

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 29, 2017
Time of Incident:	6:30pm
Location of Incident:	4957 S. Woodlawn Ave. Chicago, IL 60615
Date of COPA Notification:	October 16, 2017
Time of COPA Notification:	4:45pm

Subject 1 alleged that Officer A and Officer B unlawfully arrested him for riding his bicycle on the sidewalk. After investigation, this allegation must be unfounded. However, the investigation indicates Officer A failed to activate his body worn camera in a timely manner, in violation of Department directives. This allegation must be sustained.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A, Star #XXXX, Employee #XXXX, Police Officer, Unit XXX, Appointment Date: XX XX, 2015, Birth Date: XX XX, 1990, Male, Hispanic.
Involved Officer #2:	Officer B, Star #XXXX, Employee #XXXX, Police Officer, Unit XXX, Appointment Date: XX XX, 2016, Birth Date: XX XX, 1992, Female, Black.
Subject #1:	Subject 1, Birth Date: XX XX, 1989, Male, Black.

III. ALLEGATIONS

Officer A

Allegation	Finding
1. Unlawfully arrested and booked Subject 1 for riding a bicycle on the sidewalk, in violation of Rule 1.	Unfounded
2. Failed to activate his body worn camera during the arrest of Subject 1, in violation of Rule 6.	Sustained

Officer B

Allegation	Finding
1. Unlawfully arrested and booked Subject 1 for riding a bicycle on the sidewalk, in violation of Rule 1.	Unfounded
2. Failed to activate her body worn camera during the arrest of Subject 1, in violation of Rule 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance.
 2. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
-

Special Orders

1. S03-14: Body Worn Cameras (effective June 9, 2017 to October 16, 2017).
-

Federal Laws

1. United States Constitution, Amendment IV: Prohibits unlawful searches and seizures.
-

V. INVESTIGATION¹**a. Interviews**

In an October 18, 2017 interview with COPA,² **Subject 1** stated he was riding his bicycle on the sidewalk when Officers A and B (the Officers) stopped him and asked his age and if he had identification. Subject 1 told the Officers he did not have any identification, did not know his social security number, and did not have a permanent address. Subject 1 provided his full first and last name as well as his date of birth, which the Officers ran through dispatch. When dispatch could not find any information, the Officers arrested Subject 1 and transported him to the 2nd District Station (District) where they processed him and placed him in lockup.

In a December 28, 2017 interview with COPA,³ **Officer A** stated that on the date of the incident he and Officer B were on patrol working Beat XXX when they observed Subject 1 riding his bicycle on the sidewalk for approximately one block. The Officers activated the overhead lights and stopped Subject 1, advising him of the reason for the stop. Officer B decided to issue Subject 1 an Administrative Notice of Violation (ANOV), however Subject 1 only provided the Officers with the first name "Subject 1," and did not have any identification. When Subject 1 refused to cooperate further, the Officers took him into custody. Subject 1 also refused to sign the ANOV. Officer A believed he activated his body worn camera (BWC) at the initiation of the stop, but later realized he had not, and then activated the device as Subject 1 was being handcuffed.

In a December 28, 2017 interview with COPA,⁴ **Officer B** stated she and Officer A stopped Subject 1 when she observed him riding his bicycle on the sidewalk for approximately one minute. When the Officers explained that it was unlawful to do so, Subject 1 became argumentative. Subject 1 did not have identification, gave a shortened version of his first name, and said he did not have a middle name. Officer B asked dispatch to run the information provided by Subject 1, which did not return any results. The Officers took Subject 1 into custody, and a subsequent search produced Subject 1's business card, listing his full name with middle initial; this information allowed dispatch to locate Subject 1's information. When Subject 1 refused to sign the ANOV that

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

² Att. 7.

³ Att. 24.

⁴ Att. 25.

