

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 13, 2018
Time of Incident:	6:30 PM
Location of Incident:	XXXX S. Elizabeth Street, Chicago, IL
Date of COPA Notification:	March 15, 2018
Time of COPA Notification:	4:56 PM

On March 13, 2018, off-duty Illinois State Trooper Subject 1 (“Subject 1”) was pulled over at XXXX S. Elizabeth Street by Officer A (“Officer A”), Star #XXXXXX, and Officer B (“Officer B”), Star #XXXXXX, in response to a call with a vehicle and physical description of a person with a gun. The vehicle description, as well as the physical description, matched Subject 1. Officer B, Officer A and Sergeant A, (“Sergeant A”), approached Subject 1 sitting in his vehicle. They informed Subject 1 that he was stopped related to a dispatched call of a person with a weapon. The officers ordered Subject 1 out of his vehicle and handcuffed him while taking his firearm as the CPD officers investigated the call. The CPD officers verified Subject 1’s identity and he was soon free to leave. Subject 1 alleges that he was improperly detained and that he was detained because of his race. The Civilian Office of Police Accountability (“COPA”) reviewed the allegations and recommends they be Unfounded.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, Star #XXXXXX, Emp. ID#: XXXXXXX, DOA: X/XX/2016, Rank: Police Officer, Unit of Assignment: X <sup>th</sup> District, DOB: XX/X/1988, Male, White
Involved Officer #2:	Officer B, Star #XXXXXX, Emp. ID#: XXXXXXX, DOA: XX/XX/2016, Rank: Police Officer, Unit of Assignment: X <sup>th</sup> District, DOB: X/XX/1994, Male, White
Involved Officer #3:	Sergeant A, Star #XXXXX, Emp. ID #XXXXXXX, DOA: XX/XX/2009, Rank: Sergeant, Unit of Assignment: X <sup>th</sup> District, DOB: XX/X/1984, Male, White
Subject #1:	Subject 1, DOB: X/X/1977

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer A	1. It is alleged that on or about March 13, 2018, at the location of XXXX S. Throop Street, Chicago, IL, at approximately 6:30 PM, Officer A improperly detained Subject 1 without justification, in violation of Rules 2 and 8.	Unfounded
	2. It is alleged that on or about March 13, 2018, at the location of XXXX S. Throop Street, Chicago, IL, at approximately 6:30 PM, Officer A improperly stopped Subject 1 because of his race, in violation of Rules 2 and 8.	Unfounded
Officer B	1. It is alleged that on or about March 13, 2018, at the location of XXXX S. Throop Street, Chicago, IL, at approximately 6:30 PM, Officer B improperly detained Subject 1 without justification in violation of Rules 2 and 8.	Unfounded
	2. It is alleged that on or about March 13, 2018, at the location of XXXX S. Throop Street, Chicago, IL, at approximately 6:30 PM, Officer B improperly stopped Subject 1 because of his race, in violation of Rules 2 and 8.	Unfounded

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. **Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
  2. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
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## V. INVESTIGATION

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

### a. Interviews

On March 15, 2018, complainant Subject 1 (“Subject 1”) gave COPA a digitally recorded interview. In the interview, Subject 1 stated the allegations listed above. Subject 1 stated he believed the officers had no justification to stop and detain him. Subject 1 also stated he believed that if the incident involved an off-duty officer of another race, they would not have been subjected to such a long time being stopped.<sup>1</sup>

### b. Digital Evidence

**Body worn camera (“BWC”) video** from Officers A and B, and Sergeant A, depict the incident as described in the executive summary.<sup>2</sup>

### c. Documentary Evidence

**Investigatory Stop Report (ISR) #XXXXXXXXXXXX**, states on March 13, 2018, Officers A and B were dispatched to a person with a gun call at XXXX S. Elizabeth in which a male (later identified as the complainant Subject 1) was observed in a gray vehicle with dark tinted windows in possession of a firearm by a Civilian 1, the caller to 911.<sup>3</sup> The report states Officers A and B toured the area and observed a vehicle matching the description with the subject standing outside the driver’s side door approximately two to three houses from the provided address. The report states Officer A and B observed Subject 1 getting in the vehicle and driving southbound on Elizabeth. Officers A and B stopped Subject 1’s vehicle and detained him for further investigation.

The report states Officers A and B asked Subject 1 if he had a firearm on him. Subject 1 responded that he was an off-duty law enforcement officer legally carrying a concealed firearm. Officers A and B conducted a protective pat-down for weapons with Subject 1’s consent which revealed a Glock handgun in a holster on his side. Further investigation revealed Subject 1 to be an Illinois State Trooper detailed to a federal task force. The report concludes Subject 1 was released on-scene.<sup>4</sup>

**The OEMC Event Query Report, Event #XXXXXXXXXXXX**, states Beat no. XXX (Officers A and B) responded to a dispatch run of a person with a gun at XXXX S. Throop St.

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<sup>1</sup> Attachment 5

<sup>2</sup> Attachments 16, 17 and 18

<sup>3</sup> Attachment 12, Event Query Report #XXXXXXXXXXXX.

<sup>4</sup> Attachment 11

The report states the description given was a male with a mask, sitting in a gray tint four-door vehicle armed with a gun in front of XXXX S. Throop St.<sup>5</sup>

**VI. ANALYSIS**

The body worn camera video from Officer A and Officer B indicate that the traffic stop was in accordance with CPD policy. Specifically, the officers had reasonable articulable suspicion to stop and investigate Subject 1.<sup>6</sup> Based upon the OEMC radio dispatch information describing Subject 1 and his vehicle, Officers A and B stopped Subject 1 and inquired whether he had a firearm.<sup>7</sup> Subject 1 responded that he did, which then gave the officers the legal right to ask that he exit the vehicle. They then legally conducted a pat-down and secured his weapon for their safety.<sup>8</sup> Approximately two minutes later, the handcuffs were removed and Subject 1’s weapon was returned to him. Officers A and B informed Subject 1 of the nature of the OEMC radio dispatch as the reason why he was stopped and investigated. COPA did not find any evidence of racial bias or motivation for the stop, and opines that Subject 1’s demeanor on scene was not consistent with someone who in fact believed that he was being mistreated because of his race. He appeared to have a friendly and jovial conversation with the officers as they completed their investigation.

Because the allegations made by Subject 1 are clearly unfounded and do not rise to the level of misconduct, COPA did not find it appropriate to serve allegations in this case.

**CONCLUSION**

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

Officer	Allegation	Finding
Officer A	1. It is alleged that on or about March 13, 2018, at the location of XXXX S. Throop Street, Chicago, IL, at approximately 6:30 PM, Officer A improperly detained Subject 1 without justification, in violation of Rules 2 and 8.	Unfounded
	2. It is alleged that on or about March 13, 2018, at the location of XXXX S. Throop Street, Chicago, IL, at approximately 6:30 PM, Officer A improperly stopped Subject	Unfounded

<sup>5</sup> Attachment 12

<sup>6</sup> *Special Order 04-13-09*, Investigatory Stop System

<sup>7</sup> Attachment 12

<sup>8</sup> *Pennsylvania v. Mims*, 434 U.S. 106 (1977)



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>Acting Deputy Chief Administrator:</b>	COPA Acting Deputy Chief Administrator