

SUMMARY OF INCIDENT

On October 4, 2017, the complainant, Subject 1 , was arrested near XXXX W. 74th St. at approximately 8:50 PM for street racing and additional traffic violations. Subject 1 alleged that he was stopped and arrested without justification.

ALLEGATIONS

The complainant, Subject 1 , was identified after he made a complaint to the Civilian Office of Police Accountability (COPA). Subject 1 was subsequently contacted by COPA for an interview.

Subject 1 alleged that on October 4, 2017 at approximately 8:50 PM, at or near XXXX W. 74th St.:

Officer A, Star #XXXX

Allegation 1: Conducted a traffic stop on Subject 1 without justification, in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment of the United States Constitution

Allegation 2: Arrested Subject 1 without justification in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment of the United States Constitution

Allegation 3: Failed to return Subject 1 's vehicle titles, in violation of Rule 2 and Rule 6 in relation to CPD General Order G07-01

Officer B, Star #XXXX

Allegation 1: Conducted a traffic stop on Subject 1 without justification, in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment of the United States Constitution

Allegation 2: Arrested Subject 1 without justification in violation of Rule 2 and Rule 6 in relation to the Fourth Amendment of the United States Constitution

COPA did not serve either officer with allegations as all claims were able to be Unfounded or Exonerated. Further analysis and discussion of these findings is found in the "Analysis and Conclusions" portion of this report.

APPLICABLE RULES AND LAWS

Rule 2: Prohibits, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department."

Rule 6: Prohibits, "Disobedience of an order or directive, whether written or oral."

Chicago Police Department General Order G07-01, Processing Property under Department Control: “All property which is seized, recovered, found, or otherwise taken into custody by Department members will be inventoried as soon as it is practical to do so.”

“Such property must be returned to the arrestee at the time of release or transfer. If the property will not be returned at that time, it will be inventoried in the eTrack system.”

The Fourth Amendment to the Constitution of the United States: The Fourth Amendment to the Constitution of the United States guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

Washington State Legislature, Section 46.70.090.2: “Motor vehicle dealer license plates may be used [...] [o]n motor vehicles owned, held for sale or lease, and which are in fact available for sale or leased by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their spouses, or by an employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is operated by such individual.”

Illinois General Assembly, 625 ILCS 5/5-102: “Used vehicle dealers must be licensed [...] No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year [...] or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.”

“An application for a used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe.”

“A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of [...] The Anti-Theft Laws of the Illinois Vehicle Code.”

INVESTIGATION

Complainant Interview, Subject 1

COPA interviewed Subject 1 on November 17, 2017. Subject 1 reported that on October 4, 2017 at approximately 8:50 PM, it was raining and he was in his car, waiting at a light, and heading westbound at 74th St. Subject 1 related that when he attempted to drive after the light changed, his tires started spinning due to the wet pavement. Subject 1 drove west across 74th and Halsted when the police pulled him over and asked for his driver's license, which he provided. Subject 1 described the business officer as a white male with blue eyes, who is approximately 5'8" and 190 pounds (identified as Officer A). Officer A also had a male, white partner (identified as Officer B) but Subject 1 could not describe this officer further. Subject 1 stated he did not know

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why the officers pulled him over and the officers did not tell Subject 1 why he was pulled over. Subject 1 stated that Officer A told Subject 1 to exit the vehicle and handcuffed Subject 1.

Once Subject 1 was handcuffed, Officer A told him his Washington state dealer license plate was expired and Subject 1 acknowledged such. Officer A reportedly also told Subject 1 that his license plate did not reveal any registration when searched. Subject 1 claimed that the plate was registered to him in Washington state as a dealer's plate, but it was expired. An officer told Subject 1 that his vehicle appeared to be repossessed. Subject 1 responded that he is a wholesale dealer and the vehicle was repossessed, but he bought it at auction and had a title. Subject 1 related he purchased the vehicle from American Auto Auctions. Subject 1 stated that the license plate registration had been destroyed in his wallet so he did not show that documentation to the officer. Subject 1 was placed in the CPD vehicle while officers searched his vehicle. Subject 1 was then taken to the police station and his vehicle was impounded. Subject 1 denied running a stop sign or engaging in drag racing. Subject 1 denied that an officer asked him for insurance, or at least not that he heard. Subject 1 did not know what he was arrested for and related there was no cause for his arrest.

Subject 1 stated that Officer A pulled him over on a second occasion in late October 2017. Subject 1 was driving north on Ashland Ave. and turned left on 56th St., heading west, when officers pulled him over. Subject 1 stated that the same two officers from the October 4, 2017 incident approached and asked for his license. Officer A's partner (believed to be either Officer B or Officer C) searched the license plate, said the dealer plate was stolen, and Officer A handcuffed Subject 1. Subject 1 stated that he was transporting a vehicle for work and was not aware if the plates were stolen or not. Subject 1 denied that he stole any license plates. Subject 1 stated he was working with an individual named Civilian 1, who had purchased the vehicle the day before, and stated he obtained the license plates from Civilian 1. Subject 1 was brought to the police station and the vehicle was impounded. Subject 1 did not know why he was pulled over. Subject 1 was suspicious that it was the same officers who pulled him over on October 4, 2017. Subject 1 stated that since the plates were stolen without his knowledge, he was not sure what the laws were as far as whether this arrest was legal. However, Subject 1 believed his first arrest was illegal and without justification.

Subject 1 stated that he has gotten the two vehicles back, but Officer A would not release the titles to Subject 1. Subject 1 went to the police station and Officer A demanded proof that Subject 1 owned the vehicles. Subject 1 stated that he is an agent on a friend's account with BBL Enterprise. Subject 1 also reported being the owner of Royce Auto Sales. Subject 1 related that he provided a bill of sale from the auction where he purchased the vehicles. At the time of his COPA statement, Subject 1 was attempting to get his titles returned from CPD. (Att. 7)

Department Records and Reports

An Arrest Report was located for Subject 1's October 4, 2017 arrest with RD #XXXX. Subject 1 was arrested near XXXX W. 74th St. and charged with misdemeanor street racing. He was also given traffic citations for failing to stop at a stop sign, possessing title/registration not authorized on vehicle, operating a motor vehicle without insurance, and having unregistered/expired tags. Subject 1's vehicle was impounded. The arresting officers (Officers A

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and B) saw Subject 1 driving west on 74th St. “at a high rate of speed” with the tires squealing. The officers then saw Subject 1 drive through a stop sign at 74th and Peoria. The officers conducted a traffic stop and Subject 1 did not have proof of insurance. The officers requested that the Office of Emergency Management Communications (OEMC) perform a search on the license plates which was met with “negative results.” The officers were “unable to find any info about the [...] plate.” The license plates registration had expired in October 2016. Subject 1 was arrested and taken to the 7th District. Subject 1’s car keys, expired State of Washington Motor Vehicle Wholesale Paper, and Illinois title were “held for investigation” and inventoried. (Att. 14)

An Original Case Incident Report was identified for RD #XXXX, which contained similar content as the Arrest Report. The Original Case Incident Report elaborated that a search of Subject 1’s Washington dealer plates, “had negative results from Washington state.” Further, a search of the vehicle identification number (VIN) revealed it had been repossessed. Subject 1 gave the officers a vehicle title “which did not bear his name, or dealer information which he claimed to be a part of.” Subject 1 also gave the officers “a Washington State vehicle wholesaler card without his name on it which had expired.” (Att. 9)

OEMC Radio Transmissions and an OEMC Event Query Report were obtained for RD #JAXXXXXX. On October 4, 2017, Officers A and B (Beat XXXX) were conducting a traffic stop and called OEMC at approximately 8:28 PM to run a Washington state license plate of XXXX. OEMC did not find any record for this dealer plate. Beat XXXX also gave OEMC the VIN, which returned to an Illinois plate registered to Civilian 2. of Calumet Park, IL. OEMC also identified that the vehicle was repossessed earlier in 2017. (Atts. 13, 16)

Subject 1 provided a copy of his CPD Vehicle Tow Report from October 4, 2017. The report states that CPD was unable to verify that Subject 1 owned the vehicle in question. Subject 1’s dealer plate had expired in October 2016 and no current registration was identified. A search of the VIN revealed the car was an Illinois registered, repossessed vehicle. Subject 1 reportedly “had no valid Washington state dealership paperwork or identification.” This report was completed by Officer B. (Att. 24)

Additionally, Inventory Sheets were obtained in relation to Subject 1’s October 4, 2017 arrest. There were four items inventoried and held for investigation: two car keys with fobs, one Washington Motor Vehicle Wholesale Card, one Washington Dealer Plate, and one vehicle title paper. All but the title is currently being held for investigation, which was released on November 28, 2017. A wallet and a cell phone belonging to Subject 1 were also inventoried and subsequently released. Officer A was the investigating officer for this case, with Officer B as the second involved officer. (Atts. 25, 30)

An Arrest Report was located for Subject 1’s October 21, 2017 arrest with RD #XXXX. Subject 1 was arrested near XXXX W. 56th St. at approximately 7:30 PM. Subject 1 was charged with felony possession of a title/registration that is stolen/altered. Subject 1 was also cited for operating a motor vehicle without insurance and transport/carry alcohol – driver. The arresting officers (Officer A and Officer C) “performed a leads inquiry of an Illinois dealer plate in traffic” and learned that Ed Napleton Calumet City Imports reported the plates as missing/stolen on August 18, 2017. Subject 1 reportedly told the officers that he is a dealer and the plates were his. Subject

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1 was “unable to provide any information about him being a dealer or the plates being his.” Subject 1 was also unable to provide vehicle insurance. Further, the officers observed an open beer can in the driver’s side cup holder. Subject 1 was transported to the 7th District, where he told officers “he is a dealer out of Michigan and Washington states and that he received the plates from 163rd and Pulaski Rd. from a person named Civilian 1 who is a dealer.” Subject 1 did not provide dealership identification and the vehicle title did not bear Subject 1’s name. According to this report, Subject 1 is associated with the Black P Stone and Vice Lord street gangs. Subject 1’s vehicle was towed and his dealer plates, key fob, and vehicle title were inventoried. Officer B, and others, were assisting officers. A Detective Supplemental Report was found for RD #XXXX with similar content to the Arrest Report. (Atts. 26, 27)

Per Subject 1’s arrest history, he was convicted of having an unauthorized vehicle statement/title/certificate on September 14, 2015, after he pleaded guilty in the Cook County Circuit Court. (Att. 17)

Department Video Footage

Dash camera video was obtained from the vehicle manned by Officers A and B at the time of Subject 1’s arrest. At approximately 8:21 PM, Subject 1’s vehicle was seen going through an intersection, followed shortly by the officers conducting a traffic stop on Subject 1. The two officers approached the vehicle on either side. It appears Officer A approached the driver’s side and engaged Subject 1 in conversation. Subject 1 was heard telling the officers that he knew he was pulled over for squealing tires. The officers asked for his driver’s license and proof of insurance while they searched the vehicle windows with flashlights. Subject 1 was heard stating he is a dealer.

The officers returned to their vehicle while Subject 1 waited in his. The officers are heard stating that Subject 1 “blew” a stop sign and was screeching his tires. The officers expressed confusion that Subject 1 had an Illinois title but Washington license plates. At roughly 8:28 PM, the officers returned to Subject 1 seated in his car and asked if he found his insurance. Subject 1 provided insurance documentation indicating he was associated with a dealership named Infinity Texas Auto Sales in Summit, Illinois. Subject 1 said he had Washington dealer plates because he is from Washington. The officers proceeded to step away from Subject 1’s vehicle and talk to each other. The officers expressed skepticism about Subject 1’s inability to prove ownership and decided to take him to the police station.

At approximately 8:30 PM, Subject 1 was asked to exit the car while additional officers arrived on scene. Officers A and B searched Subject 1’s pockets. Subject 1 is heard telling the officers they could search his car at approximately 8:32 PM, and officers entered the vehicle. The officer believed to be Officer B finished searching Subject 1’s pockets and escorted him into his police vehicle. Officers continued searching Subject 1’s car while additional officers arrived. One of the arresting officers was heard telling the additional responding officers that Subject 1 sped around two cars and through a stop sign.

In car camera (ICC) footage was obtained from inside the vehicle manned by Officers A and B at the time of Subject 1’s arrest. At 8:36 PM, one of the officers was heard talking about

Subject 1's inability to prove he is a wholesale dealer. At one point, an officer said Subject 1 had gotten the vehicle that day. The officers questioned why the vehicle had Washington dealer plates if it came from an Illinois auction. Subject 1 was seen sitting in the CPD vehicle's backseat while officers discussed the situation. At approximately 8:41 PM, an officer told Subject 1 the plate did not "belong" to the vehicle. Subject 1 related it was because he was a dealer. The officer told Subject 1 he could not "throw dealer plates on any car you want." Subject 1 responded that he could do so and he did not understand what the officer was saying. At approximately 8:44 PM, Beat XXXX (Officers A and B) reported that they were heading to the station with one arrestee. The officers asked Subject 1 where his dealership is located but his answer was not discernable. An officer further asked for proof that Subject 1 was a dealer but Subject 1's response was not audible. An officer proceeded to talk to Subject 1 but the conversation was largely inaudible due to the police radio broadcasting over the conversation. (Atts. 19, 23)

Cook County Circuit Court

During his COPA statement, Subject 1 provided copies of citations he was issued in the Circuit Court of Cook County. On October 21, 2017, Subject 1 was given a citation for "seal broken – alcohol in vehicle" and operating an uninsured vehicle. The issuing officer was Officer C. Subject 1 was issued citations dated October 3, 2017 for racing, failing to stop at a stop sign, not having valid state registration, and expired registration.¹ (Att. 8)

Two recent criminal dockets and five recent traffic citations were found in the Cook County Circuit Court related to the present investigation.

- Case Number XXXX was filed on October 22, 2017. Subject 1 was charged with felony possession of title/registration and two traffic citations. The case was transferred to the Criminal Division on November 13, 2017 with Case Number XXXX. (Att. 31)
- Case Number XXXX was filed on November 16, 2017 with a felony charge of unlawful use of vehicle identification. Subject 1 pleaded not guilty on November 27, 2017. Subject 1 is currently on bond and his next court date is February 21, 2018. (Att. 32)
- Per available records, Subject 1 was issued Ticket Numbers XXXX on October 3, 2017.² The citations were given for street racing, disregarding a stop sign, operating an uninsured motor vehicle, unlawful display of title/certificate/plate, and expired registration. Bond forfeiture for these citations is currently pending and the next court date is February 2, 2018. (Att. 33)

Business Records

¹ While these citations have an issuing a date of October 3, 2017, it is believed this is an error and they were actually issued on October 4, 2017.

² While these citations have an issuing a date of October 3, 2017, it is believed this is an error and they were actually issued on October 4, 2017.

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A business record was located for BBL Enterprises through the Illinois Secretary of State. This is an active corporation that was formed on May 20, 2009. A business filing was also identified for BBL Enterprise Inc. through the Michigan Department of Licensing and Regulatory Affairs. Lastly, a business record was located through the Washington State Department of Revenue for a used car dealer named BBL Enterprises LLC. Subject 1 is not provided on available documents for any of the three businesses and his affiliations, if any, with these organizations is unknown. (Att. 34, 36, 37)

A business record was identified for Royce Auto Sales through the Washington State Department of Revenue. The corporation opened on June 1, 2014 and it closed on December 31, 2016. The reseller permit was effective on October 29, 2014 and expired on October 28, 2016. A general internet directory listing provided Subject 1 as the business' officer. No business filings were located for Royce Auto Sales through the Illinois Secretary of State or the Michigan Department of Licensing and Regulatory Affairs. (At. 35)

Approved:

Submitted:

Supervising Investigator 1

Investigator 1

ANALYSIS AND CONCLUSION

Because the allegations against Officer A and Officer B are clearly Unfounded or Exonerated and do not rise to the level of misconduct, it is not necessary that Officer A and Officer B address them in any way.

