

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 30, 2018
Time of Incident:	10:18 am
Location of Incident:	[REDACTED]
Date of COPA Notification:	July 30, 2018
Time of COPA Notification:	10:22 am

Officers [REDACTED] and [REDACTED] (collectively “the Officers”) stopped a vehicle for failing to display a rear license plate. Officer [REDACTED] spoke to the driver [REDACTED] and requested identification. [REDACTED] provided a driver’s license for [REDACTED] her twin sister, while simultaneously discarding two small one-inch by one-inch empty clear plastic bags. Officer [REDACTED] retrieved the bags and returned them to [REDACTED] while remarking that [REDACTED] should not litter. [REDACTED] responded by stating she did not use drugs. After completing a name check on [REDACTED] and her passenger [REDACTED], Officer [REDACTED] requested assistance from additional units, so a search of the vehicle could be conducted.

Upon the arrival of additional officers ([REDACTED] and [REDACTED]), [REDACTED] and [REDACTED] were asked to exit the vehicle. Both complied; however, [REDACTED] attempted to flee on foot while discarding a bag of crack cocaine. Officers [REDACTED], [REDACTED] and [REDACTED] were able to stop [REDACTED] flight; however, he resisted their efforts to handcuff him. Simultaneously, Officer [REDACTED] handcuffed [REDACTED] patted her down, and placed her in a CPD vehicle. After resisting Officers [REDACTED], [REDACTED] and [REDACTED] for several minutes, [REDACTED] was secured and searched; during which two bags of cannabis were recovered. [REDACTED] was placed in a transport wagon. Officers [REDACTED] and [REDACTED] elected to impound [REDACTED] vehicle because [REDACTED] was in possession of narcotics. During the impoundment search of [REDACTED] vehicle, a second identification with the name [REDACTED] was located. [REDACTED] and [REDACTED] were taken to [REDACTED] District Lockup and processed.

One month after her arrest, [REDACTED] provided a statement to COPA and made the below allegations.

II. INVOLVED PARTIES

Involved Officer #1:	Officer [REDACTED] Star [REDACTED] / Employee ID [REDACTED] Date of Appointment: [REDACTED] Unit: [REDACTED] Date of Birth: [REDACTED] Female / White
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Involved Officer #2:

Officer [REDACTED]
 Star [REDACTED] / Employee ID [REDACTED]
 Date of Appointment: [REDACTED]
 Unit: [REDACTED]
 Date of Birth: [REDACTED]
 Male / Black

Involved Individual #1:

[REDACTED]
 Date of Birth: [REDACTED]
 Female / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	1. Unlawfully detained Ms. [REDACTED] in violation of Rule 1.	Unfounded.
	2. Unlawfully arrested Ms. [REDACTED] in violation of Rule 1.	Unfounded.
	3. Improperly impounded Ms. [REDACTED] vehicle, in violation of Rule 6.	Unfounded.
Officer [REDACTED]	1. Unlawfully detained Ms. [REDACTED] in violation of Rule 1.	Unfounded.
	2. Unlawfully arrested Ms. [REDACTED] in violation of Rule 1.	Unfounded.
	3. Improperly impounded Ms. [REDACTED] vehicle, in violation of Rule 6.	Unfounded.

IV. APPLICABLE RULES AND LAWS

Rules

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

Special Order Orders

- 1. S07-03-05 – Impoundment of Vehicles for Municipal Code Violations – effective November 13, 2013.

Federal Laws

- 1. United States Constitution; Fourth Amendment

V. INVESTIGATION¹

a. Interviews²

In a **statement to COPA**³ on July 30, 2018, Ms. [REDACTED] stated she was stopped by the Officers for failing to display a rear license plate. Officer [REDACTED] requested [REDACTED] driver's license, [REDACTED] provided her twin sister's [REDACTED] identification,⁴ as she provided the driver's license to Officer [REDACTED] there were two empty plastic bags attached to the license.⁵ Shortly after providing the false identification, additional officers arrived on scene. Officer [REDACTED] requested [REDACTED] and the front seat passenger [REDACTED] exit the vehicle. Once out of the vehicle, [REDACTED] attempted to flee but was stopped by Officers [REDACTED] [REDACTED] and [REDACTED] and arrested. After his arrest, [REDACTED] was searched, and crack cocaine was found on his person.

