

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 18, 2017
Time of Incident:	8:41 p.m.
Location of Incident:	XXXXX S. Yale Avenue
Date of COPA Notification:	October 19, 2017
Time of COPA Notification:	4:24 p.m.

On June 18, 2017, several concerned citizens placed calls to 911. The 911-callers described seeing a light-skinned black male, wearing a red-colored shirt, shooting a pistol in the middle of the street at XXX<sup>rd</sup> Street and Yale Avenue. Officers A and B, among others, responded to the scene. Upon arrival, a witness directed the officers to a vehicle that the shooter was occupying.

The officers approached the subject’s vehicle with their guns drawn and ordered the subject, Subject 1, to exit the vehicle. After Subject 1 failed to comply, Officer A removed him from the vehicle. The officers placed Subject 1 into custody and performed a protective pat down of his person, which revealed a 9mm pistol in his pocket. The officers subsequently searched the vehicle and recovered narcotics and U.S. currency. The officers also located a 9mm shell casing on the street, near the vehicle that Subject 1 had occupied.

While awaiting trial, Subject 1 made several allegations against Officers B and A, including that they unjustifiably pointed their weapons at him, falsely arrested him without advising him of the reason for his arrest, unlawfully searched the vehicle he had occupied, and failed to inventory all the money they recovered from said vehicle. Based upon its investigation, the Civilian Office of Police Accountability (COPA) has determined that all of Subject 1’s allegations are unfounded.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, Star# XXXXX, Employee ID# XXXXXX, DOA: XX/XX/2012, Officer, Unit XXX, DOB: X/XX/1987, Male, Hispanic
Involved Officer #2:	Officer B, Star# XXXX, Employee ID# XXXXXX, DOA: X/XX/2016, Officer, Unit XXX- Detailed to Unit XXX, DOB: X/XX/1992, Male, Black
Subject #1:	Subject 1, DOB: X/XX/1974, Male, Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	1. Pointed a weapon at Subject 1 without justification.	Unfounded
	2. Conducted an improper search of a vehicle.	Unfounded
	3. Failed to inventory \$787 U.S. Currency.	Unfounded
	4. Falsely arrested Subject 1.	Unfounded
	5. Failed to advise Subject 1 of the reason for his arrest.	Unfounded
Officer B	1. Pointed a weapon at Subject 1 without justification.	Unfounded
	2. Conducted an improper search of a vehicle.	Unfounded
	3. Failed to inventory \$787 U.S. Currency.	Unfounded
	4. Falsely arrested Subject 1.	Unfounded
	5. Failed to advise Subject 1 of the reason for his arrest.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

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Rules

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Rule 1: Violation of any law or ordinance

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 38: Unlawful or unnecessary use or display of a weapon

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General Orders

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General Order G06-01-02: Restraining Arrestees

General Order G07-01: Processing Property Under Department Control

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Special Orders

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Special Order S04-13-09: Investigatory Stop System

Special Order S07-01-02: Inventorying Money

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Federal Laws

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4<sup>th</sup> Amendment of the United States Constitution

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State Laws

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720 ILCS 5/24-1.5(a): Reckless Discharge of a Firearm

720 ILCS 5/24-1.6: Aggravated Unlawful Use of a Weapon

720 ILCS 5/24-1.1(A): Unlawful Use or Possession of a Weapon by a Felon

625 ILCS 5/11-501(a): Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

720 ILCS 570/402(c): Possession of a Controlled Substance

720 ILCS 5/24-1.7(A): Armed Habitual Criminal

720 ILCS 5/33A-2(A): Armed Violence

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

On October 19, 2017, the Civilian Office of Police Accountability (COPA) received a letter from Subject 1 with allegations of officer misconduct. Following Subject 1's complaint, COPA began its investigation of the incident. The relevant evidence reviewed included reports and records from the Chicago Police Department (CPD) and the Office of Emergency Management and Communications (OEMC). COPA subsequently interviewed Subject 1 in the presence of his public defender and obtained a signed affidavit. During the investigation, COPA obtained substantial evidence which proved Subject 1's allegations false. Therefore, COPA determined that it was unnecessary to interview or serve allegations to the involved officers in this matter.

### a. Interviews

**COPA interviewed Complainant Subject 1<sup>2</sup>** on December 1, 2017, inside Cook County Jail, in the presence of Subject 1's Assistant Public Defender. During the interview, the investigator presented Subject 1 with his letter that he had mailed to COPA.<sup>3</sup> Subject 1 verified that he wrote the letter and that its contents were true and accurate to the best of his knowledge.

