northbound on Harper Avenue. Officer Zeiger then through his driver side rear-view mirror observed this vehicle commit a minor traffic violation. Officer Zeiger then activated his emergency equipment, to stop the vehicle. Officer Zeiger related that “as soon as I approached the vehicle, the subject hopped out aggressively, he got in my personal space with an estimation of six inches from my face.”⁸

“I ordered him to get back in the vehicle, he disobeyed lawful orders to get back in the vehicle. It seems like the situation was escalating. At that moment, for officer safety me and my partner thought it would be feasible to detain him by placing him in hand cuffs. Simultaneously we noticed a crowd of people, either friends or relatives of the individual gathering behind us, we called for additional units to help de-escalate the situation and make it safe.”⁹

“Mr. ██████████ was yelling derogatory comments towards me saying he was going to take my job, other swear words which I don’t recall each one, he also requested to see a supervisor. A supervisor was requested. Sgt. Rake responded; it took him a few minutes as he was coming from the 004th District. Mr. ██████████ was issued a ticket, and an ISR after speaking with Sgt. Rake. Mr. ██████████ de-escalated even more, Officer Torres removed the handcuffs, and Mr. ██████████ was free to leave.”¹⁰

b. Digital Evidence

The Body Worn Camera (BWC) footage of Accused Officer Zeiger’s camera¹¹

The BWC video shows Officer Zeiger as he exits his patrol vehicle, approaches Mr. ██████████ who is outside his vehicle on foot, near the rear of a silver Audi SUV. Officer Zeiger is observed pointing towards the silver Audi that was allegedly being driven by ██████████. As Officer Zeiger moves closer towards ██████████ he is seen pointing at the Officer BWC, (due to buffering mode no immediate audio is captured). When the audio activates¹², Mr. ██████████ says “I just turned, I don’t have sounds in my car”¹³. Officer Zeiger responds “I’ll impound your car, turn around put your hands right up here”¹⁴. ██████████ continues to yell “don’t put your hands on me, don’t search me, I don’t give you permission to search me, don’t touch me, I’m going to get me a lawyer and you’re going to lose your job. I got CTA and I got a lawyer”¹⁵. Officer Zeiger then instructs ██████████ to put his hands behind his back, proceeds to place handcuffs on him; ██████████ request to see a supervisor.

⁷ Att. 23, Audio Interview of Officer M. Zeiger

⁸ Att. 23, Id at 0:07:47

⁹ Att. 23, Id at 0:08:04

¹⁰ Att. 23, Id at 0:09:03

¹¹ Att. 10 - 12

¹² Att. 10, Id at 6:26:38

¹³ Att. 10, Id at 6:26:39

¹⁴ Att. 10, Id at 6:26:41

¹⁵ Att. 10, ID at 6:26:50

After [REDACTED] is placed in handcuffs, several unknown, males on the opposite side of the street begin to verbally engage, “we about to call a lawyer, you all stopped him with no probable cause”¹⁶. Officer Zeiger replies, “no turn signal while parking, and playing his music too loud, I’ll impound his car for that reason”.¹⁷

Officer Torres advised Officer Zeiger not to engage with the unknown males. Officer Torres proceeds to complete a pat-down of [REDACTED]. Officer Torres asks [REDACTED] for his identification which he relays is in his pocket. Officer Torres retrieves the wallet of [REDACTED] and pulls out his driver’s license identification card, hands it to Officer Zeiger.

Officer Zeiger returns to his police vehicle and moments later he returns to where [REDACTED] and Officer Torres is standing. He relates to Officer Torres maybe we’ll request an impound for the sounds. [REDACTED] voices his disagreement, advising officers that he don’t have sounds in his car, everything is factory installed. [REDACTED] again demanded to see a supervisor several times, while advising Officer Zeiger that he was going to give him a complaint registry “CR” number.

Officer Torres returns to the police vehicle, while Officer Torres is inside the police vehicle, [REDACTED] continues to demand to see a supervisor from Officer Zeiger. Officer Zeiger tries to explain to [REDACTED] he failed to signal while parking, that’s why he was stopped. [REDACTED] visibly becomes more displeased and make comments such as “I work”, “I like shit like this”, “I like to sue and all that”.¹⁸

Officer Zeiger returns to the patrol vehicle, he and Officer Torres discuss if they should issue the driver an Administrative Notice of Violation “ANOV” ticket for the sounds and for failure to signal while parking. Officer Torres also notifies Officer Zeiger that he had requested a Sergeant.

