SUMMARY REPORT OF INVESTIGATION,1

September 30, 2018

I. EXECUTIVE SUMMARY

Date of Incident:

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.		
and Officer near 5200 S. Woodlawn regarding use of a cellphone while was free to leave without red as it was double parked. state then received two citations. alleges Officer unprofessionally during the encoun	driving. After providing her license and insurance information, ceiving a citation. Officers directed to move her vehicle, ed she was calling her son and the Officers "could wait."		
II. INVOLVED PARTIE	S		
Involved Officer:	Star # Employee No, Date of Appointment:, 2016, Rank: Police Officer, Unit of Assignment:, DOB:, 1985, Female, Black		
Involved Officer:	Star # , Employee No. Date of Appointment: , 2017, Rank: Police Officer, Unit of Assignment: DOB: , 1991, Male, White/Hispanic		
Involved Individual:	DOB: , 1981, Female, Black		

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

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



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

assumed the traffic stop had ended and remained parked at the same location. 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. 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." stated, "Officer got more upset" and said, "Now you're getting a ticket."

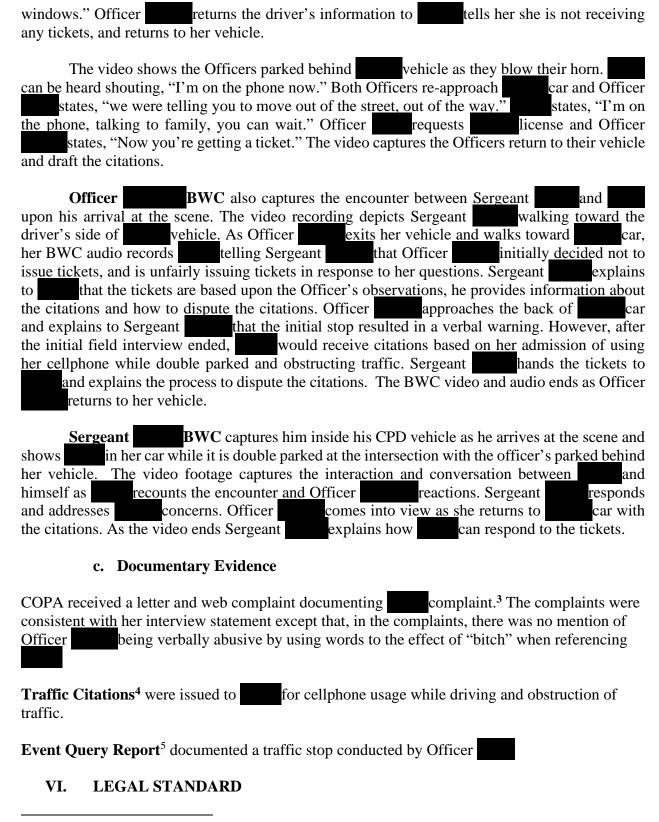
was told by Officer that she would receive two citations for using her cellphone and obstructing traffic. Called 911 to request a supervisor. Upon the arrival of Sergeant relayed her account of the traffic stop and described the attitude of Officer claimed that she was "unfairly issued the citations based on Officer attitude and response to her own tone." She asked Sergeant "if it was fair for her to receive tickets." Sergeant 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 Body Worn Camera (BWC) depicts the traffic stop involving
Officer approaches the passenger side of the car while Officer approaches the drive
side door. Officer explains that was observed handling her cellphone as the light
from the <u>cellpho</u> ne <u>could</u> be seen by the officers.
Officer states, "you weren't handling your cellphone?" begins to announce he
actions as she reaches for her driver's license and insurance and the Officers return to their patro
vehicle. After checking the information, Officer returns to car and provides her with
her license and insurance. the <u>n states</u> she is confused as to how the officers could have seen
her through tinted windows. Officer informs that she is being recorded.
"Good, because I don't know how you could have seen me using my cellphone through the tinter

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² Attachment No. 6



³ Attachment No. 10

⁴ Attachment No. 8

⁵ Attachment No. 7

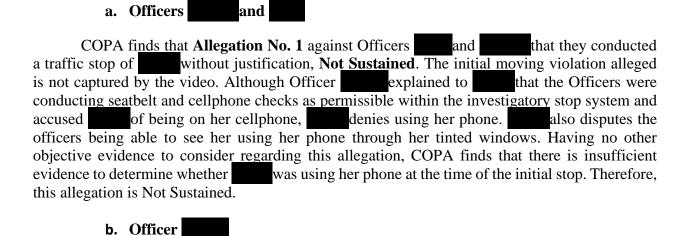
For each Allegation COPA must make one of the following findings:

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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 \P 28.

VII. ANALYSIS



COPA finds that **Allegation No. 2** against Officer that she acted unprofessionally when she called a "bitch" during the traffic stop, **Unfounded**. Interview is inconsistent with her written complaints.

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

VIII. CONCLUSION

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

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Approved:	
	3-13-2020
Angela Hearts-Glass	Date
Deputy Chief Administrator – Chief Investigator	

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Angela Hearts-Glass