

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 12, 2018
Time of Incident:	9:00 p.m.
Location of Incident:	XXXX S. Albany Avenue, Chicago, IL 60623
Date of COPA Notification:	May 9, 2018
Time of COPA Notification:	10:22 a.m.

The complainant, Involved Civilian 1, was pulled over by Officer A and Officer B while driving a vehicle in the alley near or around XXXX S. Albany Avenue. The officers subsequently cited Involved Civilian 1 for a broken taillight, failure to display a city sticker, and operating a vehicle without proof of insurance. Approximately one month after the traffic stop, Involved Civilian 1 filed a complaint with the Civilian Officer of Police Accountability (COPA) alleging that he was improperly detained by Officer A and Officer B. COPA’s investigation determined that the officers’ actions were lawful and the allegations are exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Police Officer A, Star #XXXX, Employee ID #XXXX, Appointment Date: XX/XX/2016, Unit XXX, Male, Hispanic, Birth Date: XX/XX/1992.
Involved Officer #2:	Police Officer B, Star #XXXX, Employee ID #XXXX, Appointment Date: XX/XX/2015, Unit XXX, Male, Black, Birth Date: XX/XX/1992.
Involved Individual #1:	Involved Civilian 1, Male, Hispanic, Birth Date: XX/XX/1982.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A, Star #XXXX	1. On April 12, 2018, at approximately 9:00 pm, in the vicinity of XXXX S. Albany Avenue, Officer A improperly detained Involved Civilian 1 in violation of Rules 1 and 6.	Exonerated

Officer B, Star #XXXX	1. On April 12, 2018, at approximately 9:00 pm, in the vicinity of XXXX S. Albany Avenue, Officer B improperly detained Involved Civilian 1 in violation of Rules 1 and 6.	Exonerated
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IV. APPLICABLE RULES AND LAWS

Rules

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

Illinois Statute

1. 625 ILCS 5/12-208 Light, taillights required
2. 625 ILCS 9-76-170 City vehicle tax sticker – proper display
3. 625 ILCS 5/3-707(b) Operating a vehicle without proof of insurance

United States Constitutional Provisions

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

V. INVESTIGATION¹

a. Interviews²

In a **statement to COPA**³ on May 9, 2018, Involved Civilian 1 stated he was driving in the alley east of Albany Avenue when Officer A and Officer B alerted him to pull over his vehicle. Involved Civilian 1 related that Officer A approached the driver's side window but refused to explain the reason for the stop. Involved Civilian 1 alleged the officers had no lawful reason to pull him over. Involved Civilian 1 recalled Officer A requesting his driver's license and proof of insurance. Though he readily produced his driver's license, he could not locate proof of insurance and alleged that he was never given a subsequent opportunity to produce it. Involved Civilian 1 did affirm that Officer A eventually mentioned the car's right taillight malfunctioning and the front windshield being cracked. However, Involved Civilian 1 denied either of these conditions existed. Involved Civilian 1 stated the officers ultimately issued him three citations: one for a broken taillight, one for operating a vehicle without proof of insurance, and one for failure to display a

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 Based on a careful review of Involved Civilian 1's statement and photographs, along with the body worn camera videos, the allegations are clearly exonerated and it is not necessary that the Involved Officers address the allegations in any way.

³ Att. 10.

city sticker. Involved Civilian 1 stated his city sticker was displayed at the time of the stop. He also stated he unsuccessfully tried to “hand” Officer A proof of his insurance prior to the issuance of the citations. Though Involved Civilian 1 recollected observing the accused officers pulling over other civilians in his neighborhood, he admitted he never encountered them himself prior.

