

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Dates / Times of Incidents:	(1) March 12, 2017, at approximately 3:53 a.m.; and (2) August 28, 2017, at approximately 12:57 a.m.
Location of Incident:	In each case, near the intersection of West XX th and South Halsted Streets, Chicago, Illinois
Date / Time of COPA Notification:	October 23, 2017, 9:33 a.m.

Body worn camera and Police Observation Device video disprove the Complainant's allegations of false arrest.

II. INVOLVED PARTIES

Involved Member #1:	Officer A, Star #XXXXXX, Unit XXX, Employee ID# XXXXXXX, 3 years on force (DOA: XX/XX/2014), 36 y.o.a (DOB: XX/XX/1981), M/WHI
Involved Member #2:	Officer B, Star #XXXXXX, Unit XXX, Employee ID#XXXXXXX, 5 years on force (DOA: XX/XX/2013), 39 y.o.a (DOB: XX/XX/1978), M/WWH
Involved Member #3:	Officer C, Star #XXXX, Unit XXX (detailed to 006), Employee ID# XXXXXXX, 1 year on force (DOA: XX/XX/2014), 27 y.o.a (DOB: XX/XX/1991), M/WHI
Involved Member #4:	Unknown CPD Sergeant
Subject #1:	Subject 1, 53 y.o.a. (DOB: October XX, 1964), M/B

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. On March 12, 2017, at approximately 3:53 a.m., the accused falsely arrested the Complainant at XXX W. XX th Street in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked.	EXONERATED
	2. On August 28, 2017, at approximately 12:57 a.m., the accused falsely arrested the Complainant at XXXX S. Halsted St. in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked and with having open liquor on the public way.	EXONERATED

Officer B	1. On March 12, 2017, at approximately 3:53 a.m., the accused falsely arrested Subject 1 at XXX W. XX th Street in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked.	EXONERATED
Officer C	1. On August 28, 2017, at approximately 12:57 a.m., the accused falsely arrested the Complainant at XXXX S. Halsted St. in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked and with having open liquor on the public way.	EXONERATED
Unknown Sergeant	1. On March 12, 2017, the accused falsely approved Subject 1's arrest.	UNFOUNDED

IV. APPLICABLE RULES AND LAWS

Federal Laws

U.S. Constitution, Fourth Amendment.

State Laws

625 ILCS 11/6-303(a) (having physical control of a motor vehicle on a highway while driver's license is revoked)

Municipal Ordinances

Municipal Code of Chicago, Section 8-4-030(a)(2) (prohibiting open alcohol on the public way).

V. INVESTIGATION¹

a. Interviews

1. The Complainant, Subject 1, gave **Digitally Recorded Interviews** on October 24, November 14, and November 20, 2017.² In pertinent part and not verbatim, Subject 1 claimed that CPD officers had arrested him on March 12, 2017, and August 28, 2017, charging him in each case with having physical control of a motor vehicle on a highway while his driver's license was revoked. According to Subject 1, the arrests were false because he was not driving on either occasion. According to Subject 1, on the March 12, 2017 occasion he was repairing a motor vehicle on the street; and on the August 28, 2017 occasion he was merely retrieving a bottle of liquor from a motor vehicle that was parked in a privately-owned, publicly-accessible parking lot.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

²Attachments ##4, 12, and 13.

Additionally, Subject 1 accused a CPD sergeant, who he was unable to describe, of approving the March 12, 2017 arrest, despite knowing that it was false.

b. Digital Evidence

1. **Body-worn Camera (BWC) Video** footage taken by Officers A and B shows the March 12, 2017 incident. That footage shows Subject 1 exiting a stopped motor vehicle in traffic from the driver's side front door. It also shows Officer A telling Subject 1 that he had observed Subject 1 driving without headlights. Subject 1 responds to Officer A with admissions, including statements that he had been trying to find a parking place and statements such as that he had "messed up."³

2. **Body-worn Camera (BWC) Video** footage taken by Officer A shows the August 28, 2017 incident. That footage shows the arresting officers' vehicle stopped in the lot at XXXX S. Halsted Avenue, facing Subject 1's vehicle. It then shows the officers exit and approach Subject 1's vehicle. Subject 1 exits his vehicle from the driver's side. Officer A recognizes Subject 1, tells Subject 1 that he is not allowed to drive, and then Officers A and C place Subject 1 under arrest. By chance, only four days before, Officer A and Subject 1 had both testified in an administrative proceeding arising out of the March 12, 2017 incident.⁴ The video then shows Subject 1 protesting that he had not been driving and Officer A responding that he had seen Subject 1 driving only moments before. The video also shows Officer C retrieve an open bottle of alcohol from Subject 1's car.⁵