Officer Zeiger proceeds to write the tickets and returns to issue them to [REDACTED]. He asks Officer Torres to uncuff him. Officer Torres ask [REDACTED] “are you going to be cool”¹⁹, his response “yea I’m going be cool take the cuffs off”²⁰. Officer Zeiger explains that he issued a ticket for failure to signal, also advises [REDACTED] that he must signal when he exits a parking space into traffic. [REDACTED] tells Officer Zeiger you’re about to get a CR number for a ticket and walks off.²¹

The Body Worn Camera (BWC) footage of Accused Officer Torres’s camera²²

The BWC video shows Officer Torres as he exits his patrol vehicle from the passenger side. Officer Zeiger is having a verbal encounter with Mr. [REDACTED] who is outside the vehicle on foot, near the rear of a silver SUV. Due to buffering mode no immediate audio is captured. When

¹⁶ Att. 10, Id at 6:27:09

¹⁷ Att. 10, Id at 6:27:15

¹⁸ Att. 10, Id at 6:32:25

¹⁹ Att. 10, Id at 6:43:00

²⁰ Att. 10, Id at 6:43:07

²¹ Att. 10, Id at 6:43:12

²² Attachment #13

the audio activates²³, Officer Torres is trying to verbally de-escalate Mr. ██████ telling him “chill man just chill, just put your hands right”²⁴ here as he touches the rear window of Mr. ██████ SUV, describing where he would like him to place his hands.

Officer Torres continues to lightly tap the forearm of Mr. ██████ to get his aggressive attention away from Officer Zeiger, while he kept saying “just chill”²⁵. ██████ complies, and places his hands on the SUV. Officer Torres asks ██████ several times, where is your ID. Officer Zeiger grabs ██████ left arm, Officer Torres guides his left arm to his back to assist Officer Zeiger in placing ██████ in handcuffs.

Officer Torres proceeds to complete a pat-down of ██████ asking ██████ for identification which he relays is in his front pocket. Officer Torres retrieves the wallet of ██████ retrieves his identification and hands it to Officer Zeiger who walks away towards the police vehicle.²⁶

Officer Zeiger return to his patrol vehicle, Officer Torres again tries to de-escalate ██████ telling him “chill man, chill it’s just a simple traffic stop”²⁷. He tries to explain to ██████ that they did not observe him use a turn signal.²⁸ ██████ continues to verbally express his disagreement requesting to see camera footage, officers badge numbers etc. Officer Torres assures ██████ that he would be provided with that information.

Officer Torres returns to the police vehicle investigating the identification of ██████ continues to demand to see a supervisor. Officer Torres is observed on his police issued radio requesting for a supervisor to respond to the location of the traffic stop.²⁹

Officer Zeiger returns to the patrol vehicle, he and Officer Torres discuss if they should issue the driver an Administrative Notice of Violation “ANOV” ticket for the sounds and for failure to signal while parking. Officer Torres notifies Officer Zeiger that he had called for the Sergeant.

Officer Torres exits the police vehicle and speaks with ██████ He relays to ██████ that the supervisor is on the way. ██████ asked which officer illegally searched him. Officer Torres explains that no one searched him. Officer Torres advised ██████ that he was the officer that removed his wallet to get his ID when ██████ told him the wallet was in his front pocket. He advises ██████ that everything is on camera so he should not try to fabricate a story.

Officers Barajas and Sanders (Beat 413) arrives on scene. Officer Torres relays to the Officers they are good. Officer Sanders engages in conversation and laughter with the community members that had previously gathered, recording the traffic stop.

²³ Att. 13, Id at 6:26:38

²⁴ Att. 13, Id at 6:26:43

²⁵ Att. 13, Id at 6:26:44

²⁶ Att. 13, Id at 6:27:11 – 6:27:39

²⁷ Att. 13, Id at 6:27:45

²⁸ Att. 13, Id at 6:26:45 – 6:28:00

²⁹ Att. 13, Id at 6:30:39 – 6:32:09

Sgt. Rake (Beat 463) arrive on scene. Officer Zeiger advises that [REDACTED] exited the vehicle acting hostile and he was writing him a ticket. Sgt. Rake proceeds to [REDACTED] relates that Officers had driven past him, looked at him 3 or 4 times when he merged to the right to allow Officers to pass. He said he was told he had to signal while parking. Sgt. Rake advises [REDACTED] that he can go to court to contest the ticket because he wasn't there to observe the infraction.³⁰

[REDACTED] advises Sgt. Rake that he wants to file a complaint on the officers for writing him a ticket. Sgt Rake responded, "no there is no complaint, it's just a traffic ticket"³¹.

Officer Zeiger returns with a ticket to issue [REDACTED] Officer Torres to begins to uncuff him. Officer Torres ask [REDACTED] are you going to be cool, his response yea I'm going be cool take the cuffs off. Officer Zeiger explains that he issued a ticket for failure to signal, also advises [REDACTED] that he must signal when he exits a parking space into traffic. [REDACTED] tells Officer Zeiger you're about to get a CR number for a ticket and walks off. Officer Torres provides [REDACTED] his name and badge number, walks back to the police SUV, end of stop.

BWC footage from backup Officer Barajas's camera³²

The BWC shows Officer Barajas exits his patrol vehicle, just standing around. Officer Barajas has no interaction with [REDACTED] he advises dispatch over the police radio of his location. Sgt. Rake arrives on scene, Officer Barajas and his partner Officer Sanders return to their patrol vehicle and leave.

BWC footage from backup Officer Sanders's camera³³

The BWC shows Officer Sanders exit her patrol vehicle, she begins a verbal conversation with the gathered community members which resulted in laughter. Sgt. Rake arrive on scene, Officer Sanders and her partner, Officer Barajas return to their patrol vehicle and leave.

c. Documentary Evidence

An **Investigatory Stop Report ("ISR")³⁴**, completed by Officer Zeiger, stated that [REDACTED] was pulled over for failure to display turn signal while parking his vehicle. [REDACTED] was issued a traffic citation under #TU-024-355.

The **Office of Emergency Management and Communication (OEMC) Event Query #1928512839³⁵** documented a traffic stop with a vehicle bearing IL license [REDACTED] at 9233 S. Harper by Officers Torres and Zeiger.

³⁰ Att. 13, Id at 6:39:04 – 6:40:15

³¹ Att. 13, Id at 6:41:11

³² Attachment #16

³³ Attachment #15

³⁴ Attachment #7

³⁵ Attachment #6

Assignment and Attendance Records³⁶ showing that beat 461D and vehicle 4837 was assigned to Officers Torres and Zeiger on October 12, 2019.

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 is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA makes a finding of **EXONERATED** for Allegation 1 against Officers Torres and Zeiger that the officers unlawfully detained ██████████ Illinois Vehicle Code requires an individual to use a turn signal "to indicate an intention to turn, change lanes or start from a parallel park position." There was no ICC to capture the alleged traffic violation. Beat 461D engaged their emergency lights indicating that ██████████ was being stopped. The Body worn camera chronicled the stop where Officer Zeiger explained to ██████████ that he was being stopped for loud music and failing to signal while parking. ██████████ cut the officer off, arguing that he didn't not have sounds in his car. Later it was explained that ██████████ was receiving a ticket for improper use of turn signal.

³⁶ Attachment #21

Based on the foregoing, Officers Torres and Zeiger were within CPD policy to stop [REDACTED] for violating traffic laws. Therefore, this allegation should be **EXONERATED**.

COPA makes a finding of **EXONERATED** for Allegation 2 against Officers Torres and Zeiger that the officers unlawfully searched [REDACTED]. The BWC shows that Officer Zeiger never searched [REDACTED]. Officer Torres did a protective pat-down, and while trying to identify the driver, Officer Torres asked [REDACTED] about the whereabouts of his ID. [REDACTED] response was that it was in his wallet in his front pocket. Officer Torres removed the wallet and obtained the ID. Nothing else was removed or searched.

Based on the foregoing, Officers Torres and Zeiger were within CPD policy to identify [REDACTED]. Therefore, this allegation is **EXONERATED**.

COPA makes a finding of **UNFOUNDED** for Allegation 3 against Officers Torres and Zeiger that the officers refused to request a supervisor at the request of [REDACTED]. The BWC shows that Officer Torres requested a supervisor through OEMC via his police radio. BWC also shows that Sergeant Rake (Beat 463) arrived on scene and spoke with [REDACTED] during the traffic stop.

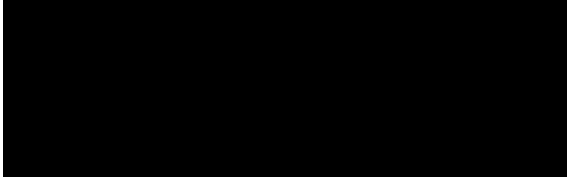
Based on the foregoing, Officers Torres and Zeiger were within CPD policy requesting a supervisor at the request of the citizen. Therefore, this allegation is **UNFOUNDED**.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Torres, Albert	1. Unlawfully stopped the Complainant solely based on race in violation of Rule(s) 2,3, and 6.	Exonerated
	2. Unlawfully searched the Complainant person in violation of Rule(s) 2, 3, and 6.	Exonerated
	3. Refused to request Supervisor at the request of Complainant in violation of Rule(s) 2 and 5.	Unfounded
Officer Zieger, Matthew	1. Unlawfully stopped the Complainant solely based on race in violation of Rule(s) 2,3, and 6.	Not Sustained
	2. Unlawfully searched the Complainant in violation of Rule(s) 2, 3, and 6.	Not Sustained
	3. Refused to request Supervisor at the request of Complainant in violation of Rule(s) 2 and 5.	Unfounded

Approved:



5-20-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Twelve
Investigator:	John Robinson
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass