

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

|                            |                      |
|----------------------------|----------------------|
| Date of Incident:          | July 15, 2018        |
| Time of Incident:          | 6:43 PM              |
| Location of Incident:      | ████████████████████ |
| Date of COPA Notification: | August 9, 2018       |
| Time of COPA Notification: | 4:41 PM              |

The complainants ██████████ and ██████████ reported that on July 15, 2018, ██████████ vehicle was stopped by Chicago Police Department officers. ██████████ and ██████████ alleged that Officers ██████████ and ██████████ stopped the vehicle without justification, impounded ██████████ vehicle without justification, falsely stated that ██████████ was the driver, and arrested ██████████. After reviewing body worn camera (BWC) footage, interviewing the complainants, and reviewing available Department reports, COPA recommends all allegations be Exonerated. COPA’s findings are further discussed in the Analysis portion of this report.

**II. INVOLVED PARTIES**

|                         |  |
|-------------------------|--|
| Involved Officer #1:    | ██████████ Star # ██████████ Employee ID # ██████████ Date of Appointment: ██████████, Police Officer, ██████████, Date of Birth: ██████████ 1992, Male, Hispanic    |
| Involved Officer #2:    | ██████████ Star # ██████████, Employee ID # ██████████, Date of Appointment: ██████████, Police Officer, ██████████, Date of Birth: ██████████, 1988, Male, Hispanic |
| Involved Individual #1: | ██████████ Date of Birth: ██████████, 1983, Male, Black  |
| Involved Individual #2: | ██████████ Date of Birth: ██████████, 1992, Female, Black  |

**III. ALLEGATIONS**

| Officer            | Allegation  | Finding    |
|--------------------|---|------------|
| Officer ██████████ | 1. Performed a traffic stop on ██████████ and ██████████ without justification, in violation of Rule 1 and Rule | Exonerated |

|                           |   |   |
|---------------------------|---|---|
|                           | <p>2. Impounded [REDACTED] car without justification, in violation of Rule 1 and Rule 8.</p> <p>3. Arrested and ticketed [REDACTED] without justification, in violation of Rule 1, Rule 8, and Rule 11.</p> <p>4. Searched [REDACTED] vehicle without permission, in violation of Rule 1.</p>   | <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>                   |
| <p>Officer [REDACTED]</p> | <p>1. Performed a traffic stop on [REDACTED] and [REDACTED] without justification, in violation of Rule 1 and Rule 2.</p> <p>2. Impounded [REDACTED] car without justification, in violation of Rule 1 and Rule 8.</p> <p>3. Arrested and ticketed [REDACTED] without justification, in violation of Rule 1, Rule 8, and Rule 11.</p> <p>4. Searched [REDACTED] vehicle without permission, in violation of Rule 1.</p> | <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> |

**IV. APPLICABLE RULES AND LAWS**

---

Rules

- 
1. **Rule 1:** Prohibits violation of any law or ordinance.
  2. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
  3. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
  4. **Rule 11:** Prohibits incompetency or inefficiency in the performance of duty.
- 

Federal Laws

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

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

### a. Interviews

COPA interviewed the complainant, ██████████ on August 13, 2018.<sup>2</sup> ██████████ stated that on July 15, 2018, he was in a vehicle with his girlfriend, ██████████ and ██████████ were the only occupants and ██████████ was driving. ██████████ stated that he was in the backseat because he and ██████████ had gotten into a fight. ██████████ and ██████████ were driving south on Ashland and attempted to enter a gas station parking lot. A car was blocking the parking lot so after briefly waiting, they kept driving. When they drove through the next intersection, they were pulled over by a black, unmarked police SUV containing two Hispanic, male officers. ██████████ stated that ██████████ unbuckled her seat belt after she was pulled over. One officer told them they were pulled over for not wearing seatbelts. The officers removed ██████████ from the car, patted him down, and placed him in handcuffs. The officer told ██████████ he had seen him driving then asked ██████████ about guns. ██████████ allowed the officers to search her car and no guns were found. ██████████ stated the car was impounded because it was not registered to ██████████ but to her parents, and because the officers alleged ██████████ was driving. ██████████ asserted to COPA that ██████████ had been driving the whole time and they both had their seatbelts on. One officer drove ██████████ to the police station while the other drove ██████████ car, leaving ██████████ at the scene. Once at the police station, ██████████ was asked about guns and asked to be an informant. The officer was insistent he knew ██████████ but ██████████ had not seen the officer before. ██████████ stated his license was suspended at the time, but he did not know why. ██████████ was released and was never finger-printed or put in lock-up. ██████████ did not know why ██████████ did not receive any citations.

The City of Chicago Office of Inspector General (IG) initially took ██████████ complaint and provided COPA with a summary of his IG statement.<sup>3</sup> The IG report related that ██████████ was in the passenger's seat of a vehicle driven by his girlfriend. Two Hispanic, male officers pulled the vehicle over and "immediately asked ██████████ if he had guns in the vehicle." ██████████ said he did not. Officer ██████████ responded that he knew ██████████ had guns and had arrested ██████████ before. ██████████ denied having previously met either officer. ██████████ girlfriend's vehicle was impounded.

COPA interviewed ██████████ on August 13, 2018.<sup>4</sup> On July 15, 2018, ██████████ was driving home from work. ██████████ had a friend in the front seat and ██████████ in the backseat. After dropping off her friend, ██████████ did not want to get into the front seat because they had been arguing. ██████████ did not have ██████████ contact info or know his last name. ██████████ went to get gas and saw two police cars as she approached. ██████████ was going to turn into her gas station but changed her mind when she saw the police and saw the station was crowded. ██████████ continued driving when she was pulled over. ██████████ stated ██████████ had his seatbelt on in the backseat. Officer ██████████ removed ██████████ from the backseat and stated the officers saw ██████████ driving on dash-cam. ██████████ complied and was handcuffed. ██████████ was searched and put in the police car. The

---

<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. 8

<sup>3</sup> Att. 5

<sup>4</sup> Att. 6

business officer told [REDACTED] she was pulled over because she and [REDACTED] were not wearing seatbelts. [REDACTED] asserted she was wearing a seatbelt. Officer [REDACTED] asked [REDACTED] if she had anything in her car, then asked for her license and registration. The officer asked [REDACTED] to exit her vehicle. This officer also told [REDACTED] he was going to search her car, and then did. [REDACTED] denied giving the officer permission to search. The officer told [REDACTED] her car would be impounded because [REDACTED] was driving it on a suspended license. [REDACTED] denied [REDACTED] was driving. [REDACTED] related she was driving her parent's car and had valid insurance. [REDACTED] believed [REDACTED] license was suspended for child support.

### b. Digital Evidence

COPA received the following Body Worn Camera (BWC) Footage pertaining to [REDACTED] August 21, 2018 police encounter.<sup>5</sup>

*Officer [REDACTED]*

Officer [REDACTED] BWC initiated at approximately 6:42 PM. Officer [REDACTED] approached the SUV on the driver's side. [REDACTED] poked her head out of the driver's window as soon as Officer [REDACTED] approached. Officer [REDACTED] stated, "That shit ain't happening." [REDACTED] responded, "What you mean?" Officer [REDACTED] opened the rear, driver-side door and [REDACTED] was in the backseat. Both civilians argued with the officers and [REDACTED] did not want to exit the vehicle. [REDACTED] asked what the problem was, and Officer [REDACTED] replied he was only going to talk to [REDACTED] exited at about 6:44 PM and Officer [REDACTED] handcuffed him. Officer [REDACTED] told [REDACTED] he was pulled over for no seat belt. At roughly 6:45 PM, Officer [REDACTED] asked why [REDACTED] switched with [REDACTED] stated they were trying to get gas. Shortly after, Officer [REDACTED] put [REDACTED] in the rear of the squad car. Officer [REDACTED] then went to [REDACTED] who was seated in the driver's seat of the vehicle. Officer [REDACTED] told her they were pulled over for no seatbelt and the officer saw her jump into the driver's seat. [REDACTED] related she was sticking out the window because she was seeing what was going on. Officer [REDACTED] then opened the rear passenger's door and asked if [REDACTED] had anything illegal in the car. Officer [REDACTED] went to speak with his partner, who related [REDACTED] license was suspended. At about 6:48 PM, [REDACTED] told the officers his license was suspended for child support. At approximately 6:48 PM, Officer [REDACTED] stated, "As soon as you saw us pull you over, you jumped to the back." [REDACTED] responded, "Yea, 'cause she told me to hop in the back." Officer [REDACTED] then approached [REDACTED] at about 6:49 PM and asked her to exit the vehicle and for her keys, and [REDACTED] complied. [REDACTED] stated she was valid, Officer [REDACTED] agreed but stated she was not the one driving. Officer [REDACTED] then asked, "So if I search this, there's nothing in here?" [REDACTED] responded, "No, there's nothing in there [...]." At roughly 6:51 PM, Officer [REDACTED] told [REDACTED] he had to take [REDACTED] into the station for bond but would let [REDACTED] go. At about 6:52 PM, Officer [REDACTED] told [REDACTED] there were taking [REDACTED] and her car to the police station because [REDACTED] had been driving. Officer [REDACTED] proceeded to search [REDACTED] car. [REDACTED] explained that she hopped on top of [REDACTED] in the driver's seat to observe when the officer's arrived, so [REDACTED] went into the backseat. Officer [REDACTED] returned to the squadrol and drove [REDACTED] to the police station. At about 7:02 PM, Officer [REDACTED] told [REDACTED] he was driving. [REDACTED] responded that the gas tank was on empty and [REDACTED] did not know how to drive on low

---

<sup>5</sup> Att. 27

gas, so he was driving. At roughly 7:05 PM, Officer ██████ related ██████ and ██████ looked familiar and asked if he had arrested ██████ before. Officer ██████ terminated his BWC at about 7:08 PM as he arrived at the station.

*Officer ██████*

Officer ██████ BWC began at approximately 6:42 PM. Officer ██████ approached the on the passenger's side and stated, "They just switched, they just switched." Officer ██████ opened the rear passenger-side door and ██████ was seen in the backseat. ██████ and ██████ stated they were pulled over for no reason and ██████ refused to exit the vehicle. ██████ got out of the car at roughly 6:44 PM. He was handcuffed by the officers and placed in the back of the squad car. Officer ██████ ran ██████ name in the police car. ██████ initially stated his first name was Lee at about 6:45 PM, but later clarified his legal first name is ██████. At about 6:47 PM, Officer ██████ stated ██████ license was suspended. At approximately 6:51 PM, Officer ██████ told ██████ that since ██████ was driving on a suspended license, they were going to take her car. At about 6:52 PM, Officer ██████ asked if they could search her car. ██████ responded she was trying to get the vehicle registered in her name since her father just died. At roughly 6:53 PM, Officer ██████ said he was going to search the car. ██████ responded, "So if you search it then it's nothing in here," before trailing off. At about 6:54 PM, Officer ██████ told ██████ they were searching the vehicle because it was in their custody. At about 6:57 PM, Officer ██████ got into the driver's seat of ██████ car, leaving her at the scene. Officer ██████ arrived at the police station at about 7:08 PM.

**c. Physical Evidence**

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

**d. Documentary Evidence**

**Traffic Citations** were located for ██████ from July 15, 2018.<sup>6</sup> ██████ was issued citations for no seat belt usage, driving on a suspended or revoked license, and operating an uninsured vehicle. On August 21, 2018, ██████ bond forfeiture was pending. The \$2,000 bond was forfeited on September 27, 2018.

