

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 21, 2018
Time of Incident:	4:44 PM
Location of Incident:	XXXX N. Western Ave., Chicago, IL
Date of COPA Notification:	February 22, 2018
Time of COPA Notification:	1:10 PM

On February 22, 2018, Involved Individual 1 contacted the Civilian Office of Police Accountability (“COPA”) to report an incident regarding an illegal traffic stop conducted by Chicago Police Department (CPD) Officers A and B on February 21, 2018. COPA’s investigation resulted in Unfounded findings for the allegations against Officers A and B.

Involved Individual 1 also reported a prior incident with similar circumstances involving Officers A and B, along with several unknown CPD officers, in December 2017. During that incident, officers reportedly aimed their weapons at him while approaching his vehicle during an illegal stop and search of his person and vehicle. However, COPA’s investigation revealed no record of contact between Involved Individual 1 and any CPD members in December 2017. After review, COPA recommended Not Sustained findings for the allegations against the unknown CPD officers.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A Star#XXXX, Employee #XXXXXX DOA: XXXXX XX, 2008 Police Officer, District 024 DOB: XXXXX XX, 1983 Female/White
Involved Officer #2:	Officer B Star#XXXXX, Employee #XXXXX DOA: XXXXXXXX X, 1991 Police Officer, District 024 DOB: XXXXXXXX X, 1956 Male/White
Involved Officer #3	Several Unknown Male officers (No further information provided)

Complainant:

Involved Individual 1
 DOB: March XX, 1995
 Male/Unknown

III. ALLEGATIONS

Officer (s)	Allegation	Finding
Officer A	1. Conducted an illegal stop against Involved Individual 1 on February 21, 2018, in violation of Rules 2 and 3. 2. Pointed a weapon at Involved Individual 1 during a traffic stop on an unknown date in December 2017 without justification, in violation of Rules 8 and 38. 3. Conducted an illegal stop and search of Involved Individual 1 and his vehicle December 2017, in violation of Rules 2 and 3.	Exonerated Not Sustained Not Sustained
Officer B	1. Conducted an illegal stop against Involved Individual 1 on February 21, 2018, in violation of Rules 2 and 3. 2. Pointed a weapon at Involved Individual 1 during a traffic stop on an unknown date in December 2017 without justification, in violation of Rules 8 and 38. 3. Conducted an illegal stop and search of Involved Individual 1 and his vehicle on an unknown date in December 2017, in violation of Rules 2 and 3.	Exonerated Not Sustained Not Sustained
Unknown CPD Officers	1. Conducted and illegal stop and search against Involved Individual 1 on an unknown date in December 2017, in violation of Rules 2 and 3. 2. Pointed a weapon at Involved Individual 1 during a traffic stop without justification on an unknown date in December 2017, in violation of Rules 8 and 38.	Not Sustained Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules and Regulations of the Chicago Police Department

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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 38: Unlawful or unnecessary display of a weapon.

Special Orders

Special Order 08-01-01 – Conduct of Complaint Investigations

V. INVESTIGATION¹

a. Interviews

On February 21, 2018, **Involved Individual 1** provided a statement to COPA.² He reported he was illegally stopped by a male and a female officer on February 21, 2018, near XXXXXXXX XXXXXXXX and XXXXXXXX XXXXXXXXXX and previously, in that same area by the same officers, in December 2017.

Involved Individual 1 conveyed that on February 21, 2018, he and two of his friends, Involved Individual 2 and Involved Individual 3, were sitting in his red Chevy Camaro in a XXXXXXXX parking lot when they were approached by two officers. The officers were later identified as Officers A and B. The officers approached and knocked on his window, asking for his driver's license. During their investigation, the officers told Involved Individual 1 he could not sit in a private lot.³ Involved Individual 1 confirmed he was not making a purchase at XXXXXXXX. Officers asked him to exit his vehicle. Involved Individual 1 complied and stood at the rear of his vehicle. At that time, the officers asked whether he had any guns or drugs in his possession. During his detainment, the officers told him they were responding to a 911 call.⁴ Involved Individual 1 confirmed the officers neither handcuffed nor searched him. At the end of the encounter, the officers issued Involved Individual 1 an investigatory stop receipt documenting the incident.

