



Log # 2020-0005556

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On December 14, 2020, the Civilian Office of Police Accountability (COPA) received a phone complaint from ██████ alleging that on December 14, 2020, Officer Monica Mata, #3198, conducted a traffic stop on a vehicle she was a passenger in without justification. Additionally, ██████ alleged that Officer Mata handcuffed and arrested her without justification. ██████ stated in her complaint that Officer Mata choked her in the processing room, denied her access to the bathroom, called her a “Black bitch,” and damaged her cellphone without justification. Following its investigation, COPA did not reach sustained findings regarding any of these allegations.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

█████ gave an audio recorded interview<sup>3</sup> to COPA stating that Officer Mata handcuffed her and arrested her without justification.<sup>4</sup> She also stated in her interview that Officer Mata placed her in a cell with vomit/feces on the bench, choked her in the 6<sup>th</sup> District Processing Room, denied her access to the bathroom, called her “Black bitch,” and damaged her cellphone<sup>5</sup> without justification.

On December 14, 2020, ██████ and his passenger, ██████ traveled eastbound on 75<sup>th</sup> Street in a 2018 red Nissan sedan when officers curbed ██████ vehicle at 7508 South Martin Luther King Drive. The Original Case Incident Report<sup>6</sup> documented that Officer Mata and Officer Jorge Magana, #17337, observed that ██████ failed to stay in his lane, merged into incoming traffic, and failed to stop at a stop sign. Officers Mata and Magana were on routine patrol in a marked squad car and observed ██████ driving negligently.

Body Worn Cameras (BWCs) revealed that Officers Mata and Magana approached ██████ vehicle, identified themselves as police officers, and explained the reasons for the traffic

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

<sup>3</sup> Att. 1 – Interview of ██████

<sup>4</sup> Attempt to contact and interview ██████ was unsuccessful, Att. 48.

<sup>5</sup> Att. 47 – Photographs provided by ██████ of two different cellphones.

<sup>6</sup> Att. 14.

stop.<sup>7</sup> Officer Mata and Magana approached the vehicle and requested that the driver and passenger roll down their windows. █████ rolled down his window approximately 2-3 inches and spoke through the small opening of the driver's side window. Officer Mata could smell a strong odor of cannabis emanating from the vehicle as █████ lowered the driver's window.<sup>8</sup> Officer Mata then requested █████ driver's license and insurance, and he complied.<sup>9</sup> Officer Mata began questioning █████ about having guns, drugs, or alcohol inside the vehicle.<sup>10</sup> Officer Mata proceeded back to her squad car to conduct a name check.

Officer Mata returned to █████ vehicle and requested that he exit the vehicle to facilitate a search of his vehicle.<sup>11</sup> █████ refused to exit the vehicle and became argumentative and combative.<sup>12</sup> █████ requested that a Sergeant be called to the scene.<sup>13</sup> Sergeant Marcus Broadway, #2395, arrived at the scene shortly afterward and requested that █████ exit the vehicle.<sup>14</sup>

█████ continued to refuse to exit the vehicle and argued with Sergeant Broadway. After several attempts to get █████ to exit the vehicle, Sergeant Broadway instructed his officers to use an ASP to break the windows.<sup>15</sup> Officer Mata broke the driver's side window using her ASP. █████ was removed from the vehicle without incident and placed into custody. █████ was also removed from the vehicle. Once █████ was removed from the vehicle, Officer Mata assisted officers with placing her in custody. █████ became upset, uncooperative, and combative with officers. She was arrested and placed into custody. Officer Mata grabbed █████ cell phone out of her hands and powered the cellphone off.<sup>16</sup> As Officer Mata was placing █████ inside the squad car, █████ placed her legs outside of the squad car in an attempt to prevent the door from being closed.<sup>17</sup> Officer Mata picked up her legs and placed them inside the squad car. █████ began to scream and shout for a "white shirt."<sup>18</sup>

Sergeant Broadway approached the squad car and spoke to █████<sup>19</sup> Officer Mata then proceeded back to the vehicle to conduct a search, which resulted in the discovery of twelve (12) zip-locked pouches of cannabis beneath the driver's seat. █████ and █████ were placed in custody without incident and transported to the 6<sup>th</sup> District Police Station for processing. Upon arriving at the 6<sup>th</sup> District Police Station, Officer Mata was assisted by Officer Rachel Collins, Star #16180,

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<sup>7</sup> Att. 37 - BWC of PO Monica Mata; Att. 31 - BWC of PO Jorge Magana.

<sup>8</sup> Att. 37 at 2:36.

<sup>9</sup> Att. 37 at 2:31.

<sup>10</sup> Att. 37 at 2:54.

<sup>11</sup> Att. 37 at 8:55.

<sup>12</sup> Att. 37 at 9:01.

<sup>13</sup> Att. 37 at 10:35.

<sup>14</sup> Att. 37 at 16:47.