b. Digital Evidence⁴

Body Worn Camera (BWC) footage⁵ from Officer A’s camera depicts him exiting the driver’s side of his squad car and approaching the driver’s side of Involved Civilian 1’s vehicle in an alley. As Officer A approaches Involved Civilian 1’s vehicle, the footage provides a view of Involved Civilian 1’s taillights and the right one appears visibly dimmer than the left.⁶ Officer A proceeds to the driver’s side window and Involved Civilian 1’s states, “Can I help you?” Officer A replies, “Excuse me? Why don’t you start over, sir? The reason I’m pulling you over is your light’s out in the back. Okay?”⁷ Involved Civilian 1 affirmatively states, “Okay. That’s why I asked you.” Officer A then requests Involved Civilian 1’s driver’s license. Involved Civilian 1 hands it to him and Officer A hands it to his partner, Officer B. Officer B walks off with the identification and Officer A remains at the driver’s side of Involved Civilian 1’s vehicle. Involved Civilian 1 conveys to him that he has just reached his home. Officer A states, “I don’t care if you’re home, your light’s out.”⁸ Officer A then requests to see proof of insurance and Involved Civilian 1 states, “Let me call my brother, this is my brother’s car.”⁹ Officer A states, “Oh so you don’t have insurance?” Involved Civilian 1 begins making a call on his cellular phone. Involved Civilian 1 then puts his phone down and goes into the glove compartment and begins shuffling through a stack of papers, presumably looking for proof of insurance. Involved Civilian 1 stops looking through the papers and states, “You know what, my brother has it, it’s a digital one.”¹⁰ Officer A replies, “So now you’re driving without insurance?”¹¹ At this time, Officer B walks up to the passenger side of Involved Civilian 1’s vehicle and states, “So you got the cracked windshield, no city sticker, and your light’s out.”¹² Officer B then heads back to the squad car. Involved Civilian 1 briefly explains to Officer A that he has had a long day. Officer A ultimately returns to the squad car where Officer B is writing the citations. Inside the squad car, Officer B asks if Involved Civilian 1 has insurance and Officer A states, “Nope.”¹³ Officer B proceeds to write out the citations in the vehicle. As Officer A exits the vehicle with the citations, a man who later identifies himself as Involved Civilian 1’s brother approaches at the driver’s side of the squad car with a cellular phone and hands it to Officer A.¹⁴ Officer A looks at the man’s phone screen and states, “Okay, I understand you have insurance but he didn’t have insurance.”¹⁵ Officer A references the fact that Involved Civilian 1 did not have proof of insurance in the vehicle while he was operating it.

⁴ CPD provided twelve files of Body Worn Camera footage and ten of those files did not relate to this incident.

⁵ Att. 23.

⁶ Att. 23: Footage from Officer A’s body worn camera (BWC) at time 0:30

⁷ Att. 23: BWC, Officer A, 0:41

⁸ Att. 23: BWC, Officer A, 1:21

⁹ Att. 23: BWC, Officer A, 1:23

¹⁰ Att. 23: BWC, Officer A, 2:11

¹¹ Att. 23: BWC, Officer A, 2:14

¹² Att. 23: BWC, Officer A, 2:27

¹³ Att. 23: BWC, Officer A, 4:12

¹⁴ Att. 23: BWC, Officer A, 11:19

¹⁵ Att. 23: BWC, Officer A, 11:21

Officer A then walks to the driver's side of Involved Civilian 1's vehicle and hands him the citations. Involved Civilian 1 asks for Officer A's name and Officer A provides both his last name and badge number.¹⁶

Body Worn Camera (BWC) footage¹⁷ from Officer B camera begins with him standing on the passenger side of Involved Civilian 1's vehicle as he shines a flashlight into it. Officer B then retreats to the police vehicle to get his ticket book. He returns and retrieves Involved Civilian 1's identification from Officer A. He takes the identification and runs Involved Civilian 1's name in the squad car. Officer B then walks back up to the passenger side of the vehicle, at which point the footage provides a clear view of the front windshield of the vehicle.¹⁸ There are no stickers on the front windshield and there appears to be a horizontal crack.¹⁹



Officer B states, "So you got the cracked windshield, no city sticker, and your light's out."²⁰ Officer B then goes back into the squad car and begins writing the actual citations. He does not have any further interaction with Involved Civilian 1.

c. Physical Evidence

¹⁶ Att. 23: BWC, Officer A, 18:06

¹⁷ Att. 23

¹⁸ Att. 23: Footage from Officer B's body worn camera (BWC) at time 1:29

¹⁹ Att. 23.

