

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	August 26, 2018
Time of Incident:	10:00 PM
Location of Incident:	198 W. 31 st St.
Date of COPA Notification:	September 7, 2018
Time of COPA Notification:	10:12 AM

On August 26, 2018, around 10:00 PM near 198 West 31st Street, Officer [REDACTED] (“Officer [REDACTED]” stopped [REDACTED]’s vehicle after observing blue lights along the exterior of his vehicle. Officer [REDACTED] was working with Officers [REDACTED] (“Officer [REDACTED]” and [REDACTED] (“Officer [REDACTED]” at the time of the stop. [REDACTED] alleges that he should not have been stopped, nor should his car have been searched. COPA reviews these allegations.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee # [REDACTED] Date of Appointment: [REDACTED] 2012, Police Officer, Unit Assignment: [REDACTED] Date of Birth: [REDACTED] 1985, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee # [REDACTED] Date of Appointment: [REDACTED] 2012, Police Officer, Unit Assignment: [REDACTED] Date of Birth: [REDACTED] 1973, Male, Asian
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee # [REDACTED] Date of Appointment: [REDACTED] 2012, Police Officer, Unit Assignment: [REDACTED] Date of Birth: [REDACTED] 1985, Female, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1964, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. Stopped [REDACTED] for a traffic violation without justification	Exonerated

	2. Searched [REDACTED] vehicle without justification	Exonerated
--	--	------------

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals
4. Rule 10: Inattention to duty

Special Orders

1. S04-13-09: Investigatory Stop System

Federal Laws

1. The Fourth Amendment of the United States Constitution

Municipal Laws

1. Municipal Code of Chicago 9-80-010 Blue lights and flashing, rotating or oscillating blue beans

V. INVESTIGATION¹

a. Interviews

COPA conducted [REDACTED]’s ([REDACTED] audio statement² on September 27, 2018. [REDACTED] statement is summarized as follows. He stated that an [REDACTED] Chicago police vehicle pulled him over while he was driving. [REDACTED] said four officers stopped his vehicle, and he assumed they came from one vehicle. At the time [REDACTED] was pulled over, his vehicle displayed non-flashing blue lights that were activated on the exterior of his vehicle. Officer [REDACTED] asked [REDACTED] if he was an officer and [REDACTED] responded that he was not. Officer [REDACTED] then asked [REDACTED] if he was impersonating a police officer and [REDACTED] responded that he was not. Officer [REDACTED] told [REDACTED] that having blue lights on a vehicle is illegal

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 Attachment 9

under Chicago ordinance. ██████ stated the officer was incorrect, and according to other law enforcement agencies it is legal as long as the lights are not blinking. Officer ██████ asked ██████ to exit, ██████ exited, and another officer, either Officer ██████ or ██████, handcuffed ██████. ██████ asked the officer why he was being handcuffed without probable cause. Officer ██████ conducted a quick pat down of ██████ person.

Another officer⁴ searched ██████ vehicle. ██████ questioned the search and asked what the officer was looking for. Another officer replied that the officer was looking for a device that would allow the lights to flash and ██████ told the officer there was no such device because he was not impersonating a police officer. One officer asked ██████ if he had weapons in his vehicle to which ██████ replied he had a can of mace for self-defense.⁵ ██████ indicated that after the officers determined he was not falsely impersonating a peace officer and after the search, the officers released him. ██████ was issued an ordinance violation for having the blue lights.

██████ stated he installed the blue LED lights himself onto the exterior of his vehicle and mirrors. ██████ stated there are no oscillating lights on the exterior of his vehicle. However, there are solid blue lights that illuminate when activated. ██████ vehicle has state police and police association stickers. ██████ stated that Chicago police previously stopped him for having blue lights on his vehicle's exterior, but the officers did not issue him a ticket. During these stops, ██████ learned he could not have oscillating blue lights on his vehicle. Also, during these stops, Chicago officers informed ██████ that he cannot have blue lights on his license plate, thus, ██████ removed those lights.

COPA conducted Officer ██████ ("Officer ██████ audio statement"⁶ on November 5, 2018. Officer ██████ stated the following. Officer ██████ stopped ██████ vehicle because he observed ██████ vehicle had dozens of blue LED lights on its exterior. The blue lights were in multiple locations including the side mirrors and back windshield. Officer ██████ stated that ██████ violated the Chicago municipal code related to blue lights on the exterior of his vehicle.

