

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 21, 2018
Time of Incident:	7:30 AM
Location of Incident:	Chicago O’Hare International Airport 171 N. Bessie Coleman Dr.
Date of COPA Notification:	July 23, 2018
Time of COPA Notification:	10:14 AM

On July 21, 2018, the complainant, Involved Individual 1, was arrested for trespassing at O’Hare International Airport by Officer A and Officer B. Involved Individual 1 alleged he was arrested without justification and his car was impounded without justification. Involved Individual 1 further reported personal property was removed from his car and not returned after it was impounded by CPD. After interviewing Involved Individual 1, reviewing relevant Department reports, and interviewing the accused, COPA determined all allegations are Exonerated and Unfounded. The findings are discussed in the Analysis portion of this report.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, Star #XXXX, Employee ID #XXXX, Date of Appointment: XXXX, Police Officer, Unit 50 (Airport Law Enforcement Unit – North), Date of Birth: XXXX, 1971, Male, White
Involved Officer #2:	Officer B, Star # XXXX, Employee ID # XXXX, Date of Appointment: XXXX, Police Officer, Unit 50, Date of Birth: XXXX, 1967, Male, White
Involved Individual #1:	Involved Individual 1, Date of Birth: XXXX, 1961, Male, Hispanic

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer A	1. Arrested Involved Individual 1 for trespassing without justification, in violation of Rule 1.	Exonerated

	<p>2. Impounded Involved Individual 1's car without justification, in violation of Rule 1.</p> <p>3. Stole property from Involved Individual 1, to wit: Ray-Ban sunglasses and a pen, in violation of Rule 6 and Rule 40.</p>	<p>Exonerated</p> <p>Unfounded</p>
Officer B	<p>1. Arrested Involved Individual 1 for trespassing without justification, in violation of Rule 1.</p> <p>2. Impounded Involved Individual 1's car without justification, in violation of Rule 1.</p> <p>3. Stole property from Involved Individual 1, to wit: Ray-Ban sunglasses and a pen, in violation of Rule 6 and Rule 40.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

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- Rule 1:** Prohibits violation of any law or ordinance.
  - Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
  - Rule 40:** Prohibits failure to inventory and process recovered property in conformance with Department orders.

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General Orders

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- G07-01:** Processing Property Under Department Control.
  - G07-03:** Vehicle Towing and Relocation Operations.

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Federal Laws

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- Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

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State Laws

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- 720 ILCS 5.0/21-5-A:** Criminal Trespass to State Supported Land.

## V. INVESTIGATION<sup>1</sup>

### a. Interviews

COPA interviewed the complainant, **Involved Individual 1**, on August 1, 2018.<sup>2</sup> On July 21, 2018 at about 7:30 AM, he dropped off his cousin, Civilian 1 [*phonetic*], at Chicago O'Hare International Airport (O'Hare) on the bottom level. Involved Individual 1 clarified that the bottom level is for arrivals, but Civilian 1 wanted to go to the McDonald's on the bottom level before his flight. Involved Individual 1 asserted he was not working as a taxi or uber driver; and the passenger was not a customer. Involved Individual 1 was pulling away and CPD officers pulled him over as he was getting on the highway. The officers were in an unmarked black SUV and not in uniform. Involved Individual 1 was in his personal vehicle at the time. Officer A and Officer B arrested Involved Individual 1 for trespassing. After he was handcuffed, a Department member named Officer C transported Involved Individual 1 to the police station.<sup>3</sup> Involved Individual 1's car his car was eventually towed from O'Hare to an auto pound at Sacramento and Chicago, where he retrieved it. When Involved Individual 1 got his car from the auto pound, he went to put on his Ray-Ban sunglasses, but they were not there. Involved Individual 1 believed someone from CPD took both his sunglasses and a pen from his car. He specifically suspected Officer A.

Involved Individual 1 stated he has never previously received a warning from CPD about trespassing at O'Hare. Involved Individual 1 reported he was arrested once before at O'Hare in 2011, stemming from an argument. Involved Individual 1 related he has been going to O'Hare for about 25 years. He is a limo driver and also drives family and friends to the airport. Involved Individual 1 believed Officer A "has it in" for him.<sup>4</sup> Involved Individual 1 believed Officer A arrested him because the officer does not like Involved Individual 1. Involved Individual 1 did not know why Officer A thought he was trespassing and the airport had never given Involved Individual 1 an "official statement" he was trespassing.<sup>5</sup>

Involved Individual 1 related that at the time of his COPA interview, he had interacted with Officer A about five times. On July 28, 2018, Involved Individual 1 was picking up his lawyer Civilian 2's relative, named Civilian 3. He did so as a favor, not as a fare. This resulted in Officer A again arresting Involved Individual 1 for trespassing. The first time Involved Individual 1 interacted with Officer A was in 2018. On this first occasion, Officer A asked where Uber was, then pulled out his badge and was "checking [Involved Individual 1] out."<sup>6</sup> Involved Individual 1 denied that Officer A ever explained to Involved Individual 1 that he needed to follow airport rules.

COPA interviewed **Officer A** on September 21, 2018.<sup>7</sup> On July 21, 2018, Officer A was in an unmarked police vehicle that was either a white pick-up truck or a black SUV. Officer A was on routine patrol at O'Hare on the lower level, near Terminal 5, when he saw Involved Individual

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

<sup>2</sup> Att. 4

<sup>3</sup> CPD Attendance and Assignment records indicate Involved Individual 1 was transported by Officer M.

<sup>4</sup> Approximately 3:34 minute mark of Att. 4.

<sup>5</sup> Approximately 8:22 minute mark of Att. 4.

<sup>6</sup> Approximately 3:55 minute mark of Att. 4.

<sup>7</sup> Att. 35

1. The officers recognized Involved Individual 1's car from past encounters. Involved Individual 1 was seated in his car at Terminal 5 on the outside lane, which is typically for arriving passengers. Involved Individual 1 was alone in his car and the officers saw no one else enter or exit his vehicle. When the officers approached, Involved Individual 1 drove off. The officers pulled Involved Individual 1 over shortly after, while on airport property. Involved Individual 1 was stopped because the officers had previously told him he could not be at the airport without legitimate business. Per Officer A, Involved Individual 1 had no legal authority to be there because he does not have a chauffer's or taxi license, but said he was there for a fare. Officer A described Involved Individual 1 as aggressive, swearing, and screaming. Officer A elaborated that Involved Individual 1 was stiff and agitated, but not physically aggressive. After the arrest, Officer A drove Involved Individual 1's car, because a tow was unavailable. Officer A did not see sunglasses or a pen in Involved Individual 1's car. Officer A denied that either he or Officer B took Involved Individual 1's property.

Officer A interacted with Involved Individual 1 prior to this incident. Involved Individual 1 was arrested on a signed complaint for an assault on an airport employee. Officer A asserted that when he arrested Involved Individual 1 for assault, he told Involved Individual 1 he could not be at O'Hare without legitimate business. Officer A had also written Involved Individual 1 a ticket. Officer A described Involved Individual 1 as a known solicitor because Involved Individual 1 sits outside of Terminal 5, trying to get fares. Officer A arrested Involved Individual 1 again the week after July 21, 2018. Officer A denied targeting Involved Individual 1.

**Officer B** was interviewed by COPA on September 12, 2018.<sup>8</sup> On July 21, 2018, Officer B was in plain clothing, operating a white pick-up truck, and partnered with Officer A. The officers saw Involved Individual 1 in the passenger pick-up lane at Terminal 5. Involved Individual 1 was sitting in his car and the officers approached from behind. Officer B did not see anyone exiting or entering Involved Individual 1's car. The officers recognized Involved Individual 1's car and parked behind him. As they were exiting their vehicle, Involved Individual 1 drove off. The officers returned to their vehicle and pulled Involved Individual 1 over while on airport property. Involved Individual 1 told the officers he was trying to get a fare. Officer B related that Involved Individual 1 does not have a chauffer's license and is not ride-share or taxi driver. Involved Individual 1 acts like, and tells passengers he is, a taxi driver, but he is not. Officer B describe Involved Individual 1 as mean and insulting towards the officers. Involved Individual 1's car was taken as arrestee property after the arrest. Officer B believed Officer A drove Involved Individual 1's car to the police station because a tow truck was unavailable. Officer B did not see any sunglasses or a pen in Involved Individual 1's car and denied that either he or his partner took Involved Individual 1's property. Officer B stated that he arrested Involved Individual 1 a week earlier for assaulting an airport employee after the employee told Involved Individual 1 to leave. On this previous occasion, Officer B personally told Involved Individual 1 he was trespassing at O'Hare. About a week after July 21, 2018, Officer B arrested Involved Individual 1 again for trespassing at O'Hare.

## **b. Digital Evidence**

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<sup>8</sup> Att. 27

**Security video footage** was obtained from O'Hare on July 21, 2018.<sup>9</sup> Involved Individual 1 and his silver Toyota Camry was seen on camera. Throughout the footage, Involved Individual 1 was seen arriving, remaining at the terminal for extended periods, then driving off. This occurred at least five times between approximately 6:40 AM and 7:31 AM. At no point was anyone other than Involved Individual 1 seen exiting or entering his vehicle.

**c. Physical Evidence**

No relevant, physical evidence was obtained pertaining to the present investigation.

**d. Documentary Evidence**

Involved Individual 1's **Arrest Report** from July 21, 2018 was located with **RD #XXXX**.<sup>10</sup> Involved Individual 1 was charged with misdemeanor criminal trespass to state land. The arresting officers saw Involved Individual 1 in his parked car at O'Hare. Involved Individual 1 "is a known solicitor at O'Hare Airport and has been warned on several occasions of the no trespassing policy." As Involved Individual 1 "had no legitimate business at O'Hare Airport," he was arrested. Involved Individual 1 was transported by one officer from Beat XXXX. Involved Individual 1's car was impounded. No inventory number was provided in association with the impoundment.

An **Original Case Incident Report** was obtained for **RD #XXXX**.<sup>11</sup> On July 8, 2018, Involved Individual 1 was arrested by Officers B and A after Involved Individual 1 assaulted a Chicago Department of Aviation employee named. The employee "caught [Involved Individual 1] illegally soliciting passengers for rides in the lower terminal." On July 8, 2018, Officers B and A told Involved Individual 1 "he is only allowed back at the airport if he has official business to conduct, otherwise he would be arrested for criminal trespass." On July 21, 2018, the officers again saw Involved Individual 1, "parked in the outside lane of the lower terminal [...] where passengers get picked up." Involved Individual 1 saw the officers "and began to flee." The officers "activated their emergency equipment and curbed the offender [...]" Involved Individual 1 "freely" told the officers he was "waiting on fares," and Involved Individual 1 was arrested. O'Hare video surveillance showed Involved Individual 1 approaching "numerous passengers standing on the curb" as well as "leaving and coming back numerous times when he observes [...] authority units approaching."

A **Case Supplementary Report** was located for **RD #XXXX** that contained no additional, relevant information.<sup>12</sup>

**Inventory Sheets** for **RD #XXXX** included video of Involved Individual 1's criminal trespass at O'Hare, eyedrops, a wallet, and jewelry. Neither sunglasses nor a pen was inventoried.

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<sup>9</sup> Att. 26

<sup>10</sup> Att. 12

<sup>11</sup> Att. 13

<sup>12</sup> Att. 14

A docket was identified through the Cook County Clerk of the Circuit Court for the criminal charge stemming from Involved Individual 1's July 21, 2018 arrest under **Case Number XXXX**.<sup>13</sup> Involved Individual 1 was charged with misdemeanor criminal trespass to state land. He was issued bond on July 24, 2018. On September 19, 2018, the complaining witness was not in court and the case was stricken off with leave to reinstate.

The following additional **Arrest Reports** were located for Involved Individual 1 in which Involved Individual 1 was arrested at O'Hare.

- On September 12, 2018, Involved Individual 1 was arrested by Officer D and Officer E for felony aggravated battery/use of a deadly weapon.<sup>14</sup> Involved Individual 1 stabbed the victim "with a six inch knife during a verbal altercation."
- On July 28, 2018, Involved Individual 1 was arrested by Officers A and B for criminal trespass to state land and violation of bail bond.<sup>15</sup> Involved Individual 1 was observed in his vehicle, "parked on the lower level of Terminal 5 at O'Hare Airport." Involved Individual 1 "is a known solicitor [...] and has been warned on several occasions of the no trespassing policies at O'Hare." Involved Individual 1 had "no legitimate business at O'Hare" and was arrested. The arrest was a violation of Involved Individual 1's bail bond from July 21, 2018. The victim/complainant was provided as an O'Hare Terminal Manager.
- Involved Individual 1 was arrested for simple assault by Officer A and Officer B at O'Hare on July 8, 2018.<sup>16</sup> On July 4, 2018, Involved Individual 1 "got into a verbal altercation over being asked to leave O'Hare Airport property" for "soliciting rides." Involved Individual 1 got out of his car and charged at an airport employee "in a provoking manner, stating I'm going to fuck you up you fag." On July 8, 2018, Involved Individual 1 was arrested after the employee again saw Involved Individual 1 at O'Hare.
- On November 3, 2017, Involved Individual 1 was arrested by Officer F for aggravated assault to a transit employee.<sup>17</sup> On this date, an O'Hare ground transportation manager told Officer F that Involved Individual 1 was a "known 'cab hustler'" and "calling airport passengers to his vehicle in an attempt to solicit a fare." When the officer approached Involved Individual 1, he told the officer he was picking "up a family member." Officer F told Involved Individual 1 he needed to move. Involved Individual 1 began arguing, including threatening the employee's life. Involved Individual 1 was then arrested on signed complaints.

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<sup>13</sup> Att. 40

<sup>14</sup> Att. 32

<sup>15</sup> Att. 18

<sup>16</sup> Att. 19

<sup>17</sup> Att. 20

- On March 4, 2011, Officers G and H arrested Involved Individual 1 for resisting/obstructing a peace officer and simple assault.<sup>18</sup> The responding officers “were conducting a vehicle inspection of Chicago Public Livery license #XXXX.” When the officers approached, Involved Individual 1 rolled down his window and yelled at the officers. The officers attempted to speak to Involved Individual 1’s passengers, and Involved Individual 1 told them “Don’t talk to these fucking cops.” Involved Individual 1 was ordered out of the vehicle and the officers learned Involved Individual 1 was transporting the passengers to Homewood, IL. Officer G told Involved Individual 1 he was receiving citations “for his behavior.” Involved Individual 1 responded with “I’ll kick your fucking ass you bitch mother fucker,” and began flailing his arms [...]” The officers tried to arrest Involved Individual 1. Involved Individual 1 refused, and the officers pushed him “on top of a concrete barrier and placed handcuffs on Involved Individual 1.”
- Involved Individual 1 was arrested by Officers I and G on July 4, 2007 for criminal trespass to state land.<sup>19</sup> Involved Individual 1 was arrested on signed complaints after an Aviation Ground Transportation supervisor saw Involved Individual 1 parked in a “livery/cab lane.” The arresting officers had previously told Involved Individual 1 he was banned from O’Hare.
- Involved Individual 1 was arrested for disorderly conduct by Officer J and Officer K on July 24, 2005.<sup>20</sup> No narrative was provided in available documents.
- On July 30, 2000, Involved Individual 1 was arrested by Officer L for battery.<sup>21</sup> No narrative was provided in available documents.

## VI. ANALYSIS

Allegation 1 against Officers B and A, that they arrested Involved Individual 1 for trespassing without justification, is **Exonerated**. According to Illinois State Law 720 ILCS 5/21-5-A, “A person commits criminal trespass to State supported land when he or she enters upon land [...] after receiving, prior to the entry, notice [...] that entry is forbidden [...] A person has received notice [...] if he or she has been notified personally, either orally or in writing [...]” Involved Individual 1 was previously arrested for trespassing at O’Hare on July 4, 2007 and had multiple police interactions at O’Hare prior to his July 21, 2018 arrest. These arrests and interactions indicate both the police and airport employees made Involved Individual 1 aware he was not allowed on O’Hare property without legitimate business. Further, both Officer B and Officer A reported they previously told Involved Individual 1 that if he was at O’Hare without legitimate business, he would be trespassing. While Involved Individual 1 related he was at O’Hare dropping of a relative on July 21, 2018, video evidence disproves this claim. Rather, it appears Involved Individual 1 was attempting to solicit fares at O’Hare airport, which his previous arrests at O’Hare

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<sup>18</sup> Att. 21

<sup>19</sup> Att. 22

<sup>20</sup> Att. 23

<sup>21</sup> Att. 24

indicate he has a history of doing. Since Involved Individual 1 had received prior warnings and was not engaged in legitimate business, his arrest was lawful and this allegation is Exonerated.

Allegation 2 against Officer A and Officer B, that they impounded Involved Individual 1’s car without justification, is **Exonerated**. As stated above, Involved Individual 1’s arrest was legal and justified. According to General Order G07-3, officers can move arrestee’s vehicles “without the owner’s consent when a situation dictates its relocation.” Involved Individual 1’s car needed to be moved and the officers were justified in moving it. Since Involved Individual 1 was under arrest and his vehicle could not be left at O’Hare, the officers were within policy and this claim is Exonerated.

Allegation 3, that Officers A and B stole property from Involved Individual 1, to wit: Ray-Ban sunglasses and a pen, is **Unfounded**. While the officers acknowledged they moved Involved Individual 1’s car, they denied taking his personal property. In contrast, Involved Individual 1 is not credible based on inconsistencies and fabrications in his COPA interview.

First, Involved Individual 1 alleged he was dropping off his cousin at about 7:30 AM. However, Involved Individual 1 was first seen on O’Hare security footage at about 6:40 AM. Surveillance video shows his car coming and going from Terminal 5 multiple times. At no point did anyone other than Involved Individual 1 enter or exit the vehicle as he claimed. Next, Involved Individual 1 told COPA he only had one negative police issue at O’Hare airport, which occurred in 2011. In contrast, his arrest history shows that Involved Individual 1 was arrested five times at O’Hare prior to this incident, including a previous arrest for trespassing. Additionally, Involved Individual 1 was arrested at O’Hare two more times after this arrest. Lastly, the address Involved Individual 1 provided to COPA, which is also on his Illinois driver’s license, XXXX, is not a dwelling. Rather, the address is a post office box located within a UPS Store. According to the Illinois Secretary of State, a P.O. Box is not valid for an Illinois driver’s license if that person resides in a city with a population over 3,500.<sup>22 23</sup> Therefore, based on Involved Individual 1’s lack of credibility and the absence of any evidence to prove his assertion, this allegation is Unfounded.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer A	1. Arrested Involved Individual 1 for trespassing without justification, in violation of Rule 1.	Exonerated
	2. Impounded Involved Individual 1’s car without justification, in violation of Rule 1.	Exonerated

<sup>22</sup> Source: <http://www.ilsos.gov/ContactFormsWeb/addrform.jsp>

<sup>23</sup> As of this report, Chicago’s population is roughly 2.71 million. Source: <https://www.census.gov/quickfacts/fact/table/chicagocityillinois.US/PST045217>

	3. Stole property from Involved Individual 1, to wit: Ray-Ban sunglasses and a pen, in violation of Rule 6 and Rule 40.	Unfounded
Officer B	1. Arrested Involved Individual 1 for trespassing without justification, in violation of Rule 1.	Exonerated
	2. Impounded Involved Individual 1's car without justification, in violation of Rule 1.	Exonerated
	3. Stole property from Involved Individual 1, to wit: Ray-Ban sunglasses and a pen, in violation of Rule 6 and Rule 40.	Unfounded

Approved:

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 COPA Deputy Chief Administrator A  
 Deputy Chief Administrator – Chief Investigator

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 Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	XXXX
<b>Investigator:</b>	COPA Investigator A
<b>Supervising Investigator:</b>	COPA Investigator B
<b>Deputy Chief Administrator:</b>	COPA Deputy Chief Administrator A