

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 11, 2018
Time of Incident:	Approximately 1:15 a.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	July 11, 2018
Time of COPA Notification:	10:48 a.m.

On July 11, 2018, [REDACTED] (“[REDACTED]”) along with his girlfriend, [REDACTED] (“[REDACTED]”) was pulled over by Officer [REDACTED] (“Officer [REDACTED]”) and Officer [REDACTED] (“Officer [REDACTED]”). While stopped, [REDACTED] called 911 dispatch, multiple times, to request a supervisor. Sergeant [REDACTED] (“Sgt. [REDACTED]”) responded. [REDACTED] left after receiving three traffic tickets.

[REDACTED] alleged that Officers [REDACTED] and [REDACTED] unlawfully stopped him because he did not commit a traffic violation and refused to allow [REDACTED] to leave to use the restroom. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations.

COPA's role is limited to investigating whether the stop was lawful and not whether [REDACTED] committed the underlying traffic violations. COPA’s investigation determined that the officers involved acted in accordance with Department procedures. Accordingly, no allegations against them were served in this matter. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2016, PO, Unit [REDACTED] DOB: [REDACTED] 1991, Male, White
Involved Officer #2:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2016, PO, Unit [REDACTED] DOB: [REDACTED] 1989, Male, Unknown
Involved Sergeant #1:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2006, Sergeant, Unit [REDACTED] DOB: [REDACTED] 1979, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1986, Male, Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED] 1985, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you unlawfully stopped [REDACTED]	Exonerated
	2. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you improperly detained [REDACTED]	Exonerated
Officer [REDACTED]	1. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you unlawfully stopped [REDACTED]	Exonerated
	2. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you improperly detained [REDACTED]	Exonerated

**IV. APPLICABLE RULES AND LAWS**

Rules

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

Special Orders

1. Special Order S04-13-09, "Investigatory Stop System"

Federal Laws

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

State Laws

1. 625 ILCS 5/11-804 (d) The electric turn signal device required in Section 12-208 of this Act must be used to indicate an intention to turn, change lanes or start from a parallel parked position ...

<sup>1</sup> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

In an **interview with COPA**, on July 11, 2018, ██████████ (“██████████” stated he was driving westbound on 134th Street, after leaving a gas station, when he pulled over to allow a car to pass. ██████████ explained that the car had been following him while flashing its headlights. ██████████ discovered the car was a police car. The officers did not say anything to ██████████ and did not pass. ██████████ continued to drive. The police car pulled him over. Officer ██████████ # ██████████ told ██████████ he was going to receive a ticket for speeding.<sup>3</sup> ██████████ argued over the legitimacy of the ticket. Officer ██████████ told ██████████ he could contest the ticket in court. ██████████ called for a supervisor because he was receiving a ticket for a crime he did not commit. Officer ██████████ refused to give ██████████ his tickets or license until a supervisor arrived.

██████████ stated his girlfriend, ██████████ asked the officers if she could get out of the vehicle and use the restroom. ██████████ was willing to go in the alley. Officers refused to let her leave because ██████████ called for a supervisor. ██████████ did not try to get out of the car. ██████████ urinated on herself before the Sergeant<sup>4</sup> arrived.

When Sgt. ██████████ arrived, ██████████ told him that he received three tickets. Sgt. ██████████ told ██████████ there was nothing he could do. Sgt. ██████████ told ██████████ to go to court. ██████████ told Sgt. ██████████ that ██████████ was pregnant. Sgt. ██████████ laughed. ██████████ stated that Officer ██████████ partner<sup>5</sup> was aggressive, wanting to talk to ██████████. Officer ██████████ told ██████████ they were going to hold him because he called for a supervisor.<sup>6</sup>

In an **interview with COPA**, on July 11, 2018, ██████████ (“██████████” provided a statement consistent with ██████████ statement. ██████████ provided additional details. ██████████ stated she asked everyone, including the Sergeant,<sup>7</sup> to use the wash room when they were initially pulled over. At one point, ██████████ stepped out of the vehicle, but was told to get back into the car. ██████████ stated she was pregnant and needed to stretch her legs and use the restroom. ██████████ offered to go in the alley where the officer could not see her. The dark-haired officer<sup>8</sup> said he didn’t care, he would give ██████████ a ticket if she peed on the street.<sup>9</sup>

### b. Digital Evidence

**In-car Camera Video** obtained from Beat Number ██████████ captured the incident.<sup>10</sup>

<sup>2</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>3</sup> ██████████ later, stated he received three tickets for speeding, wrongful lane usage, and city sticker not displayed.

<sup>4</sup> Now known as Sgt. ██████████. Sgt. ██████████ will be referred to by name for the remainder of this report.

<sup>5</sup> Now known as Officer ██████████.

<sup>6</sup> Attachment 6.

<sup>7</sup> Now known as Sgt. ██████████.

<sup>8</sup> Now known as Officer ██████████. Officer ██████████ will be referred to by name for the remainder of this report.

<sup>9</sup> Attachment 13.

<sup>10</sup> Attachment 20.

**Body Worn Camera Video** obtained from Officer [REDACTED] Officer [REDACTED] and Sgt. [REDACTED] captured the incident.<sup>11</sup>

**Cell phone Video** obtained from [REDACTED] depicted two segments of the incident, including audio narrated by [REDACTED].<sup>12</sup>

### c. Documentary Evidence

**Complaint Numbers** [REDACTED] and [REDACTED] document, on July 11, 2018, [REDACTED] was given citations for speeding, improper turn signal, and fail to display city sticker.<sup>13</sup>

The **Office of Emergency Management and Communications (OEMC) Event Query** # [REDACTED] and [REDACTED] documented [REDACTED] called to request a supervisor on multiple occasions and indicated he was still waiting for the supervisor.<sup>14</sup>

## VI. ANALYSIS

COPA recommends a finding of **Exonerated** for Allegation 1 against Officers [REDACTED] and [REDACTED] that the officers unlawfully stopped [REDACTED] Illinois Vehicle Code, requires an individual to use a turn signal “to indicate an intention to turn, change lanes or start from a parallel parked position.”<sup>15</sup> In-car camera video from Beat [REDACTED] captured the moment [REDACTED] vehicle entered the roadway from a parked position. No light on the vehicle turned on or flashed to indicate a turn signal was engaged. Thereafter, Beat [REDACTED] engaged their emergency lights indicating that [REDACTED] was being pulled over. The body worn camera video chronicled the stop where Officer [REDACTED] explained to [REDACTED] that he was receiving three tickets, the first one ticket for speeding. [REDACTED] cut the officer’s off, arguing that he did not speed. Later it was explained that he was receiving the other tickets for improper use of turn signal and Officer [REDACTED] stated that [REDACTED] city sticker was expired.<sup>16</sup>

Based on the foregoing, Officers [REDACTED] and [REDACTED] were within CPD policy to stop [REDACTED] for violating traffic laws. Therefore, this allegation should be **Exonerated**.

COPA recommends a finding of **Exonerated** for Allegation 2 against Officers [REDACTED] and [REDACTED] that the officers improperly detained [REDACTED] and [REDACTED] alleged the officers refused to allow [REDACTED] to leave to use the restroom causing [REDACTED] to urinate on herself. However, Officers may detain an individual for a length of time reasonably necessary to confirm or dispel the suspicion of criminal activity.<sup>17</sup>

A review of the body worn camera worn by both officers show that the officers did not improperly detain [REDACTED]. After a brief interaction between the officers and [REDACTED] the officers

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<sup>11</sup> Attachments 21-23.

<sup>12</sup> Attachment 9.

<sup>13</sup> Attachment 10.

<sup>14</sup> Attachments 19, 24-26.

<sup>15</sup> 625 ILCS 5/11-804 (d)

<sup>16</sup> Attachments 21, 22.

<sup>17</sup> Special Order S04-13-09 II.A.

returned to their vehicle and wrote citations. While in their vehicle, the officers discussed whether [REDACTED] appeared to be intoxicated and overheard [REDACTED] requesting a Supervisor to the scene. The officers then approached [REDACTED] vehicle and Officer [REDACTED] explained to [REDACTED] he was receiving three citations, beginning with a citation for speeding. [REDACTED] refused to accept the tickets and argued he was not speeding and he was waiting for a Supervisor. Officer [REDACTED] asked whether [REDACTED] had been drinking or was on any type of drug because his eyes were glassy.<sup>18</sup> [REDACTED] denied being on anything. Officer [REDACTED] requested [REDACTED] to exit the vehicle. [REDACTED] refused, stating he was waiting on a supervisor.<sup>19</sup> While officers continued to question [REDACTED] about his behavior, [REDACTED] stated, "I have to pee, sir. Can we go?"<sup>20</sup> Both [REDACTED] and [REDACTED] asked officers for the tickets. The Officers denied the requests and stated they would wait for the supervisor.<sup>21</sup> Simultaneously, [REDACTED] called 9-1-1 again stating that the officers would not give him his tickets, he requested a supervisor multiple times and was waiting for the supervisor to arrive to resolve the situation.<sup>22</sup>

While waiting for the supervisor, there were repeated conversations between the officers and [REDACTED] about performing a field sobriety test, providing [REDACTED] his tickets and waiting for a supervisor. [REDACTED] can be heard on the phone saying his fiancé has to use the restroom.<sup>23</sup> It is not clear whether the officers heard this information. During a conversation between Officer [REDACTED] and [REDACTED] said, "I have five kids at home, my fiancé is pregnant and has to pee. I've explained it like five times."<sup>24</sup> Officer [REDACTED] explained that for safety purposes he would like to perform a field sobriety test and, if there is no sign of intoxication, release [REDACTED].<sup>25</sup> [REDACTED] stated he wanted to talk to a supervisor.<sup>26</sup>

When the supervisor arrived,<sup>27</sup> [REDACTED] exited the vehicle and told him his girlfriend needed to use the restroom bad and proceeded to explain the situation.<sup>28</sup> During this time, [REDACTED] exited the vehicle, and stated that she needed to use the restroom.<sup>29</sup> Officer [REDACTED] explained that she cannot pee outside or she would receive a citation and ordered her back into the car. [REDACTED] complied.<sup>30</sup> [REDACTED] received his citations approximately two minutes later and he and [REDACTED] were free to leave.

In this case, [REDACTED] and [REDACTED] were detained by police. The question is whether that detention was reasonable. In determining reasonableness, we must consider the law enforcement purpose for the stop and the reasonable amount of time needed to effectuate that purpose.<sup>31</sup> In

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<sup>18</sup> Attachment 21 at 25:34-25:44.

<sup>19</sup> *Id.* at 25:47-25:49. [REDACTED] called 9-1-1 multiple times during this incident requesting a supervisor. See Attachment 19.

<sup>20</sup> Attachment 21 at 26:41-26:42.

<sup>21</sup> *Id.* at 26:50.

<sup>22</sup> *Id.* at 26:52-28:06.

<sup>23</sup> *Id.* at 38:07.

<sup>24</sup> *Id.* at 39:08-39:14.

<sup>25</sup> *Id.* at 39:34-39:46.

<sup>26</sup> Attachment 22 at 40:15-40:17.

<sup>27</sup> Attachment 21 at 41:05.

<sup>28</sup> *Id.* at 41:18-41:20.

<sup>29</sup> Attachment 22 at 40:55.

<sup>30</sup> *Id.* at 40:54-41:12.

<sup>31</sup> *United States v. Sharpe*, 470 US 675, 685 (1985).

making such determination, we look at whether the police “diligently pursued a means of investigation that was likely to confirm or dispel their suspicions quickly, during which time it was necessary to detain the defendant.”<sup>32</sup>

Given the circumstances, the stop would have likely concluded when Officer [REDACTED] initially, offered [REDACTED] the citations. However, due to [REDACTED] refusal to take the citations and desire to wait for a Supervisor, the stop was prolonged. Moreover, it was not until the officers began their investigation into whether [REDACTED] was driving under the influence, that [REDACTED] requested if both she and [REDACTED] could leave because she needed to use the restroom.

During a lawful traffic stop, an officer may order passengers to either remain in the vehicle or exit the vehicle.<sup>33</sup> Officers explained to [REDACTED] that they wanted him to exit the vehicle to perform a field sobriety test, and, if everything appeared fine, the officers would let him go. [REDACTED] refused and expressed his desire to wait for a supervisor. During this time, [REDACTED] did not ask to leave the scene on her own. [REDACTED] did not express any sense of urgency to use the restroom. [REDACTED] did not appear to be in distress. Although [REDACTED] stated [REDACTED] urinated on herself before the Sergeant arrived, on the body worn camera she did not appear to have urinated on herself when she stepped out of the vehicle, nor did she state that she had urinated on herself. [REDACTED] got back into the vehicle and drove away, approximately four minutes after [REDACTED] got back into the vehicle per Officer [REDACTED] command.<sup>34</sup>

Based on the foregoing, there was no unnecessary delay in the officers’ legitimate investigation and the evidence shows that the delay was a direct result of [REDACTED] actions, in requesting a supervisor and refusing to comply with officer commands to complete a field sobriety test. Additionally, due to the isolated area in which the stop occurred, it would not have been reasonable for the officers to suggest [REDACTED] leave the scene in search of a public restroom. Therefore, based on a preponderance of the evidence, [REDACTED] was not improperly detained, and this allegation should be **Exonerated**.

**CONCLUSION**

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

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you unlawfully stopped [REDACTED] 2. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you improperly detained [REDACTED]	Exonerated  Exonerated

<sup>32</sup> *Sharpe*, 470 US at 687. See *Michigan v. Summers*, *supra*, at 701, n. 14 (quoting 3 W. LaFave, Search and Seizure § 9.2, p. 40 (1978)); see also *Place*, 462 U. S., at 709; *Royer*, 460 U. S., at 500.

<sup>33</sup> *People v. Boyd*, 298 Ill. App. 3d 1118, 1125-26 (4th Dist. 1998) (citing *Maryland v. Wilson*, 117 S. Ct. 882, 884-86 (1997)).

<sup>34</sup> Attachment 21.

Officer [REDACTED]	1. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you unlawfully stopped [REDACTED]	Exonerated
	2. It is alleged that on July 11, 2018 at approximately 1:15 a.m., in the vicinity of [REDACTED] you improperly detained [REDACTED]	Exonerated

Approved:

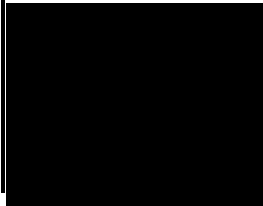
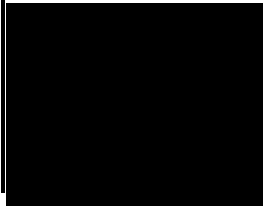
\_\_\_\_\_  
[REDACTED]  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	Six
<b>Investigator:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	