Officer ██████ approached the driver's side of the vehicle and asked ██████ to exit his vehicle. ██████ was hesitant to exit, but after Officer ██████ asked ██████ to exit three times, he did. Officers ██████ and ██████ asked ██████ to turn down the music and turn off his vehicle. Once he exited, Officer ██████ placed ██████ in handcuffs because ██████ was noncompliant and made unusual statements.⁷ Officer ██████ indicated he previously never heard that type of statement. Officer ██████ also handcuffed ██████ for officer safety concerns because typically during traffic stops the driver is more compliant and forthcoming. Officer ██████ related that it appeared ██████ was concealing or hiding something, possibly a weapon. Officer ██████ stated that he had that belief because he did not understand what ██████ meant when he said he was a "legal person." Officer ██████ stated that he perceived it to mean that

³ ██████ did not recall which officer handcuffed him.

⁴ ██████ described this officer to be white with a beard, specifying it was not Officer ██████

⁵ ██████ did not recall which officer searched and answered his questions.

⁶ Attachment 36

⁷ One of the statements that Officer ██████ stated that he made was that he was a he was a "legal person."

██████████ had a concealed carry license. Also, Officer ██████████ handcuffed ██████████ because it was nighttime, he was unable to clearly see inside ██████████ vehicle, and there were different switches throughout the vehicle.

Officer ██████████ asked ██████████ whether he possessed a weapon and Officer ██████████ stated that ██████████ was hesitant to reply. Eventually ██████████ stated he had a weapon. ██████████ was reluctant to specify the type of weapon even after being asked. Officer ██████████ stated that ██████████ attempted to ignore the question and was evasive in answering. Officers ██████████ stated that ██████████ eventually said that he had mace. After Officer ██████████ asked him about weapons, he searched ██████████ vehicle. Officer ██████████ stated that he searched the vehicle because ██████████ was evasive and hesitant. Officer ██████████ told COPA that he also wanted to confirm ██████████ was truthful about only possessing mace and not a gun since he believed it is always legal to possess one. Officer ██████████ searched the front side area, around the driver's seat and within arms-reach of the driver's seat. Officer ██████████ recovered mace from the driver side door. During the search, ██████████ stood at the rear of his vehicle which was approximately five to seven feet from the driver side door. Officers ██████████ and ██████████ stood with ██████████

Officer ██████████ wrote ██████████ an administrative notice of violation ("ANOV") for having blue lights on his vehicle. Officer ██████████ then returned the mace to ██████████. The traffic stop was approximately ten minutes. Officer ██████████ stated that he has conducted approximately thousands of traffic stops. Officer ██████████ described ██████████ demeanor as hesitant and non-compliant, which changed by the end of the stop because ██████████ was more compliant, understanding, and less reluctant to talk to the officers.

COPA conducted **Officer ██████████ ("Officer ██████████ audio statement⁸** on November 5, 2018. Officer ██████████ stated the following. Officer ██████████ observed blue lights on the back window, side of vehicle, and driver side mirror of ██████████ vehicle. The officers stopped the vehicle because it was a traffic law violation to have blue lights. Officer ██████████ described ██████████ demeanor as standoffish and strange. Officer ██████████ approached the driver's side to speak to ██████████ while Officers ██████████ and ██████████ approached the passenger side. Officer ██████████ stated that he asked ██████████ for his license and insurance and ██████████ was evasive. Officer ██████████ asked ██████████ to exit his vehicle after ██████████ failed to produce a license. ██████████ did not immediately exit because he was looking at his phone. Officer ██████████ stated that ██████████ then refused to exit and began to question Officer ██████████ as to why he was stopped. Officer ██████████ told ██████████ informed him as to the reason for the stop. Officer ██████████ stated that ██████████ exited his vehicle after two minutes. After he exited, Officer ██████████ handcuffed ██████████ and brought him to the rear of the vehicle.

The officers asked ██████████ if he had weapons and he was hesitant to answer. Officer ██████████ stated that ██████████ then he asked what the officers meant by "weapons." The officers provided examples of weapons. ██████████ then stated he had self-defense weapons but did not specify which type of weapons. ██████████ eventually told the officer he had mace. Officer ██████████ indicated that ██████████ said he had weapons, not a weapon, which Officer ██████████ thought was strange. Officer ██████████ believed ██████████ possibly possessed more weapons.

⁸ Attachment 33

Subsequently, Officer ██████ searched the vehicle to recover the mace. Officer ██████ stood at the rear of ██████ vehicle with ██████ who stood approximately eight feet from the driver side door. Officer ██████ did not observe Officer ██████ search the vehicle because the windows were tinted which impeded her ability to see inside the car, plus she was watching ██████. Nevertheless, Officer ██████ stated that she was aware that Officer ██████ recovered mace in the driver side door. Officer ██████ said there were officer safety concerns because ██████ refused to exit his vehicle and was evasive in answering questions. Officer ██████ assisted Officer ██████ not Officer ██████. Officer ██████ wrote ██████ a citation.

COPA conducted Officer ██████ (“Officer ██████ audio statement”⁹ on November 5, 2018. Officer ██████ stated the following. Officer ██████ observed ██████ vehicle and it was stopped because the lights were in violation of the municipal code. Officer ██████ approached the right side of ██████ vehicle, asked ██████ to turn off radio and car, and ██████ tried to turn off the car. Officer ██████ asked ██████ for his driver’s license, but ██████ did not directly answer. Officer ██████ stated that ██████ did not produce his driver’s license, so Officer ██████ asked him to exit his vehicle. Officer ██████ took ██████ to the rear of the vehicle and handcuffed him. Officer ██████ stated that Officer ██████ told ██████ he was scaring him. Officer ██████ did not tell Officer ██████ why he felt afraid of ██████. Officer ██████ stated that Officer ██████ asked ██████ if he had weapons and ██████ inquired what he meant by weapons. Officer ██████ gave examples, then ██████ said he had mace. During this time, Officer ██████ told ██████ that he had to answer the question being posed by Officer ██████. Officer ██████ indicated he felt scared of ██████ because he would not answer the officers’ questions about possessing weapons. Officer ██████ then searched the vehicle. Officer ██████ observed Officer ██████ search near the driver’s seat, but Officer ██████ was unable to entirely see where Officer ██████ searched because Officer ██████ stood behind Officer ██████ watching ██████. Officer ██████ found mace in the car. ██████ complained that the officers illegally stopped him. The officers told ██████ he could not have blue lights on his vehicle. Officer ██████ issued a citation to ██████ for having blue lights on his vehicle.

b. Digital Evidence

COPA took **photographs of ██████ vehicle**.¹⁰ The photographs depict blue lights on the exterior of ██████ vehicle.

Officers ██████ and ██████ **Body-Worn Cameras** (“BWC”) captured the traffic stop of ██████ in its entirety.¹¹ Officer ██████ is heard saying that ██████ may be an impersonator prior to approaching his vehicle. ██████ vehicle is seen with blue lights on the exterior. Officer ██████ asks ██████ if he is a police officer, which he answered in the negative. Officer ██████ asked ██████ to exit his vehicle two times. Officer ██████ is heard asking ██████ whether he has weapons in his car, subsequently, Officers ██████ and ██████ also ask ██████ answers he has “self-defense stuff” then Officer ██████ asks him to clarify. ██████ states he has mace inside of his car. Officer ██████ then searches ██████

⁹ Attachment 35

¹⁰ Attachment 10

¹¹ Attachment 20

vehicle by opening the driver's side door looking inside the vehicle with a flashlight. Officer [REDACTED] finds mace inside the vehicle. Officer [REDACTED] is heard saying he took the mace for safety. The officers are heard saying that police vehicles have blue lights and [REDACTED] vehicle looks as if it is a police car. The officers tell [REDACTED] that having blue lights on a car is an ordinance violation. [REDACTED] is issued a citation.

c. Documentary Evidence

[REDACTED] **Administrative Notice of Ordinance Violation**¹², [REDACTED] issued on August 26, 2018 notes he violated Municipal Code of Chicago 9-80-010. It further states that the officers observed [REDACTED] vehicle with multiple LED blue lights around the exterior of his vehicle.^{13, 14}

VI. ANALYSIS

COPA recommends a finding of Exonerated for **Allegation #1** against Officer [REDACTED] that he stopped [REDACTED] for a traffic violation without justification. In *Terry v. Ohio*¹⁵, the Supreme Court found that a police officer may stop a person if they have reasonable suspicion that the person has committed or is about to commit a crime. The reasonable suspicion must be based on "specific and articulable facts" and not merely a hunch. Articulable and reasonable suspicion means that the police "must be able to identify some 'particularized and objective basis' for thinking that the person to be stopped is or may be about to engage in unlawful activity," amounting to more than a hunch.¹⁶

The Illinois legislature has codified this *Terry* standard which provides the following: "An officer may, after identifying himself as a peace officer, stop any person in a public place for a reasonable period of time when the officer infers from the circumstances that the person is committing, is about to commit, or has committed an offense..."¹⁷ Thus, the *Terry* standard allows an officer to conduct a brief investigative stop when there is reasonable, articulable suspicion of criminal activity.¹⁸ Traffic stops are analyzed under *Terry* because "the 'usual traffic stop' is more analogous to a so-called *Terry* stop than to a formal arrest."¹⁹ The *Terry* test is: "(1) whether the officer's action was justified at its inception, and (2) whether it was reasonably related in scope to the circumstances which justified the interference in the first place."²⁰

¹² Attachment 12

¹³ Accord attachment 18

¹⁴ *But see* attachment 26 (The Department of Administrative Hearings found [REDACTED] not liable).

¹⁵ 392 U.S. 1 (1968).

¹⁶ *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

¹⁷ 725 ILCS 5/107-14 (2008).

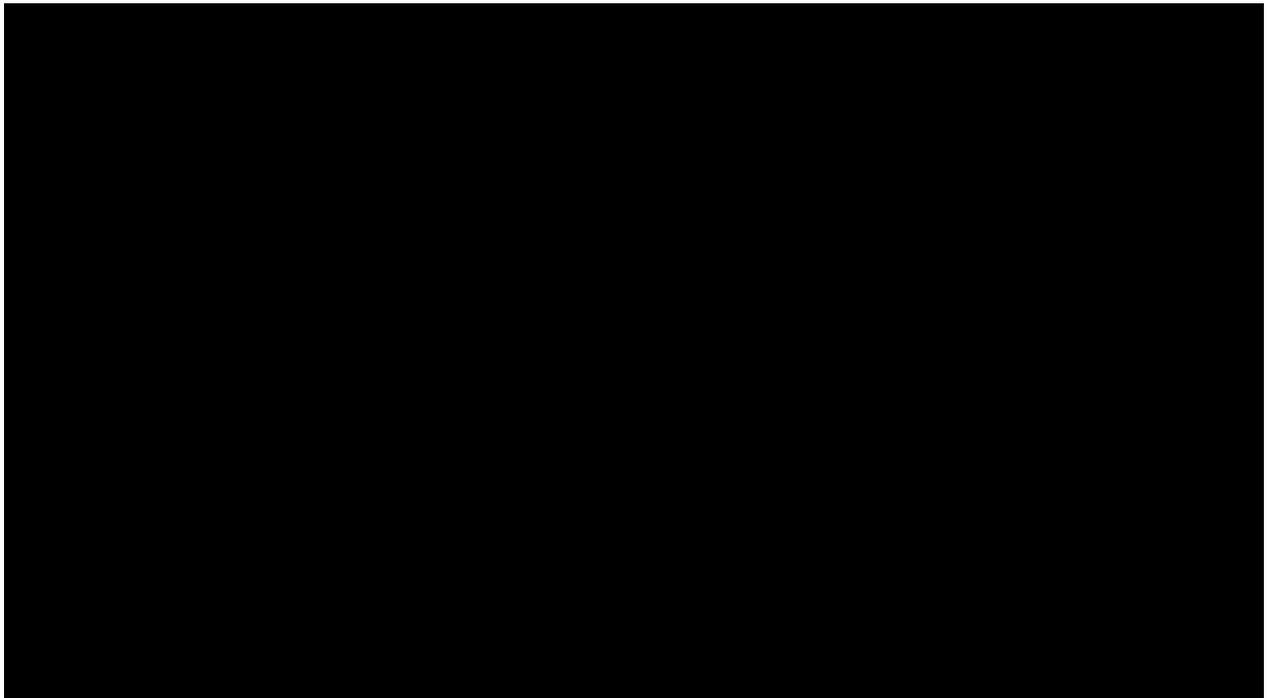
¹⁸ *People v. Jackson*, 366 Ill.Dec.164, 170 (1st Dist. 2012).