Officer B prepared, the Officers transported him to the District for further processing. Officer B stated she was not assigned a BWC that day and did not receive one until October 2017.

b. Digital Evidence

Body Worn Camera (BWC) video⁵ from Officer A begins at 6:34pm, and records Subject 1's arrest. Officer A handcuffs Subject 1 and searches his property, locating a business card with the name Subject 1. Officer A asks dispatch to run Subject 1's name with the middle initial, and asks Subject 1 why he did not tell them he had a middle name. Subject 1 is placed into a police vehicle and the recording ends at 6:39pm. The video shows Officer B is not wearing a BWC during the incident.

c. Documentary Evidence

An **Arrest Report**,⁶ documents Subject 1's arrest by Officers A and B, assigned to Beat XXX, on September 29, 2017 at 6:46pm on the sidewalk outside 4957 S. Woodlawn Ave., after Officers observed Subject 1 riding his bicycle on the sidewalk. The report states that Subject 1 failed to produce any identification and gave a "shortened version of his first and last name initially." The report states Subject 1 refused to provide any other information for Officers to issue an ANOV, so they placed him into custody and transported him to the District for processing.

An **Office of Emergency Management and Communications (OEMC) Event Query Report**,⁷ a **Log Scan**,⁸ and **OEMC radio transmissions**⁹ indicate Beat XXX conducted a street stop at 4957 S. Woodlawn Ave at 6:25pm, and requested that dispatch run a search for the names "Subject 1" at 6:27pm; "Subject 1," at 6:33pm; and "Subject 1" at 6:36pm. Each search was made with the accompanying birth date of XX XX, 1989.

VI. ANALYSIS

COPA recommends findings of **UNFOUNDED** for Allegation 1 against Officer A and Officer B, that they unlawfully arrested and booked Subject 1 for riding a bicycle on the sidewalk. It is settled law that "[i]f an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence, he may, without violating the Fourth Amendment, arrest the offender."¹⁰ The Municipal Code of Chicago prohibits riding a bicycle on the sidewalk and subjects violators to a fine of up to \$200.¹¹ Further, the Code provides that members of the police department may arrest persons who are found violating any municipal ordinance.¹² Here, there is no dispute that Subject 1 rode his bicycle on the sidewalk; Subject 1 admits committing the offense in his interview. Because the law permits a custodial arrest based

⁵ Att. 16.

⁶ Att. 4.

⁷ Att. 12.

⁸ Att. 18.

⁹ Att. 21.

¹⁰ *Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001).

¹¹ § 9-52-010 *et seq.*

¹² § 2-84-230(1).

on a municipal ordinance violation, the Officers did not contravene the Fourth Amendment. This allegation must therefore be **UNFOUNDED**.

COPA recommends a finding of **SUSTAINED** for Allegation 2 against Officer A, that he failed to activate his body worn camera during the arrest of Subject 1. Special Order S03-14¹³ mandates officers to activate their BWCs “at the beginning of an incident and [to] record the entire incident for all law-enforcement-related activities.” Here, Officer A conceded he failed to activate his BWC when he first stopped Subject 1. Additionally, the evidence shows that the Officers stopped Subject 1 around 6:25pm, however Officer A’s BWC recording begins at 6:34pm. The allegation must therefore be **SUSTAINED**.

COPA recommends a finding of **EXONERATED** for Allegation 2 against Officer B, that she failed to activate her body worn camera during the arrest of Subject 1. Officer B stated she was not assigned a BWC that day, which is corroborated by the BWC video from Officer A. The allegation must therefore be **EXONERATED**.

VII. CONCLUSION

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

Officer A

Allegation	Finding
1. Unlawfully arrested and booked Subject 1 for riding a bicycle on the sidewalk, in violation of Rule 1.	Unfounded
2. Failed to activate his body worn camera during the arrest of Subject 1, in violation of Rule 6.	Sustained

Officer B

Allegation	Finding
1. Unlawfully arrested and booked Subject 1 for riding a bicycle on the sidewalk, in violation of Rule 1.	Unfounded
2. Failed to activate her body worn camera during the arrest of Subject 1, in violation of Rule 6.	Exonerated

Approved:

 XXXXXXXX
 Acting Deputy Chief Administrator – Chief Investigator

 Date

¹³ Body Worn Cameras (effective June 9, 2017 to October 16, 2017).

Appendix A

Assigned Investigative Staff

Squad#:	X
Investigator:	COPA Investigator A
Supervising Investigator:	COPA Supervising Investigator A
Acting Deputy Chief Administrator:	COPA Deputy Chief A