²⁰ Att. 23: BWC, Officer B, 1:30

Ten photographs²¹ supplied by Involved Civilian 1 at the time of his statement to COPA depict a vehicle from various angles. The photographs show the front and back lights functioning on a vehicle. There are also two photographs of a vehicle's windshield. The windshield's glass appears intact and there is a city sticker displayed on the passenger side of the window. Five of the photographs supplied by Involved Civilian 1 appear to be blurry duplicates of the original images with white lettered time stamps. Specifically, the time stamps indicate the images were captured between 10:38 pm and 11:06 pm on the date of incident. Involved Civilian 1 supplied printed copies of these photos but did not have his cellular phone available for COPA to directly extract the photographs from the digital source. Involved Civilian 1 did not respond to subsequent contact attempts from COPA to authenticate the time and date of the photographs.

d. Documentary Evidence

Citations XXXXX²², **XXXXX**²³ and **XXXXX**²⁴ were issued to Involved Civilian 1 for a broken taillight²⁵, operating an uninsured vehicle²⁶, and failure to properly display a city sticker²⁷.

VI. ANALYSIS

COPA recommends a finding of **Exonerated** for the allegation that Officer A and Officer B improperly detained Involved Civilian 1 on the traffic stop. Footage from the body worn cameras of the accused officers directly refutes both the statement and photographs Involved Civilian 1 supplied to COPA. The footage irrefutably depicts both the justification for the stop and Officer A conveying that justification to Involved Civilian 1. The malfunctioning right taillight is captured by Officer A's camera as he first approaches the vehicle.²⁸

²¹ Att. 13.

²² Att. 7.

²³ Att. 8.

²⁴ Att. 9.

²⁵ 625 ILCS 5/12-208 Light, taillights required

²⁶ 625 ILCS 5/3-707(b) Operating a vehicle without proof of insurance

²⁷ 625 ILCS 9-76-170 City vehicle tax sticker – proper display

²⁸ BWC, Officer A, 0:30

<p>Screenshot from Officer A's BWC²⁹</p>	<p>Screenshot from Officer B's BWC³⁰</p>	<p>Photograph submitted by Involved Civilian 1</p>

Officer A tells Involved Civilian 1 he stopped him because the taillight is out within the first ten seconds of his interaction with him.³¹ In a photograph of the vehicle's taillights later supplied to COPA by Involved Civilian 1, both the right and left light appear brighter and functioning differently than in the footage of the actual traffic stop.³² Thus, it appears these photographs were taken with either the brake light applied or after a subsequent repair.

Furthermore, the photograph Involved Civilian 1 supplied to COPA of his displayed city sticker proved to depict an entirely different vehicle than the one he operated on the date of incident. Specifically, Involved Civilian 1 supplied COPA with a photo of a vehicle with a black leather interior. However, body worn camera footage establishes Involved Civilian 1 was driving a vehicle with a gray or beige fabric interior on the date of incident.

<p>Photo provided by Involved Civilian 1 of a vehicle with a black leather interior and a city sticker in the windshield.³³</p>	<p>Screen capture from Officer B's body worn camera of the windshield of Involved Civilian 1 vehicle and no city sticker.³⁴</p>

²⁹ Att. 23: BWC, Officer A

³⁰ Att. 23: BWC, Officer B

³¹ BWC, Officer A, 0:41

³² Att. 13.

³³ Att. 13.

³⁴ Att. 23.



Screenshot from Officer B’s BWC depicting a gray or beige fabric interior in the vehicle operated by Involved Civilian 1 during this incident.³⁵

The digital evidence conclusively refutes Involved Civilian 1’s allegation and affirms the accused officers’ justification for the traffic stop.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer A	1. On April 12, 2018, at approximately 9:00 pm, in the vicinity of XXX S. Albany Avenue, Officer A improperly detained Involved Civilian 1 in violation of Rules 1 and 6.	Exonerated
Officer B	1. On April 12, 2018, at approximately 9:00 pm, in the vicinity of XXX S. Albany Avenue, Officer B improperly detained Involved Civilian 1 in violation of Rules 1 and 6.	Exonerated

Approved:

 Deputy Chief Administrator – Chief Investigator
 Deputy Chief Administrator – Chief Investigator

 Date

³⁵ Att. 23.

Appendix A

Assigned Investigative Staff

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