¹⁹ *People v. Cosby*, 231 Ill. 2d 262, 274 (2008); *Knowles v. Iowa*, 525 U.S. 113, 117 (1998) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984); *see also Arizona v. Johnson*, 555 U.S. 323, 330 (2009); *Terry v. Ohio*, 392 U.S. 1 (1968)).

²⁰ *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

Municipal Code of Chicago 9-80-010 states, “No person shall drive or move any vehicle or equipment upon any street with any device thereon displaying a blue light visible directly in front thereof...”

In his statement to COPA, Officer ██████ stated he observed blue lights on ██████ moving vehicle and subsequently stopped ██████ for violating the above municipal code. Officers ██████ and ██████ corroborate Officer ██████ statement, stating that they also observed ██████ moving vehicle possessing blue lights on its exterior. Likewise, BWC footage shows ██████ vehicle with activated blue lights on its exterior when stopped by Officer ██████. What is more, ██████ admitted to his vehicle having activated blue lights on its exterior when he was stopped. The following are pictures of ██████ vehicle as it was at the time of the stop:



The blue lights are clearly visible on the vehicle. As such, at the time of the stop, Officer ██████ had reasonable articulable suspicion that ██████ engaged in criminal activity when he believed ██████ violated a traffic law for having blue lights on his vehicle. Officer ██████ was justified in stopping ██████ for a traffic violation and further investigation. Therefore, COPA recommends a finding of Exonerated for **Allegation #1**.

COPA recommends a finding of Exonerated for **Allegation #2** against Officer ██████ that he searched ██████ vehicle without justification. A traffic stop must last no longer than is required for law enforcement to effectuate its “mission,” which is “to address the [] violation that warranted the stop, and attend to related safety concerns.”²¹ “[O]rdinary inquiries incident to [the] stop” are lawful, falling under the rubric of “related safety concerns.”²² Once police have validly stopped a vehicle, they may also, based on articulable facts warranting a reasonable belief

²¹ *Rodriguez v. United States*, 135 S. Ct. 1609, 1614 (2015) (citing *Illinois v. Caballes*, 543 U.S. 405, 407 (2005)).

²² *Id.* At. 1615.

that weapons may be present, conduct a *Terry*-type protective search of those portions of the passenger compartment in which a weapon could be placed or hidden.

In his statement, Officer ██████ stated when he asked ██████ about possessing weapons ██████ was hesitant to answer. Even when ██████ answered, he was evasive. ██████ questioned the meaning of weapons and would not specify what weapons he possessed. Officer ██████ searched ██████ vehicle only after ██████ admitted to possessing mace and his hesitant and evasive responses to the officer’s investigatory questions. Officer ██████ stated he was unable to clearly see inside ██████ vehicle because there were many devices throughout it. Officer ██████ also said he wanted to confirm ██████ told the truth about possessing only mace, not additional weapons. Officer ██████ searched the area arms-length from the driver’s seat. In addition, ██████ stood at the rear of his vehicle within reach of any weapons inside his vehicle. BWC footage and Officers ██████ and ██████ corroborate Officer ██████ statement.

As such, it was justified for Officer ██████ to search ██████ vehicle because only after Officer ██████ learned that ██████ possessed mace, within reach, coupled with ██████ hesitant and evasive behavior, did Officer ██████ conduct a search of the vehicle. There were also officer safety concerns that arose when ██████ was hesitant and evasive when asked about possessing weapons. Officer ██████ reasonably believed ██████ may have possessed additional weapons due to the above behavior. Officer ██████ possessed the above articulable facts which warranted a reasonable belief that mace was present and the possibility of more weapons. Therefore, COPA recommends a finding of Exonerated for **Allegation #2**.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer ██████	1. Stopped ██████ for a traffic violation without justification	Exonerated
	2. Searched ██████ vehicle without justification	Exonerated

Approved:

 Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass