

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	February 3, 2018
Time of Incident:	8:15 pm
Location of Incident:	XXX N. Rush Street, Chicago, IL 60611
Date of COPA Notification:	February 5, 2018
Time of COPA Notification:	4:25 pm

Complainant Subject 1 alleged that he was unlawfully arrested by Chicago Police Officer for selling items without a license. This investigation revealed that Subject 1 has been informed several times that he is not permitted to sell his wares at the location but that he persisted in doing so.

**II. INVOLVED PARTIES**

Involved Sergeant #1:	Sergeant A, Star #XXXXXX, Employee ID #XXXX, Appointment Date XXXXXXX, Unit XX, Male, White, Birth Date XXXXXXXXX.
Involved Officer #2:	Officer A, Star #XXXX, Employee ID #XXXXXX, Appointment Date XXXXXXX, Unit XXX, Male, Hispanic, Birth Date XXXXXXXXX.
Involved Office #3:	Officer B, Star #XXXXXX, Employee ID #XXXXXX, Appointment Date XXXXXXX, Unit XXX, Male, White, Birth Date XXXXXXX.
Subject #1:	Subject 1, Male, Black, Birth Date XXXXXXX.

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Sergeant A	1. Unlawfully arrested Subject 1, in violation of Rule 1.	Unfounded.
Officer A	1. Unlawfully arrested Subject 1, in violation of Rule 1.	Unfounded.
Officer B	1. Unlawfully arrested Subject 1, in violation of Rule 1.	Unfounded.

**IV. APPLICABLE RULES AND LAWS**

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**Rules**

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1. Rule 1: Prohibits violation of any law or ordinance.

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**United States Constitutional Provisions**

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1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.

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

In an **interview with COPA**,<sup>2</sup> on February 6, 2018, Subject 1 made the allegations listed above. Additionally, Subject 1 acknowledged that Chicago Police Department has informed him several times he could not sell merchandise at the location.

**b. Digital Evidence**

**Body-Worn Camera Footage<sup>3</sup> (“BWC”)** from Sergeant A, Officers A and B is comprehensive and does not depict any misconduct. The BWC shows Subject 1 displaying hats and other items for sale on the sidewalk in front of XXX N. Rush. As Sergeant A<sup>4</sup> approaches the location, he observes Subject 1 hand a male white a hat in exchange for money. Subject 1 then offers to sell Sergeant A two hats. Sergeant A leaves Subject 1, approaches Officers A and B, and informs them of his observations. Officers A and B approach Subject 1 and arrest him for peddling without a license. Subject 1’s property is collected and transported with him to the XXXXX District.

**c. Documentary Evidence**

**Subject 1’s Arrest Report**,<sup>5</sup> details essentially the same information depicted on the BWC Footage. Additionally, the report details that Subject 1 has been issued ANOVs in the past for the same conduct yet he continues to sell his wares without a license.

**VI. ANALYSIS**

COPA recommends a finding of **UNFOUNDED** for all the allegations made against the officers. A peace officer may arrest a person when he has reasonable ground to believe that the person has committed an offense.<sup>6</sup> Here, Sergeant A witnessed Subject 1 sell a hat before offering to sell two hats to Sergeant A. Based on this information Subject 1’s arrest was reasonable and

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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. 6.

<sup>3</sup> Att. 20.

<sup>4</sup> Sergeant A is dressed in plain clothes with his body camera positioned at his waist line.

<sup>5</sup> Att. 10.

<sup>6</sup> 725 ILCS 5/107-2(1)(c)

lawful. Because the allegations are clearly unfounded, it is not necessary that the officers address them in any way.

**VII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Sergeant A	1. Unlawfully arrested Subject 1, in violation of Rule 1.	Unfounded.
Officer A	1. Unlawfully arrested Subject 1, in violation of Rule 1.	Unfounded.
Officer B	1. Unlawfully arrested Subject 1, in violation of Rule 1.	Unfounded.

Approved:

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*Deputy Chief Administrator – Chief Investigator*

Date

**Appendix A**

Assigned Investigative Staff

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