<sup>15</sup> Att. 37 at 30:55.

<sup>16</sup> Att. 37 at 31:15.

<sup>17</sup> Att. 37 at 32:46.

<sup>18</sup> Att. 37 at 32:58.

<sup>19</sup> Att. 37 at 33:12.

who helped [REDACTED] enter the station.<sup>20</sup> [REDACTED] and [REDACTED] were arrested, charged, and released on an I-Bond.<sup>21</sup>

COPA interviewed Officer Mata,<sup>22</sup> who stated she could not recall what occurred with [REDACTED] after she was arrested. Officer Mata denied causing damage to [REDACTED] cellphone and could not recall the condition of the cellphone. Officer Mata denied the allegations made against her.

### III. ALLEGATIONS

#### Officer Monica Mata

It is alleged by [REDACTED] that on or about December 14, 2020, at approximately 5:15 a.m., at or near 7508 South Dr. Martin King Drive, Officer Mata, Star #3198, committed misconduct through the following acts or omissions by:

1. Handcuffed her without justification.
  - Not Sustained
2. Arrested her without justification.
  - Not Sustained

It is alleged by [REDACTED] that on or about December 14, 2020, at approximately 5:15 a.m., at the 6<sup>th</sup> District Police, in the Processing Room, Officer Mata committed misconduct through the following acts or omissions by:

3. Choked her without justification.
  - Not Sustained
4. Denied her bathroom access.
  - Not Sustained
5. Called her a “Black bitch.”
  - Not Sustained
6. Damaged her cellphone without justification.
  - Not Sustained

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any individuals who provided statements.

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<sup>20</sup> Att. 32 at 1:03.

<sup>21</sup> Att. 3 - Arrest Report of [REDACTED] Att. 4 - Arrest Report of [REDACTED] was charged with Resisting/Obstructing and IVC – obedience to Police Officers.

<sup>22</sup> Att. 45.

## V. ANALYSIS<sup>23</sup>

### a. Justification of Traffic Stop and related events.

COPA found that Allegation #1 against Officer Monica Mata, in that she handcuffed and arrested ██████ without justification, **Exonerated**. Officers Mata and Magana handcuffed and arrested ██████ because she was given a lawful order to unlock the doors and exit the vehicle. ██████ violated the lawful order by refusing to exit the vehicle and comply with the orders of the police. BWC evidence revealed that ██████ was given a direct lawful order to unlock the doors and exit the vehicle. After several attempts, Sergeant Broadway instructed his officers to use the ASP to break the window and remove them. Subsequently, ██████ and ██████ were removed from the vehicle, placed into custody, and arrested.

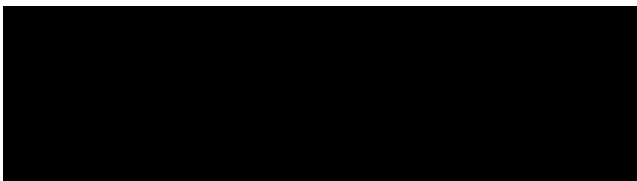
### b. Incidents in the Processing Room

COPA found that Allegation #2 against Officer Monica Mata, in that she choked ██████ without justification, denied her access to the bathroom, and called her a “Black bitch,” **Not Sustained**. Officer Mata denied the allegations and could not recall what occurred after ██████ was arrested. Officer Mata did not have her BWC activated while entering the station. Therefore, there is no evidence to prove or disprove the allegation.

### c. Damaged to Cellphone

COPA found that Allegation #3 against Officer Monica Mata, in that she caused damage to ██████ cell phone without justification, **Not Sustained**. ██████ provided several photos of two different cellphones to show the alleged damage to the cellphone. COPA could not confirm whether or not that was the same cellphone from the incident. Officer Mata denied causing damage to her cellphone and could not recall the condition of the cellphone. Therefore, given the circumstances, there was no evidence to show whether or not this was the same phone from the incident. There is no evidence to prove or disprove the allegation.

Approved:



Angela Hearts-Glass  
Deputy Chief Administrator – Chief Investigator

7-31-2023

Date

<sup>23</sup> For a definition of COPA’s findings and standards of proof, see Appendix B.



Appendix ACase Details

Date/Time/Location of Incident:	December 14, 2020 / 5:15 a.m. / 7508 South Dr. Martin King Drive, Chicago, IL
Date/Time of COPA Notification:	December 14, 2020 / 6:34 p.m.
Involved Officer #1:	Officer Monica Mata / Star # 3198 / Employee [REDACTED] / Date of Appointment: November 16, 2017 / Unit of Assignment: 006/079 / Gender: Female / Race: White Hispanic.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1992, Male, Black.
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1994, Female, Black.

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- Illinois Vehicle Code 625 ILCS 5/11-203

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

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 a proposition is proved.<sup>24</sup> For example, 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. 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.”<sup>25</sup>

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<sup>24</sup> 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 is found to be more probably true than not).

<sup>25</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation