

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	September 30, 2018
Time of Incident:	9:50 a.m.
Location of Incident:	5200 S. Woodlawn Avenue
Date of COPA Notification:	October 9, 2018
Time of COPA Notification:	4:54 p.m.

On September 30, 2018, at approximately 9:50 a.m., two officers, now known as Officer [REDACTED] and Officer [REDACTED] conducted a traffic stop of the complainant, [REDACTED] ([REDACTED] near 5200 S. Woodlawn Avenue. After curbing [REDACTED] car, Officers questioned [REDACTED] regarding use of a cellphone while driving. After providing her license and insurance information, [REDACTED] was free to leave without receiving a citation. Officers directed [REDACTED] to move her vehicle, as it was double parked. [REDACTED] stated she was calling her son and the Officers “could wait.” [REDACTED] then received two citations.

[REDACTED] alleges Officer [REDACTED] issued her citations for violations that did not occur and acted unprofessionally during the encounter. [REDACTED] further alleges that Officer [REDACTED] was verbally abusive when she used words to the effect of “bitch” in reference to her.

II. INVOLVED PARTIES

Involved Officer:	[REDACTED] Star # [REDACTED], Employee No. [REDACTED], Date of Appointment: [REDACTED], 2016, Rank: Police Officer, Unit of Assignment: [REDACTED] DOB: [REDACTED], 1985, Female, Black
Involved Officer:	[REDACTED] Star # [REDACTED], Employee No. [REDACTED] Date of Appointment: [REDACTED], 2017, Rank: Police Officer, Unit of Assignment: [REDACTED] DOB: [REDACTED], 1991, Male, White/Hispanic
Involved Individual:	[REDACTED] DOB: [REDACTED], 1981, Female, Black

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	<p>It is alleged on September 30, 2018 at or near the intersection of 5200 S. Woodlawn Avenue at approximately 9:50 a.m.</p> <p>1. Officer [REDACTED] conducted a traffic stop without justification in violation of Rule 6.</p> <p>2. Officer [REDACTED] was unprofessional in the performance of her duty when she stated words to the effect of “bitch” in reference to [REDACTED] during the traffic stop in violation of Rules 2 and 9.</p>	<p>Not Sustained</p> <p>Unfounded</p>
Officer [REDACTED]	<p>It is alleged on September 30, 2018 at or near the intersection of 5200 S. Woodlawn Avenue at approximately 9:50 a.m.</p> <p>1. Officer [REDACTED] conducted a traffic stop without justification in violation of Rule 6.</p>	<p>Not Sustained</p>

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 6: Disobedience of an order or directive, whether written or oral.
3. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

General Order G02-04: Prohibition Regarding Racial Profiling and Other Bias Based Policing

Special Orders

Special Order S04-13-09: Investigative Stop System

V. INVESTIGATION

a. Interview - [REDACTED]

In a statement with the Civilian Office of Police Accountability (COPA) on October 12, 2018, [REDACTED] stated she was pulled over for a traffic stop by Officers [REDACTED] and [REDACTED]. As the Officers approached her vehicle, she stated Officer [REDACTED] stated they were conducting a seatbelt and cellphone check and observed [REDACTED] using her phone while driving. [REDACTED] stated, "I told her I had equipment in my car that would allow for hands free driving." [REDACTED] continued "Officer [REDACTED] said she could see the light of the phone from inside the car." [REDACTED] stated, "I asked in an aggravated tone, in broad daylight with the sun out, you can see the light from a cellphone in a car with tinted windows?" [REDACTED] stated, Officer [REDACTED] replied "yes, but I'm not writing you a ticket." [REDACTED] denied the accusation again. Officer [REDACTED] requested [REDACTED] driver's license and insurance information; [REDACTED] stated for purposes of "her safety" she explained her actions prior to reaching to obtain the information. [REDACTED] observed Officer [REDACTED] become "a little upset and remarked that she was being recorded."

[REDACTED] assumed the traffic stop had ended and remained parked at the same location. [REDACTED] heard the Officers continuously blow their horn. The Officers returned to her vehicle and she was told to move on as she was double parked and blocking the flow of traffic. [REDACTED] replied, "I'm sure you don't want me to drive as I'm making a call to my son, as this was the supposed reason you pulled me over." [REDACTED] stated, "Officer [REDACTED] got more upset" and said, "Now you're getting a ticket."

[REDACTED] was told by Officer [REDACTED] that she would receive two citations for using her cellphone and obstructing traffic. [REDACTED] called 911 to request a supervisor. Upon the arrival of Sergeant [REDACTED] relayed her account of the traffic stop and described the attitude of Officer [REDACTED] claimed that she was "unfairly issued the citations based on Officer [REDACTED] attitude and response to her own tone." She asked Sergeant [REDACTED] "if it was fair for her to receive tickets." Sergeant [REDACTED] explained to her the tickets were based on the Officer's observations and told her how she could dispute the tickets. The recorded interview ended.

b. Digital Evidence

Officer [REDACTED] Body Worn Camera (BWC) depicts the traffic stop involving [REDACTED]² Officer [REDACTED] approaches the passenger side of the car while Officer [REDACTED] approaches the driver side door. Officer [REDACTED] explains that [REDACTED] was observed handling her cellphone as the light from the cellphone could be seen by the officers. [REDACTED] replies that she was not using her cellphone. Officer [REDACTED] states, "you weren't handling your cellphone?" [REDACTED] begins to announce her actions as she reaches for her driver's license and insurance and the Officers return to their patrol vehicle. After checking the information, Officer [REDACTED] returns to [REDACTED] car and provides her with her license and insurance. [REDACTED] then states she is confused as to how the officers could have seen her through tinted windows. Officer [REDACTED] informs [REDACTED] that she is being recorded. [REDACTED] replies, "Good, because I don't know how you could have seen me using my cellphone through the tinted

² Attachment No. 6

windows.” Officer [REDACTED] returns the driver’s information to [REDACTED] tells her she is not receiving any tickets, and returns to her vehicle.

The video shows the Officers parked behind [REDACTED] vehicle as they blow their horn. [REDACTED] can be heard shouting, “I’m on the phone now.” Both Officers re-approach [REDACTED] car and Officer [REDACTED] states, “we were telling you to move out of the street, out of the way.” [REDACTED] states, “I’m on the phone, talking to family, you can wait.” Officer [REDACTED] requests [REDACTED] license and Officer [REDACTED] states, “Now you’re getting a ticket.” The video captures the Officers return to their vehicle and draft the citations.

Officer [REDACTED] BWC also captures the encounter between Sergeant [REDACTED] and [REDACTED] upon his arrival at the scene. The video recording depicts Sergeant [REDACTED] walking toward the driver’s side of [REDACTED] vehicle. As Officer [REDACTED] exits her vehicle and walks toward [REDACTED] car, her BWC audio records [REDACTED] telling Sergeant [REDACTED] that Officer [REDACTED] initially decided not to issue tickets, and is unfairly issuing tickets in response to her questions. Sergeant [REDACTED] explains to [REDACTED] that the tickets are based upon the Officer’s observations, he provides information about the citations and how to dispute the citations. Officer [REDACTED] approaches the back of [REDACTED] car and explains to Sergeant [REDACTED] that the initial stop resulted in a verbal warning. However, after the initial field interview ended, [REDACTED] would receive citations based on her admission of using her cellphone while double parked and obstructing traffic. Sergeant [REDACTED] hands the tickets to [REDACTED] and explains the process to dispute the citations. The BWC video and audio ends as Officer [REDACTED] returns to her vehicle.

Sergeant [REDACTED] BWC captures him inside his CPD vehicle as he arrives at the scene and shows [REDACTED] in her car while it is double parked at the intersection with the officer’s parked behind her vehicle. The video footage captures the interaction and conversation between [REDACTED] and himself as [REDACTED] recounts the encounter and Officer [REDACTED] reactions. Sergeant [REDACTED] responds and addresses [REDACTED] concerns. Officer [REDACTED] comes into view as she returns to [REDACTED] car with the citations. As the video ends Sergeant [REDACTED] explains how [REDACTED] can respond to the tickets.

c. Documentary Evidence

COPA received a letter and web complaint documenting [REDACTED] complaint.³ The complaints were consistent with her interview statement except that, in the complaints, there was no mention of Officer [REDACTED] being verbally abusive by using words to the effect of “bitch” when referencing [REDACTED]

Traffic Citations⁴ were issued to [REDACTED] for cellphone usage while driving and obstruction of traffic.

Event Query Report⁵ documented a traffic stop conducted by Officer [REDACTED]

VI. LEGAL STANDARD

³ Attachment No. 10

⁴ Attachment No. 8

⁵ Attachment No. 7

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.

VII. ANALYSIS

a. Officers [REDACTED] and [REDACTED]

COPA finds that **Allegation No. 1** against Officers [REDACTED] and [REDACTED] that they conducted a traffic stop of [REDACTED] without justification, **Not Sustained**. The initial moving violation alleged is not captured by the video. Although Officer [REDACTED] explained to [REDACTED] that the Officers were conducting seatbelt and cellphone checks as permissible within the investigatory stop system and accused [REDACTED] of being on her cellphone, [REDACTED] denies using her phone. [REDACTED] also disputes the officers being able to see her using her phone through her tinted windows. Having no other objective evidence to consider regarding this allegation, COPA finds that there is insufficient evidence to determine whether [REDACTED] was using her phone at the time of the initial stop. Therefore, this allegation is Not Sustained.

b. Officer [REDACTED]

COPA finds that **Allegation No. 2** against Officer [REDACTED] that she acted unprofessionally when she called [REDACTED] a "bitch" during the traffic stop, **Unfounded**. [REDACTED] interview is inconsistent with her written complaints. [REDACTED] COPA interview does not mention words to the

effect of “bitch”, although her written statement references the allegation. The BWC video and audio of Officer [REDACTED] neither captures the alleged unprofessional conduct nor the verbally abusive language (using words to the effect of “bitch”) as [REDACTED] alleges. In addition, [REDACTED] did not complain to Sergeant [REDACTED] that Officer [REDACTED] called her a “bitch” or acted unprofessionally. COPA finds [REDACTED] accounts of the events inconsistent, her failure to mention the verbal abuse to Sergeant [REDACTED] and the BWC video evidence does not support [REDACTED] allegations. The evidence is clear and convincing that Officer [REDACTED] acted professionally and did not call [REDACTED] a “bitch”. Therefore, this allegation is Unfounded.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	It is alleged on September 30, 2018 at or near the intersection of 5200 S. Woodlawn at approximately 9:50 a.m. 1. Officer [REDACTED] conducted a traffic stop without justification in violation of Rule 6. 2. Officer [REDACTED] was unprofessional in the performance of her duty when she stated words to the effect of “bitch” in reference to [REDACTED] during the traffic stop in violation of Rules 2 and 9.	Not Sustained Unfounded
Officer [REDACTED]	It is alleged on September 30, 2018 at or near the intersection of 5200 S. Woodlawn at approximately 9:50 a.m. 1. Officer [REDACTED] conducted a traffic stop without justification in violation of Rule 6.	Not Sustained

Approved:

[REDACTED]

3-13-2020

 Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:



Angela Hearts-Glass