Subject 1 said that on June 18, 2017, around 4:30 p.m., he was in the front passenger seat of his son's parked vehicle, a black Monte Carlo, at XXX<sup>rd</sup> Street and Yale Avenue. Subject 1 was in the car waiting for his son, who was visiting a female's house nearby. Subject 1 said that at around 6:00-6:30 p.m., he noticed several police cars with their lights and sirens on. Subject 1 said that several officers, including Officers A and B approached the vehicle he was in with their guns drawn and pointed them at Subject 1 for no reason. The officers directed Subject 1 to step out of the vehicle. Subject 1 asked them multiple times "what was their probable cause [for]

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<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.

<sup>2</sup> Att. 45

<sup>3</sup> Att. 4

telling [him] to step out of the parked vehicle.” Subject 1 said that the officers did not give him a reason.

Subject 1 said that he opened his door and eventually stepped out of the vehicle. Thirty seconds after he exited the vehicle, the officers handcuffed him. Subject 1 then asked the officers what their probable cause was to arrest him. The officers did not respond and instead placed him into a police vehicle. Subject 1 could not see the officers searching his son’s car because he was in the back of a police vehicle at the time.

Subject 1 said that earlier in that day, he left his home with \$1,000, in one-hundred-dollar denominations, on his person. He then went and “picked up another \$300.” Subject 1 placed the \$1,300 inside the center armrest of his son’s car, which was closed. Subject 1 later discovered that the police only inventoried \$500. Subject 1 said that he did not have any proof that he had \$1,300 that day because it was mostly his personal savings that he had kept at home.

Subject 1 could not say if he recognized the officers, but he believed these officers were the same officers who had set him up before by planting a gun and heroin on him during a previous incident. Subject 1 insisted that the officers falsely arrested him during this incident as well. He said that he was wrongly charged with a DUI, even though he blew 0.00 and he was also wrongly charged with possessing heroin, since the substance was tested by a lab with negative results for heroin. Subject 1 said that he had nothing in his pockets that day, but that the officers claimed to have found the drugs there.

Subject 1 later clarified that he had only been sitting in his son’s car for about twenty-five minutes. He said that it couldn’t have been the evening yet, and the police report must be incorrect because it was still light outside. When asked if he heard a gunshot or a loud noise while he was sitting in his car with a cracked open sunroof, Subject 1 said he was listening to music and never heard any loud noise.

#### **b. Digital Evidence**

An **In Car Camera (ICC) Video**<sup>4</sup> from Bt. XXX, Vehicle# XXXX commenced recording relative to this incident on June 18, 2017, at 8:34 p.m., and is 14:41 in length. The video begins with a police vehicle in route to XXXXX S. Yale, responding to a call of a person with a gun, described by dispatch as a black male wearing an orange, red, or gray shirt. Dispatch announces that the subject was initially talking to himself and then began shooting.

The officers in the recording vehicle arrive on scene, park, and exit their vehicle. They meet two other officers who were already on scene. Due to the recording vehicle’s parked location, the vehicle of the subject does not appear on the recording. However, the audio from the initial approach and arrest is partially captured. The police order Subject 1 out of his vehicle several times. The police also instruct him not to reach for anything. Subject 1 then says, “Hold on,” and is told again to exit his vehicle. The police ask a person not visible on the recording if

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<sup>4</sup> Att. 31

someone was shooting on the block. This person seems to identify Subject 1 as the man that was shooting, although the camera only captures the audio of this interaction.

About five minutes into the recording, Subject 1 momentarily comes into view for the first and only time. Officers are escorting him towards a marked police vehicle. Subject 1 tells the officers that he did not do anything wrong. He also says, "I didn't have no gun." To which an officer responds, "If you didn't have a gun, what did I take out of your pocket then?" The recording also captures audio of officers briefly conversing with each other about which items they found on the subject.

Next, video shows officers engaged in what appears to be a search for a shell casing. An officer asks a passerby where the subject was shooting. The passerby says that he shot once by the silver GMC vehicle. The officers then search and recover a shell casing near a silver SUV that was located on the opposite side of the street, directly across from where the officers arrested Subject 1.

OEMC recorded seven unique 911 calls relative to this incident. A **Recording of a 911 Call**<sup>5</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>6</sup> indicate that on June 18, 2017, at 8:33 p.m., Civilian 1 called from (XXX) XXX-XXXX and stated that she lives at XXXXX S. Yale Avenue. She reported a man shooting in the middle of the street, who shot once and is now walking up and down the street. She described the offender as being a black male, wearing an orange shirt.

A **Recording of a 911 Call**<sup>7</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>8</sup> indicate that on June 18, 2017, at 8:33 p.m., an anonymous male caller called from (XXX) XXX-XXXX and stated that there is a man on XXX<sup>rd</sup> and Yale, wearing a red shirt, who was in the middle of the street shooting a gun. The caller relayed that the shooter is currently sitting on a porch at XXXXX S. Yale Avenue and may have just gone into the house. A subsequent **Recording of a 911 Call**<sup>9</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>10</sup> indicate that on June 18, 2017, at 8:37 p.m., the same male caller called from (XXX) XXX-XXXX and did not ask to remain anonymous. He stated that he had previously called about a man shooting in the middle of the street. He said the man is now in a black car in the middle of the block of XXX<sup>rd</sup> and Yale, on the east side of the street, parked in front of a fire hydrant. The caller described the offender as a black male, wearing a reddish orange shirt.

A **Recording of a 911 Call**<sup>11</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>12</sup> indicate that on June 18, 2017, at 8:33 p.m., a 911 caller named Civilian 2 called from (XXX) XXX-XXXX and stated that there is a man shooting a gun in the middle of the street at XXX<sup>rd</sup> and Yale. She described the offender as a black male with a light complexion who was wearing a red shirt and dark pants. She said that he was swearing, pulled out a gun and fired one shot.

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<sup>5</sup> Att. 18

<sup>6</sup> Att. 9

<sup>7</sup> Att. 23

<sup>8</sup> Att. 14 & 59

<sup>9</sup> Att. 25

<sup>10</sup> Att. 16

<sup>11</sup> Att. 21

<sup>12</sup> Att. 12

A **Recording of a 911 Call**<sup>13</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>14</sup> indicate that on June 18, 2017, at 8:33 p.m., an anonymous male caller stated that police are needed at XXX<sup>rd</sup> and Yale because there is a male, wearing a pink shirt and blue jeans, who has a gun and is shooting. The caller stated that the offender had shot two times.

A **Recording of a 911 Call**<sup>15</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>16</sup> indicate that on June 18, 2017, at 8:33 p.m., a woman named Civilian 3 called from (XXX) XXX-XXXX and stated that there is a man standing in the middle of the block at XXX<sup>rd</sup> and Yale, who was shooting a gun. She described him as a black male, wearing a red shirt, jeans, and red shoes. She said that he was talking to himself and then pointed the gun at the ground and shot.

A **Recording of a 911 Call**<sup>17</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>18</sup> indicate that on June 18, 2017, at 8:34 p.m., a man named Civilian 4 called from (XXX) XXX-XXXX and stated that there is a black male, wearing a red shirt, at XXX<sup>rd</sup> and Yale who is acting crazy and shooting.

A **Recording of a 911 call**<sup>19</sup> and **OEMC Event Query #XXXXXXXXXX**<sup>20</sup> indicate that on June 18, 2017, at 8:34 p.m., an anonymous male caller stated that there is a “crazy man” in front of XXXXX S. Yale Avenue, who just shot a gun in the air and said that “he would kill anybody.” He described the man as a black male with light complexion, weighing around 200lbs and wearing a blue shirt and gray pants.

### c. Physical Evidence

An **Illinois State Police Lab Report (#XXX-XXXXXX)**<sup>21</sup> documents that evidence relative to this incident was received by the Forensic Center in Chicago on June 21, 2017. The laboratory tested 2.9 grams of plant material from two packages (Inventory# XXXXXXXXX), which the lab concluded was Cannabis. The lab also tested 1.5 grams of plant material from two packages (Inventory# XXXXXXXXX), which the lab concluded to be Phencyclidine (PCP).

The **Inventory Sheets for No. XXXXXXXXX and No. XXXXXXXXX**<sup>22</sup> list that Officers A and B recovered \$513 from Subject 1 on June 18, 2017. The denominations of money include 3 one-dollar bills, 2 five-dollar bills and 25 twenty-dollar bills. The Chicago Police Department originally inventoried the \$513 under No. 13940877, but subsequently re-inventoried it under No. XXXXXXXXX after a canine alerted to the presence of drugs on the currency.

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<sup>13</sup> Att. 20

<sup>14</sup> Att. 11

<sup>15</sup> Att. 24

<sup>16</sup> Att. 15

<sup>17</sup> Att. 19

<sup>18</sup> Att. 10

<sup>19</sup> Att. 22

<sup>20</sup> Att. 13

<sup>21</sup> Att. 58

<sup>22</sup> Att. 36 & 37

The **Booking Photos**<sup>23</sup> of Subject 1 were taken on June 19, 2017, at 6:22 a.m. In the photos, Subject 1 is wearing an orange-red colored shirt.

**d. Documentary Evidence**

The **Original Case Incident Report (RD# XXXXXXXXX)**<sup>24</sup> documents that on June 18, 2017, Officers A, B, C, and D responded to a call of shots fired at XXXXX S. Yale Street. When the officers arrived on scene, a witness named Civilian 5 pointed the officers towards a black Chevrolet Monte Carlo and said it was the offender's vehicle. The man sitting in the front seat of the vehicle matched the description of the offender, which was a light-skinned, black male, wearing a red shirt. The officers approached the vehicle with their guns drawn out of fear that the offender was armed.

The report states that the officers ordered the offender, Subject 1, to exit the vehicle. After Subject 1 refused to comply, Officer A opened the driver's door and again ordered the offender out of the vehicle. Subject 1 appeared intoxicated and again refused to exit. Officer A reached into the occupied vehicle and placed it in park. Officer A gained control of Subject 1's hands and pulled him out of the vehicle. The officers then detained Subject 1, who was having difficulty standing, and performed a protective pat down.

According to the report, the protective pat down revealed a 9mm firearm in Subject 1's right front pocket. At 8:41 p.m., Subject 1 was placed into custody. A custodial search was performed of Subject 1 and the vehicle. The officers found five clear knotted bags of suspect cannabis in his right front pocket. The officers also recovered two clear bags containing a black tar-like substance wrapped in foil, which they suspected to be heroin, from the driver's seat where Subject 1 was sitting. Additionally, the officers recovered \$513 from the front passenger seat and the cup holder.

Following Subject 1's arrest, the vehicle was impounded. Witnesses related to the officers that Subject 1 had fired a single shot in the middle of the street while talking to himself. After reading Subject 1 his *Miranda* rights, he told the officers that he had "plenty more guns." A drug canine later was presented with the bundle of money recovered and alerted to the presence of narcotics. (Att. 6)

The **Arrest Report (RD# XXXXXXXXX)**<sup>25</sup> documents that Subject 1 was cited for Armed Habitual Criminal, Unlawful Use of a Weapon by a Felon, Manufacture/Delivery of 1<15 grams of Heroin, Manufacture/Delivery of 30-500 grams of Cannabis, Reckless Discharge of a Firearm, Driving on a Suspended License, Window Screen, Operating a Motor Vehicle without Insurance, Possession of a Firearm with a Defaced Serial Number, Driving Under the Influence of Alcohol or a Combination of Drugs, Driving Under the Influence of Alcohol, and Violation of Bail Bond.

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<sup>23</sup> Att. 60

<sup>24</sup> Att. 6

<sup>25</sup> Att. 5

The **Docket for Criminal Case XXXXXXXXXXXXX**<sup>26</sup> shows that the Grand Jury indicted Subject 1 with 21 felonies because of this incident. His charges include Armed Habitual Criminal, Armed Violence, Reckless Discharge of a Firearm, Possession of a Controlled Substance, 2 counts of Felon in Possession of a Weapon, 9 counts of Aggravated Unlawful use of a Weapon, and 6 counts of Aggravated DUI. Prior to a jury trial, 19 out of 21 of Subject 1's charges were dismissed with the disposition *Nolle Prosequi*.<sup>27</sup> On January 10, 2018, Subject 1 was found Guilty of Armed Violence and Not Guilty of Possession of a Controlled Substance by a jury.

#### **e. Additional Evidence**

In a **Letter from Subject 1**<sup>28</sup>, dated September 16, 2017, Subject 1 wrote that he was arrested on June 18, 2017. He said that Officers A and B were "very unprofessional" because they said they recovered eleven grams of heroin out of his pocket, but that never happened. Subject 1 wrote that the items were sent to a lab and tested negative for heroin. Subject 1 also wrote that the officers searched his son's car wrongfully and took \$1,300, but only inventoried \$513.

A **Phone Conversation**<sup>29</sup> with an investigator and a documented 911-caller from (XXX) XXX-XXXX occurred on January 11, 2018, at approximately 4:45 p.m. The man who answered from (XXX) XXX-XXXX identified himself as Civilian 6. Civilian 6 said he remembered calling 911 on Father's Day. He saw a man shoot a gun in the street at XXX<sup>rd</sup> Street and Yale Avenue. He saw that man go to a porch across the street, and later into a car parked on the street. He remembered looking through his window near XXX<sup>rd</sup> Street and Yale Avenue and seeing the police arrest the man in the car. Civilian 6 said that the man he saw the police arrest was the same man that he had seen shoot the gun in the middle of the street.

## **VI. ANALYSIS**

### **a. Allegation 1: Pointed a weapon at Subject 1 without justification.**

COPA determined that Officers A and B did not point their weapons at Subject 1 without justification. Officers A and B were responding to a call of a man shooting a gun in the middle of the street. This call was generated by seven unique 911 calls reporting gunfire. According to the arrest report, a witness led the officers to the shooter's vehicle, which was a vehicle occupied by Subject 1. If the officers pointed their guns at Subject 1, they were justified in doing so for officer safety.

### **b. Allegation 2: Conducted an improper search of vehicle**

COPA determined that Officers A and B did not conduct an improper search of the vehicle. The Fourth Amendment guarantees "[t]he right of the people to be secure in their

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<sup>26</sup> Att. 61

<sup>27</sup> *Nolle Prosequi* is a legal term which means that the prosecutor chose to no longer prosecute the charge. In this case, it is likely that the prosecutor dismissed these charges to simplify the issues to be decided by the jury.

<sup>28</sup> Att. 4

<sup>29</sup> See Investigator's Case Log - Att. 62, page 4.



persons, houses, papers, and effects, against unreasonable searches and seizures...” Here, the officers did not conduct an unreasonable search of the vehicle previously occupied by Subject 1.

According to CPD reports, a witness pointed the officers towards the car Subject 1 was occupying and identified him as the shooter. It should also be noted that Subject 1 was wearing an orange-red colored shirt in his booking photos. This is consistent with the description of the shooter’s shirt given by several 911-callers. According to the police reports and Subject 1’s own admission, Subject 1 refused several police orders to exit the vehicle. Due to Subject 1’s failure to comply and the risk to officer safety since Subject 1 was suspected to have a gun, the officers opened the unlocked door of the vehicle and removed Subject 1.

Pursuant to *Terry v. Ohio*, the officers could conduct a protective pat down of Subject 1, who was suspected to have just been involved in a shooting.<sup>30</sup> During this protective pat down, the officers recovered a pistol from Subject 1’s pocket. Subject 1 also appeared intoxicated when he was found in control of a vehicle. The circumstances here presented the officers with more than enough justification to perform their protective search of the vehicle.

Pursuant to *Arizona v. Gant*, it was reasonable to believe that relevant evidence of the crimes Subject 1 was being arrested for could be inside the car, such as ammunition, more weapons, or even alcohol.<sup>31</sup> The officers’ search led to the recovery of suspected heroin from the driver’s seat, where Subject 1 had been sitting. Pursuant to *Chimel v. California*, Subject 1’s lawful arrest for Reckless Discharge of a Firearm, Unlawful Use of a Weapon and a DUI allowed the officers not only to search the vehicle without a warrant, but also to seize it and any contraband found inside.<sup>32</sup>

### **c. Allegation 3: Failed to inventory \$787 U.S. Currency**

COPA determined that Officers A and B did not fail to inventory \$787. It is more likely than not, that the officers inventoried all the money that they seized from the vehicle Subject 1 was occupying. The arrest report states that \$513 was recovered from the vehicle’s cup holder and front seat on June 18, 2017. Subject 1’s claim that the officers failed to inventory the full amount of the money they seized lacks credibility for several reasons. First, Subject 1 had no proof that he had \$1,300 stored inside the vehicle. Second, he claimed that his money stored in the car was solely comprised of one-hundred-dollar bills. However, the denominations of money seized included 3 one-dollar bills, 2 five-dollar bills and 25 twenty-dollar bills. Third, Subject 1 stated that his \$1,300 was inside of the closed center armrest of the vehicle, but the money recovered was found in the cup holder and on the passenger front seat. From the evidence collected in this investigation, COPA determined that the officers found only \$513 during their custodial search of the vehicle. The officers inventoried that \$513 under No. XXXXXXXXX, and subsequently re-inventoried it under No. XXXXXXXXX after a canine alerted to the presence of narcotics on the money.

### **d. Allegation 4: False Arrest**

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<sup>30</sup> 392 U.S. 1 (1968)

<sup>31</sup> 556 U.S. 332 (2009)

<sup>32</sup> 395 U.S. 752 (1969)

COPA determined that Officers A and B did not falsely arrest Subject 1. All arrests without a warrant must be based on probable cause that a suspect committed a crime. On June 18, 2017, the officers were responding to a call of shots fired at XXXXX S. Yale Street. When the officers arrived on scene, a witness pointed the officers towards a black Chevrolet Monte Carlo and said it was the offender's vehicle. The man sitting in the front seat of the vehicle matched the description of the offender, which was a light-skinned, black male, wearing a red, orange or pink shirt. During a lawful protective pat down, the officers recovered a 9mm, semi-automatic pistol from Subject 1's pocket. Afterwards, they found a 9mm shell casing near Subject 1's car.

A shooting had just occurred, Subject 1 was on the block that the shooting occurred, he matched the description of the offender given by dispatch, and a witness identified the car he was occupying as the car the shooter was currently inside. The facts here known to the officers provided adequate probable cause to carry out an arrest without a warrant.

Subject 1's complaints about his arrest were regarding the DUI charge and the Possession of a Controlled Substance (PCS) charge. These issues are a moot point with regards to an allegation of false arrest because the officers had probable cause to arrest Subject 1 for being in possession of a gun that he was suspected to have used in a shooting. However, even if there was no probable cause for that offense, the officers did not commit any misconduct with regards to the DUI charge or the PCS charge. Even though Subject 1 had a BAC level of 0.0 at the police station, the officers observed him exhibit signs of intoxication. Additionally, Illinois DUI law covers not only driving under the influence of alcohol, but it also includes being under the influence of drugs. Here, Subject 1 could have been under the influence of a drug, rather than alcohol, and therefore a BAC level of 0.0 is inconsequential.

Subject 1's complaint regarding his arrest for Possession of a Controlled Substance is also without merit. After a lawful search, the officers recovered what they suspected to be heroin on the driver's seat, which was where Subject 1 had been sitting. When a lab tested this drug, it came back positive for Phencyclidine (PCP), rather than heroin. In Illinois, PCP qualifies as an illegal drug under the statute for Possession of a Controlled Substance. The officers here were right to suspect that the clear bags contained illegal drugs. For the aforementioned reasons, COPA found that Subject 1's arrest was lawful.

**e. Allegation 5: Officers failed to advise Subject 1 of the reason for his arrest**

COPA determined that Subject 1 was advised of the reason for his arrest. Although there is no constitutional right to be informed of the reason of arrest during the arrest process, it is a good police practice to inform the arrestee of their charge when they are taken into custody.<sup>33</sup> Nevertheless, the most compelling evidence that Subject 1 was advised of the reason for his arrest is the audio from the In Car Camera (ICC) Video. On the recording, Subject 1 tells the officers that he did not do anything wrong and that he did not have a gun. An officer responds to Subject 1, "If you didn't have a gun, what did I take out of your pocket then?" From the dialog

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<sup>33</sup> See *Devenpeck v. Alford*, 543 U.S. 146 (2004)

that is captured on the ICC Video, it can be reasonably concluded that Subject 1 knew that at the very least, he was being arrested for possession of a gun.

**VII. CONCLUSION**

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

<b>Allegation</b>	<b>Finding</b>
<b>Officer A</b>	
1. Pointed a weapon at Subject 1 without justification.	Unfounded
2. Conducted an improper search of a vehicle.	Unfounded
3. Failed to inventory \$787 U.S. Currency.	Unfounded
4. Falsely arrested Subject 1.	Unfounded
5. Failed to advise Subject 1 of the reason for his arrest.	Unfounded
<b>Officer B</b>	
1. Pointed a weapon at Subject 1 without justification.	Unfounded
2. Conducted an improper search of a vehicle.	Unfounded
3. Failed to inventory \$787 U.S. Currency.	Unfounded
4. Falsely arrested Subject 1.	Unfounded
5. Failed to advise Subject 1 of the reason for his arrest.	Unfounded

Approved:

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 COPA Deputy Chief Administrator  
*Deputy Chief Administrator*

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 Date

Appendix A

Assigned Investigative Staff

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