

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 4, 2019
Time of Incident:	9:25 pm
Location of Incident:	[REDACTED]
Date of COPA Notification:	January 8, 2019
Time of COPA Notification:	12:22 pm

On January 4, 2019, around 9:25 pm at or near [REDACTED], Officer [REDACTED] [REDACTED] (“Officer [REDACTED]”), Officer [REDACTED] # [REDACTED] (“Officer [REDACTED]”) and Officer [REDACTED] # [REDACTED] (“Officer [REDACTED]”), who are assigned to Vice Unit [REDACTED], stopped complainant [REDACTED] (“[REDACTED]”). Officer [REDACTED] issued her an Administrative Notice of Ordinance Violation (“ANOV”) for a violation of Code 8-8-060, Solicitation for Prostitution. [REDACTED] alleges that she should not have been issued the ANOV.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 2004, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1974, Female, Black
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 2012, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1985, Female, Asian
Involved Officer #3:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 2013, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1986, Female, Hispanic
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1965, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer ██████████	1. It is alleged that on January 4, 2019 at or around the location of ██████████, at approximately 9:25 pm, Officer ██████████ issued ██████████ an ANOV without legal justification.	Not Sustained

**IV. APPLICABLE RULES AND LAWS**

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

Special Orders

S04-13-09: Investigatory Stop System

Federal Laws

The Fourth Amendment of the United States Constitution

**V. INVESTIGATION<sup>1</sup>**

**a. Interviews**

COPA conducted an interview of ██████████ on January 11, 2019. She stated that she lives at ██████████ ██████████ in the ██████████ neighborhood. She stated that on January 4, 2019 at approximately 9:25 pm she was at ██████████ at a friend’s home. She said that at some point she left that friend’s home with another friend, ██████████ (“█████████”), who walked her down Wabash to ██████████ ██████████. She stated she then told ██████████ that she could walk home alone the rest of the way.

█████████ stated that as she approached ██████████ ██████████, an unmarked SUV pulled beside her and an officer, whom she identified as Officer ██████████, asked her something to the effect of, “Hey girl where you been?” ██████████ stated that she responded that she had been in the house, and the officer asked her to come to her, and she complied. ██████████ further stated that the officer said that she was a known prostitute, but had not been seen in a while. ██████████ stated that she denied being a

<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

known prostitute, and the officers did not know her. She said the officer who was seated in the backseat of the vehicle then asked her for her identification, and then started writing the ticket.

She stated that Officer [REDACTED] then exited the vehicle and [REDACTED] asked the officers why they were not bothering another woman who was walking down the street. [REDACTED] said that the officers told her they were out to investigate prostitution. [REDACTED] stated that the area has prostitutes that frequent the area. [REDACTED] stated that the allegation in the ticket that she was flagging down vehicles with lone male occupants was a lie. [REDACTED] stated she had never had any previous contact with these officers.<sup>2</sup>

COPA conducted an interview of witness **Officer [REDACTED]** on February 6, 2019. Officer [REDACTED] stated that she is assigned to the [REDACTED] Unit, Unit [REDACTED].<sup>3</sup> On the date of the incident, Officer [REDACTED] stated that she was on duty. She stated that she was the front seat passenger in the vehicle, Officer [REDACTED] was driving and Officer [REDACTED] was in the back seat. Officer [REDACTED] stated that she was in the area of [REDACTED] to investigate prostitution. Officer [REDACTED] stated that based upon the ANOV issued to [REDACTED], she must have come into contact with her, but she had no independent recollection of the interaction, as she comes into contact with many women as part of her job on [REDACTED].<sup>4</sup>

COPA conducted an interview of witness **Officer [REDACTED]** on February 7, 2019. Officer [REDACTED] stated that she is assigned to the [REDACTED] Unit, Unit [REDACTED]. She stated that on the date of the incident, she was driving the squad vehicle. She further stated that she was in the area of [REDACTED] and [REDACTED] on a mission looking for prostitutes. Officer [REDACTED] identified [REDACTED] as someone that she encountered on the date of the incident, however she stated that she did not recall when she first saw her. Officer [REDACTED] stated that she did not recall the specific interaction with [REDACTED], as she interacts with many different women as a part of [REDACTED].<sup>5</sup>

COPA conducted an interview of accused **Officer [REDACTED]** on March 7, 2019. Officer [REDACTED] stated that she assigned to the [REDACTED] Unit, Unit [REDACTED]. She stated that she has been assigned to [REDACTED] since November 2018, and that on the date of the incident she was working a mission in the [REDACTED] District. Officer [REDACTED] stated that she did not recall her interaction with [REDACTED] specifically and could only make her statement based on what she wrote in the Original Case Incident Report and the ANOV.<sup>6</sup> She stated that she could not recall [REDACTED] because she writes many of these types of ANOVs. She further stated that she had not had any previous interactions with [REDACTED].<sup>7</sup>

## **b. Digital Evidence**

Unit 192 is not assigned Body Worn Cameras.

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<sup>2</sup> Attachment 12

<sup>3</sup> This Unit investigates prostitution. The unit is not assigned Body Worn Cameras and the officers are in plainclothes in an unmarked vehicle.

<sup>4</sup> Attachment 4

<sup>5</sup> Attachment 5

<sup>6</sup> Attachment 10, 11

<sup>7</sup> Attachment 9

### c. Documentary Evidence

The ANOV [REDACTED] issued to [REDACTED] states that she was observed flagging down vehicles containing lone male occupants to solicit rides. It was written by Officer [REDACTED].<sup>8</sup>

The **Original Case Incident Report**, [REDACTED], describes the officers' interaction with [REDACTED].<sup>9</sup>

## VI. ANALYSIS

### **a. 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 occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

### **b. COPA finds that this allegation is Not Sustained.**

[REDACTED] alleged that the officers stopped her without legal justification. COPA's investigation did not show by a preponderance of the evidence whether the officers had the legal justification to stop [REDACTED], nor did it show the inverse. The documents drafted

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<sup>8</sup> Attachment 11

<sup>9</sup> Attachment 10

contemporaneously with the stop (the ANOV and Original Case Incident Report) indicate that the officers had reasonable articulable suspicion that a crime was being committed.<sup>10</sup> The documents indicate that [REDACTED] was flagging down vehicles with lone male occupants and soliciting rides, behavior consistent with prostitution. However, none of the officers were able to recall [REDACTED]'s detention when questioned by COPA. COPA finds that the officers were credible when they all stated that they did not recall [REDACTED] specifically because they interface with so many women. As such, COPA cannot prove or disprove that Officer [REDACTED] issued [REDACTED] an ANOV without legal justification, and therefore the allegation must be Not Sustained.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on January 4, 2019 at or around the location of [REDACTED], at approximately 9:25 pm, you issued [REDACTED] an ANOV without legal justification.	Not Sustained

Approved:

\_\_\_\_\_  
 [REDACTED]  
 Deputy Chief Administrator – Chief Investigator

\_\_\_\_\_  
 Date

<sup>10</sup>Chicago Police Department (“the Department”) Special Order S04-13-09 codifies the Department’s Investigatory Stop System. Per S04-13-09 (II)(C)(1), “a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.”

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	██████████
<b>Deputy Chief Administrator:</b>	██████████████████