[REDACTED] was handcuffed, searched, transported to the [REDACTED] District Lockup, and processed. [REDACTED] vehicle was impounded because narcotics were found inside the vehicle; however, [REDACTED] disputes having narcotics in the vehicle. [REDACTED] was insistent that she was not arrested but was clear that she was finger printed and photographed. [REDACTED] added that at the Administrative Hearing for her impounded vehicle, she was informed by the Hearing Officer that since [REDACTED] was in possession of narcotics while in her vehicle, she was responsible for the narcotics being inside the vehicle. Finally, [REDACTED] admitted that the vehicle was not insured.⁶

b. Digital Evidence

Body Worn Camera⁷ (BWC) footage depicts the Officers stopping [REDACTED] vehicle. As the Officers approach the vehicle, it is clear there is no license plate displayed on the rear of the vehicle; however, a license plate is depicted laying on the rear dashboard.⁸ Officer [REDACTED] approaches the driver [REDACTED] and informs her that she was stopped for not having a license plate displayed. [REDACTED] admits she was aware her license plate was not properly displayed.⁹ Officer [REDACTED] asks [REDACTED] for her driver's license. While [REDACTED] is handing Officer [REDACTED] a driver's license, [REDACTED] grabs two small plastic bags attached to the license and throws them to the ground.¹⁰ Officer [REDACTED] retrieves and returns the bags to [REDACTED], while informing her she cannot litter. In response, [REDACTED]

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 As detailed in the Case Log, [REDACTED] never responded to COPA's requests for a statement.

³ Att. 6.

⁴ Relevant portions at 02:33, 13:57 and 14:20 of Att. 6.

⁵ Relevant portions at 02:48, 03:26 and 15:14 of Att. 6.

⁶ Relevant portions at 14:54 of Att. 6.

⁷ CPD provided 20 files of BWC footage, however only 19 depict this incident. Additionally, CPD provided 3 files of In-Car Camera footage, however none depict this incident. Att. 25.

⁸ Relevant portions at 00:26 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 and 02:44, 10:55-11:30 of [REDACTED] - 1 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

⁹ Relevant portions from 00:33 to 00:37 and 02:33 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 and at 04:10 of [REDACTED] - 1 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

¹⁰ The bags were approximately 1-inch square and were consistent with packaging material used in the narcotics trade. Relevant portions from 00:49 to 00:52 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

remarks that she does not do drugs.¹¹ After obtaining [REDACTED] information, Officer [REDACTED] walks to the rear of the vehicle, speaks with Officer [REDACTED] and informs her that he believes the front seat passenger [REDACTED] may be a subject they were looking for.¹² Officer [REDACTED] proceeds to conduct a name check on [REDACTED] and [REDACTED] while Officer [REDACTED] remains near the vehicle.

After completing the name check, Officer [REDACTED] instructs Officer [REDACTED] to make efforts to confirm if [REDACTED] is the subject being sought. Officer [REDACTED] returns to the CPD vehicle and contacts other officers via cell phone. After several minutes, Officer [REDACTED] exits the vehicle and informs Officer [REDACTED] that [REDACTED] is not the person they are seeking. The Officers determine they will search [REDACTED] vehicle and request an additional unit.

Upon the arrival of Officers [REDACTED] and [REDACTED] the Officers request that [REDACTED] and [REDACTED] exit the vehicle, and both comply.¹³ [REDACTED] walks to the rear of the vehicle, places his hands on the trunk and immediately flees on foot.¹⁴ As [REDACTED] flees, Officer [REDACTED] handcuffs [REDACTED] pats her down, and escorts her to a CPD vehicle.¹⁵ As Officer [REDACTED] and [REDACTED] approach the vehicle Officer [REDACTED] points to a bag containing crack cocaine on the ground while cautioning that it should not be stepped on because [REDACTED] discarded it as he ran.¹⁶

Simultaneously, [REDACTED] attempt to flee is defeated by Officers [REDACTED] [REDACTED] and [REDACTED]. [REDACTED] resists the officers attempts to handcuff and search him. The officers use escort holds, wristlock, takedowns, and emergency handcuffing to gain control of [REDACTED]. Once [REDACTED] is secured he is searched and two bags of cannabis are recovered.¹⁷

Officer [REDACTED] remarks that [REDACTED] vehicle is being impounded because of [REDACTED] possession of narcotics.¹⁸ During the impoundment search, Officer [REDACTED] discovered a second Illinois Driver's License issued to [REDACTED] and remarks that she now has a license for [REDACTED] and [REDACTED].¹⁹

¹¹ Relevant portion at 01:02 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

¹² Relevant portions at 02:46 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 and 02:55 of [REDACTED] - 1 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

¹³ Relevant portions at 15:00 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 and 15:07 of [REDACTED] - 1 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

¹⁴ Relevant portions at 15:12 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 and 15:14 of [REDACTED] - 1 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

¹⁵ Relevant portions from 15:17 to 16:05 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

¹⁶ Relevant portions at 15:32 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 and 01:03 of [REDACTED] - AXON_Body_2_Video_2018-06-30_1518 of Att. 25.

¹⁷ COPA reviewed all the relevant BWC footage and Tactical Response Reports (TRRs) related to the force used during [REDACTED] arrest and determined that the force used did not warrant allegations. COPA notes that while the force used in [REDACTED] arrest did not warrant allegations, Officer [REDACTED] use of profanity for emphasis when addressing [REDACTED] resistance was significant. COPA does not believe Officer [REDACTED] profanity constituted misconduct and combined with the lack of a citizen complaint related to the profanity, COPA chose to not serve allegations related to the profanity.

¹⁸ Relevant portion at 20:49 of [REDACTED] - 2 - AXON_Body_2_Video_2018-06-30_1504 of Att. 25.

¹⁹ Relevant portions from 00:25 to 00:51 of [REDACTED] - 3 - AXON_Body_2_Video_2018-06-30_1530 of Att. 25.

c. Documentary Evidence²⁰

An **Original Case Incident Report**²¹ details essentially the same information as the BWC footage. Additionally, the report details that the small plastic bags [REDACTED] attempted to discard are commonly used to package narcotics.

[REDACTED] **Arrest Report**²² details essentially the same information as the BWC footage and Original Case Incident Report. Additionally, the report details that [REDACTED] admitted to the Officers that she provided her sister's [REDACTED] driver's license because [REDACTED] believed there was an active warrant for her arrest. Further, the report details that [REDACTED] was charged with obstructing identification, failure to display a front/rear license plate, operating a vehicle without insurance, and operating a vehicle without a license.

[REDACTED] **Arrest Report**²³ details essentially the same information as the BWC footage and Original Case Incident Report. Additionally, the report details that [REDACTED] was arrested within 1000 feet of [REDACTED]. [REDACTED] was transported to the [REDACTED] District, processed, and charged with manufacture/delivery of cocaine near a school/park and three counts of resisting a peace officer.²⁴

A **CPD Vehicle Impoundment/Seizure Report**²⁵ and **Auto Pounds Form**²⁶ detail that [REDACTED] vehicle was seized and held for narcotics-related forfeiture because crack cocaine was in the vehicle.

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for the allegation that the Officers unlawfully detained [REDACTED]. Peace Officers are permitted to stop and detain subjects for a reasonable amount of time if the officer reasonably infers, from all the circumstances known to the officer, that the subject is about to commit, is committing, or has committed a criminal offense.²⁷

Here, it is undisputed that the Officers observed [REDACTED] vehicle failing to display a rear license plate. Therefore, the decision to stop [REDACTED] vehicle was lawful and proper. Further, once the vehicle was stopped, [REDACTED] attempted to discard two small empty plastic bags – commonly used to package narcotics – and informed Officer [REDACTED] that she did not use drugs. Based on [REDACTED] actions, it was reasonable for Officer [REDACTED] and [REDACTED] to infer that [REDACTED] was possibly in possession of a narcotic and request her exit from the vehicle. Therefore, their decision to detain [REDACTED] beyond the length of a typical traffic stop was reasonable. Finally, once [REDACTED] exited the

²⁰ An Investigatory Stop Report (ISR) was completed to detail the initial contact with [REDACTED] and details essentially the same information as the BWC footage, Original Case Incident Report, and both Arrest Reports. Att. 22.

²¹ Att. 9.

²² Att. 7.

²³ Att. 8.

²⁴ On September 20, 2018, [REDACTED] plead guilty to possession of a controlled substance. Att. 28.

²⁵ Pg. 8 of Att. 10.

²⁶ Pgs. 6 and 7 of Att. 10.

²⁷ *Terry v. Ohio*, 932 U.S. 1 (1986) codified in 725 ILCS 5/107-14.

vehicle, attempted to flee, discarded narcotics, and resisted officers, Officer [REDACTED] decision to secure [REDACTED] in handcuffs and place her in a CPD vehicle was reasonable given the rapidly unfolding safety concerns created when [REDACTED] attempted to flee and resist; therefore, the detention of [REDACTED] was reasonable, lawful, and proper.

COPA recommends a finding of **Unfounded** for the allegation that the Officers unlawfully arrested [REDACTED]. A peace officer may arrest a person when he or she has reasonable grounds to believe that the person has committed an offense.²⁸

Here, during an impoundment search of [REDACTED] vehicle, Officer [REDACTED] located a second identification for [REDACTED] and determined that this was her true identity. Further, [REDACTED] informed the Officers that she had provided her sister's [REDACTED] driver's license to conceal her identity. Additionally, in her statement to COPA, [REDACTED] confirmed she provided Officer [REDACTED] with a false identification to conceal her identity. Based on Officer [REDACTED] observations and [REDACTED] admission, the Officers had reasonable grounds to believe that [REDACTED] had committed a criminal offense. Therefore, the arrest of [REDACTED] was reasonable, lawful, and proper.

COPA recommends a finding of **Unfounded** for the allegation that the Officers improperly impounded [REDACTED] vehicle. Special Order S07-03-05, III(A)(2) permits an officer to impound any vehicle when there is probable cause to believe the vehicle contained a controlled substances or cannabis.

Here, it is undisputed that [REDACTED] was a passenger in [REDACTED] vehicle when it was stopped by the Officers. Additionally, it is undisputed that [REDACTED] was in possession of crack cocaine and cannabis. Based on this information, it was reasonable for the Officers to believe that [REDACTED] committed the offense of possessing a controlled substance and/or cannabis while he was located within [REDACTED] vehicle. Therefore, the Officers' decision to impound [REDACTED] vehicle was lawful, proper, and permitted by S07-0305.

Since the Officers' actions were clearly lawful and proper, there was no need for the Officers to address the allegations in any way.

VII. CONCLUSION

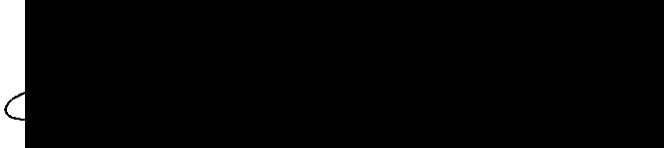
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. Unlawfully detained Ms. [REDACTED] in violation of Rule 1.	Unfounded.
	2. Unlawfully arrested Ms. [REDACTED] in violation of Rule 1.	Unfounded.

²⁸ *Virginia v. Moore*, 553 U.S. 164 (2008) codified in 725 ILCS 5/107-2(1)(c).

	3. Improperly impounded Ms. [REDACTED] vehicle, in violation of Rule 6.	Unfounded.
Officer [REDACTED] [REDACTED]	1. Unlawfully detained Ms. [REDACTED] in violation of Rule 1.	Unfounded.
	2. Unlawfully arrested Ms. [REDACTED] in violation of Rule 1.	Unfounded.
	3. Improperly impounded Ms. [REDACTED] vehicle, in violation of Rule 6.	Unfounded.

Approved: 



Deputy Chief Administrator – Chief Investigator

12-12-18
Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]