3. **Police Observation Data ("POD") Video** taken near the intersection of XXth and Halsted Streets also shows the August 28, 2017 incident. In pertinent part, the video shows Subject 1's vehicle driving from a public alley onto an unfenced, publicly accessible vacant lot located at XXXX S. Halsted Street and then coming to a stop on that lot. The arresting officers' marked vehicle appears on screen approximately twenty seconds later, coming from eastbound XXth Street and turning onto southbound Halsted Street. Approximately ten seconds later, the video shows the arresting officers' vehicle stopping or slowing on Halsted Street immediately adjacent to the lot, while Subject 1's vehicle's headlights and taillights are on. The officers' vehicle then leaves the screen, appearing again approximately forty seconds later, driving onto the lot from the alley and stopping near Subject 1's vehicle. The lights of Subject 1's vehicle go out as the officers' vehicle enters the lot. No person can be seen entering or leaving Subject 1's vehicle during the time that it is parked there.⁶

³Attachment #21.

⁴ Attachment #11 is a transcribed report of those proceedings.

⁵Attachment #22.

⁶Attachment #16.

c. Documentary Evidence

1. An **Arrest Report** dated March 12, 2017 shows that Officers A and B arrested Subject 1 on March 12, 2017, at 3:53 a.m. According to the report, Officer B observed Subject 1 drive a vehicle westbound at XXX W. XXth Street without its headlights on and then strike another vehicle without causing damage. According to the report, Officers A and B arrested Subject 1 and impounded his vehicle because Subject 1 was unable to produce a driver's license or proof of insurance. Officers A and B C subsequently determined that Subject 1's license was revoked.⁷

VI. ANALYSIS

Subject 1's claims that CPD members acted improperly are completely refuted by video evidence. Section 6-303 of the Illinois Vehicle Code justifies both arrests at issue. That provision prohibits a person whose driver's license is revoked from having "actual physical control" of a motor vehicle on a highway. Video evidence conclusively shows that Subject 1 was in physical control of a motor vehicle on a highway on each occasion. Video evidence also conclusively shows that the officers acted properly in charging Subject 1 with possessing an open alcohol container on the public way in violation of 8-4-030(a)(2) of the M.C.C., even though Subject 1 was on private property at the time of his arrest. Though the M.C.C. did not then and does not now define "public way" for purposes of 8-4-030(a)(2), Illinois courts of review have held in other contexts that the term "public way" encompassed privately-owned, publicly accessible parking lots. See People v. Wicks, 283 Ill. App.3d 337, 669 N.E.2d 722 (4th Dist. 1996) (citing cases), and People v. Williams, 161 Ill.App.3d 613, 515 N.E.2d 266 (1st Dist. 1987).

⁷Attachment #20. It appears that the arresting officers did not prepare an arrest report for the August 28, 2017 incident. However, CPD GO G06-01-01, Part VII.A, then provided, among other things that, "[d]etention for a traffic violation other than a traffic arrest made on a warrant will not require the completion of an Arrest Report when the violator is promptly let to bail or is temporarily detained at the district waiting to post bond."

VII. CONCLUSION

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

Allegation	Finding
Officer A	
1. On March 12, 2017, at approximately 3:53 a.m., the accused falsely arrested the Complainant at XXX W. XX th Street in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked.	EXONERATED
2. On August 28, 2017, at approximately 12:57 a.m., the accused falsely arrested the Complainant at XXXX S. Halsted St. in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked and with having open liquor on the public way.	EXONERATED
Officer B	
1. On March 12, 2017, at approximately 3:53 a.m., the accused falsely arrested the Complainant at XXX W. XX th Street in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked.	EXONERATED
Officer C	
1. On August 28, 2017, at approximately 12:57 a.m., the accused falsely arrested the Complainant at XXXX S. Halsted St. in Chicago, Illinois, charging him with having physical control of a motor vehicle on a highway while his driver's license was revoked and with having open liquor on the public way.	EXONERATED
Unknown Sergeant	
1. On March 12, 2017, the accused falsely approved Subject 1's arrest.	UNFOUNDED

Approved:

 COPA Deputy Chief Administrator
Deputy Chief Administrator
Chief of Investigations

 Date

Appendix A

Assigned Investigative Staff

Squad#:	Squad XX
Investigator:	COPA Investigator A
Supervising Investigator:	COPA Supervising Investigator A
Deputy Chief Administrator:	COPA Deputy Chief Administrator A