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. #5

³ Att.#5 at 3:09

⁴ Att. #5 at 14:15 and 37:40

Involved Individual 1 also reported a December 2017 traffic stop involving Officers A and B with similar circumstances in the same vicinity as the February 21, 2018 encounter. However, on that occasion he reported they were accompanied by several unknown uniformed and plain clothes male CPD officers. According to Involved Individual 1, he and 3 to 4 other individuals were sitting in a vehicle when they were approached by multiple officers with their weapons drawn. Again, they were asked to exit his vehicle. The officers informed him they were responding to a call about a person with a gun. During the stop, Involved Individual 1 reported Officers A, B, and several unknown officers searched him and his vehicle without consent. Ultimately, he and his acquaintances were released without further incident.

b. Digital Evidence

Body Worn Camera video (BWC) retrieved from **Officers A and B** shows their February 21, 2018 encounter with Involved Individual 1.⁵ Officer A's BWC (XXXXXXXXXX) shows the officers approaching a red, two-door vehicle occupied by Involved Individual 1 and two other males. Upon approach, the officer asked Involved Individual 1, the driver, for his driver's license. Involved Individual 1 asked why he was being stopped. Officer A said they received a call about the vehicle.⁶

After presenting his license, Involved Individual 1 was asked to exit his vehicle and relocate to the rear. At that time, Officer B accompanied Involved Individual 1 to the back of the vehicle and conducted a field interview. Involved Individual 1 appeared to be confused about his detainment and offended about the questions about weapons and drugs. Again, Officer A explained to Involved Individual 1 the reason for the stop.⁷ After returning to the police vehicle with Involved Individual 1's driver's license, Officer A appeared to document the encounter.

The BWC (XXXXXXXXXX) of Officer B essentially depicted the same events as his partner's footage. The officers are observed repeatedly explaining to Involved Individual 1 the reason for his detainment. At the end of the encounter, Involved Individual 1 was provided an investigatory stop receipt and was allowed to leave. However, Involved Individual 1 repeatedly insisted he did not understand why he was stopped.

c. Documentary Evidence

Investigatory Stop Report (ISR) #XXXXXXXXXX documents contact between the officers and Involved Individual 1 on February 21, 2018 at 4:44 p.m.⁸ The record shows officers were notified about occupants in a red car using narcotics in a nearby parking lot. In addition, Involved Individual 1 provided COPA with a copy of the ISR receipt issued by Officers A and B.⁹

Records obtained from the **Office of Emergency Management and Communications (OEMC)** document an anonymous call received on February 21, 2018, at approximately 4:15 pm.

⁵ Att. #12

⁶ Id. at 0:55

⁷ Att.#5 at 11:30

⁸ Att. #10

⁹ A search of ISR records revealed no documented activity between Involved Individual 1 and any CPD members in December of 2017.

reflects a report of 4-5 males in a red Chevy using drugs in a XXXXXX XXXXXX parking lot located at XXXX W. Rosemont/XXXX N. Artesian.¹⁰

COPA notes the XXXXXXXX where the stop occurred and the XXXXXXX XXXXXXX described in the OEMC call are two blocks apart.

A **Log Scan** request from CPD's Public Safety Information Technology Department did not reveal documented contact between Involved Individual 1 and any CPD members in December 2017.¹¹

VI. ANALYSIS

The Fourth Amendment permits brief investigative stops when a law enforcement officer has a particularized and objective basis for suspecting the person stopped of criminal activity. *See* 725 ILCS 5/107-14. The reasonable suspicion necessary to justify such a stop is dependent upon both the content of information possessed by police and its degree of reliability. *Navarette v. California*, 572 U.S. 393. The standard considers the totality of the circumstances—the whole picture. *Id.* Although a mere hunch does not create reasonable suspicion, the level of suspicion the standard requires is considerably less than proof of wrongdoing by a preponderance of the evidence, and obviously less than is necessary for probable cause. *Id.*

The principles that apply to investigative stops apply with full force to investigative stops based on information from anonymous tips. *Id.* The United States Supreme Court has firmly rejected the argument that reasonable cause for an investigative stop can only be based on an officer's personal observation, rather than on information supplied by another person. *Id.* Under appropriate circumstances, an anonymous tip can demonstrate sufficient indicia of reliability to provide reasonable suspicion to make an investigatory stop. *Id.*

Involved Individual 1 alleges that, on two separate occasions, Officers A and B illegally stopped him. However, the evidence, does not support Involved Individual 1's claim of an illegal stop on February 21, 2018. The evidence shows officers got an anonymous tip about subjects engaged in illegal activity in a vehicle fitting the description of Involved Individual 1's vehicle. Specifically, OEMC records document an anonymous 911 call reporting 4-5 male outside a XXXXXX XXXXXX in a red car using drugs."¹² BWC footage shows Involved Individual 1 in a red vehicle with two of his friends in a parking lot when officers approached. Although the tip indicated the vehicle in question was at a Dunkin' Donuts parking lot, Officers A and B discovered Involved Individual 1's vehicle, matching the description, at a XXXXXXXX parking lot two blocks away. Considering the subjects were in a car, it was not unreasonable for the officers to presume the subject vehicle relocated. It being found parked in a restaurant lot without patronizing the

¹⁰ Event Query Report #1805210041, Att.#7.

¹¹ Att. #13.

¹² Att.#7

establishment corroborated the anonymous tip suggesting nefarious activity. The totality of the circumstances warranted further investigation.

Throughout the encounter, both Officers A and B clearly and consistently articulated the reason for the stop. The officers patiently and repeatedly explained themselves to Involved Individual 1 when he insisted he did not understand why he was stopped. Footage also suggests a possible language barrier which appeared to cause confusion for Involved Individual 1. Ultimately, the officers conducted a legal stop based on their reasonable articulatable suspicion that criminal activity was afoot, based on the OEMC report. They also followed the investigatory stop protocol by documenting the incident and providing Involved Individual 1 with an ISR receipt. Thus, COPA finds the allegations that Officers A and B are **EXONERATED** as to the allegation that they illegally stopped Involved Individual 1 in February 2018.

Involved Individual 1 also alleged that in December 2017 Officers A and B, along with several unknown officers, pointed their weapons at him and illegally searched him and his vehicle.

As for those allegations against Officers A and B, COPA recommends findings of Not Sustained. The investigation failed to reveal documented contact between Involved Individual 1 and any CPD officers in December 2017. Because the allegation cannot be supported by sufficient evidence to prove or disprove the allegation, **Allegations 2 and 3** against Officers A and B are **NOT SUSTAINED**.

Similarly, because there is no record of Involved Individual 1 encountering any CPD members prior to February 2018, Allegations 1 and 2 against the unknown CPD officers alleged to have also illegally stopped, searched, and pointed their weapons at Involved Individual 1 are **NOT SUSTAINED**. Again, there is insufficient evidence to prove or disprove the allegations. Unfortunately, Involved Individual 1 was unable to provide an exact date of occurrence, only suggesting the incident took place in December 2017. Without the ability to identify the unknown officers or provide an exact date the incident allegedly occurred, COPA does not have sufficient evidence to support the allegations. Accordingly, COPA find **Allegations 1 and 2** against unknown CPD officers are **NOT SUSTAINED**.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. Conducted an illegal stop against Involved Individual 1 on February 21, 2018 in violation of Rules 2 and 3.	Exonerated
	2. Pointed a weapon at Involved Individual 1 during a traffic stop on an unknown date in December 2017 without justification in violation of Rules 8 and 38.	Not Sustained

Officer B	3. Conducted an illegal stop and search of Involved Individual 1 and his vehicle December 2017 in violation of Rules 2 and 3.	Not Sustained	
Unknown Officers	CPD	1. Conducted an illegal stop against Involved Individual 1 on February 21, 2018 in violation of Rules 2 and 3.	Exonerated
		2. Pointed a weapon at Involved Individual 1 during a traffic stop on an unknown date in December 2017 without justification in violation of Rules 8 and 38.	Not Sustained
		3. Conducted an illegal stop and search of Involved Individual 1 and his vehicle on an unknown date in December 2017 in violation of Rules 2 and 3.	Not Sustained
		1. Conducted an illegal stop and search against Involved Individual 1 on an unknown date in December 2017 in violation of Rules 2 and 3.	Not Sustained
		2. Pointed a weapon at Involved Individual 1 during a traffic stop without justification on an unknown date in December 2017 in violation of Rules 8 and 38.	Not Sustained

Approved:

Deputy Chief Administrator A

 Date

Appendix A

Assigned Investigative Staff

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