COPA recommends a finding that **allegation #1** against Officer A and Officer B, that they conducted a traffic stop on Subject 1 without justification, be **Unfounded**.

Subject 1's allegation that Officers A and B conducted a traffic stop on Subject 1 is Unfounded. As seen in the Department video, the officers told Subject 1 they observed his squealing car tires and Subject 1 acknowledged such. Even in his COPA statement, Subject 1 acknowledged his tires were spinning. When Officer A told Subject 1 that he understood why Subject 1 "hit the gas," Subject 1 responded by laughing. While Subject 1 denied speeding in his statement to COPA, his credibility must be called into question because Subject 1 also told COPA that the officers did not ask him for insurance; or if they did, he did not hear the officers. However, per dash-camera video, Subject 1 was asked by Officer A for his license and insurance at approximately 8:22 PM. At approximately 8:23 PM, Subject 1 told Officer A that he was looking for insurance. Subject 1 also told COPA that the officers did not tell Subject 1 why he was pulled

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over while video evidence shows this was not the case, as detailed above. The officers had justification to perform a traffic stop and their actions were within policy.

COPA recommends a finding that **allegation #2** against Officer A and Officer B, that they arrested Subject 1 without justification, be **Unfounded**.

The officers were not acting out of policy when they arrested Subject 1. When the officers ran Subject 1's Washington dealers plate and the vehicle's VIN, it provided suspicious circumstances. Namely, the VIN was registered to someone other than Subject 1 and the expired plate returned no current registration information. Subject 1 was unable to prove ownership of the vehicle and the officers exercised their discretion by arresting Subject 1. COPA research located no current business registrations for Subject 1 confirming he is lawfully operating as a vehicle dealer. In fact, available evidence suggests he is acting illegally. Specifically, Subject 1's corporation, Royce Auto Sales, closed on December 31, 2016 and the reseller permit expired on October 28, 2016. By Subject 1's own admission, his dealer license plates were expired. According to Washington state law, individuals using Washington state dealer plates must carry a "card so identifying any such individual [...] in the vehicle at all times it is operated by such individual." Subject 1 was unable to provide an active and current identification. Additionally, Illinois state law states that "Used vehicle dealers must be licensed [...] No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year [...] or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section." Subject 1 was unable to provide any such Illinois dealership license. As for Subject 1's claim that he was operating as a representative of another individual's business, Illinois state law states that individuals who, in the last three years, have committed a violation of "The Anti-Theft Laws of the Illinois Vehicle Code," cannot be involved as a one of the dealerships, "officers, directors, shareholders [...], proprietor, partner, member, officer, director, trustee, manager or other principals in the business." Subject 1 was convicted of having an unauthorized vehicle statement/title/certificate on September 14, 2015, making his role as a member of his friend's dealership illegal. Therefore, the claim that Officers A and B arrested Subject 1 without justification is Unfounded.

COPA recommends a finding that **allegation #3** against Officer A, that he failed to return Subject 1's vehicle titles be **Exonerated**.

Lastly, the claim that Officer A failed to return Subject 1's vehicle titles is Exonerated. According to CPD General Order G07-01, "All property which is seized, recovered, found, or otherwise taken into custody by Department members will be inventoried as soon as it is practical to do so." "Such property must be returned to the arrestee at the time of release or transfer. If the property will not be returned at that time, it will be inventoried in the eTrack system." The title from Subject 1's October 4, 2017 arrest was held for investigation by Officer A on this same date and inventoried in eTrack. The hold was released on November 28, 2017. As for Subject 1's October 21, 2017 arrest, the vehicle title was held for investigation on the day of arrest and

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inventoried by Officer B into eTrack.³ Therefore, Officer A's action of not giving Subject 1 his titles was within policy and no misconduct occurred.

Approved:

Deputy Chief Administrator

³ See Att. 38

FINDINGS

Accused 1: Officer Officer A, Star #XXXX

Allegation 1-2: Unfounded

Allegation 3: Exonerated

Accused 2: Officer B, Star #XXXX

Allegation 1-2: Unfounded