██████ provided his **Bond Information** from July 15, 2018.<sup>7</sup> ██████ posted a \$2,000 bond at approximately 7:45 PM.

An **Office of Emergency Management Communications (OEMC) Event Query Report** was located pertaining to the traffic stop performed on ██████ and ██████ on July 15, 2017.<sup>8</sup> **Event** ██████ was initiated at approximately 6:43 PM. Beat ██████ (Officers ██████ and ██████ searched ██████ name, what is believed to be ██████ driver's license number, and the license plate number. Beat ██████ reported going to the ██████ district with one subject at roughly 7:01 PM. The event was cleared and closed at about 7:56 PM.

---

<sup>6</sup> Atts. 17, 26

<sup>7</sup> Att. 15

<sup>8</sup> Att. 23

OEMC Event Query Reports were also located Event [REDACTED] and Event # [REDACTED].<sup>9</sup> Both reports related to the vehicle being towed from the [REDACTED] District. Both reports initiated at about 7:23 PM. The vehicle was towed because of a suspended license.

[REDACTED] provided documents from the **vehicle impoundment** following his July 15, 2018 police encounter.<sup>10</sup> Beat [REDACTED] seized the vehicle from [REDACTED] at roughly 6:43 PM. The vehicle was seized because [REDACTED] was reportedly driving on a suspended license. The vehicle owner was reported as [REDACTED].<sup>11</sup> The reporting officers related they saw [REDACTED] driving without a seatbelt. When the officers activated their emergency equipment, [REDACTED] “jumped from the driver seat to the rear passenger seat.” On July 17, 2018, an Administrative Law Judge determined there was probable cause to impound the vehicle and a judgement of \$1,210 was entered. [REDACTED] paid the impoundment fees on July 18, 2018.

## VI. ANALYSIS

All allegations against both **Officer [REDACTED]** and **Officer [REDACTED]** are **Exonerated**. The basis of [REDACTED] and [REDACTED] complaint is that [REDACTED] was the driver, not [REDACTED]. [REDACTED] told COPA that [REDACTED] was always in the driver’s seat and she unbuckled her belt after she was stopped. [REDACTED] told COPA she wore her seatbelt the entire time. However, BWC indicates that [REDACTED] was the driver and [REDACTED] and [REDACTED] switched seats to trick the officers. First, Officer [REDACTED] is heard stating, “they just switched.” Additionally, [REDACTED] told Officer [REDACTED] that [REDACTED] told him “to hop in the back.” Finally, [REDACTED] also told Officer [REDACTED] that [REDACTED] was driving because [REDACTED] does not know how to drive a car that is low on gas.

The audio and video evidence confirm the officer’s accounts, as described in the incident reports. In stark contrast, the audio and video evidence establish that both [REDACTED] and [REDACTED] were untruthful with COPA. Therefore, based on the lack of complainant credibility and evidence that [REDACTED] and [REDACTED] switched seats, COPA finds the officers credible that the vehicle was stopped for because officers observed [REDACTED] without a seatbelt. Thus, **Allegation 1** is **Exonerated**.

It is undisputed that [REDACTED] license was suspended at the time he was driving. Therefore, the officers were justified in arresting and citing [REDACTED]. Additionally, Special Order S07-03-05 authorizes the impoundment of vehicles where the driver is cited with driving on a suspended license. All cars seized by the police are subject to an inventory search. Therefore, **Allegations 2 - 4** are **Exonerated**.

## VII. CONCLUSION

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

<sup>9</sup> Atts. 24, 25

<sup>10</sup> Atts. 14, 16

<sup>11</sup> [REDACTED] is the mother of [REDACTED]

| Officer            | Allegation   | Finding  |
|--------------------|--|--|
| Officer [REDACTED] | 1. Performed a traffic stop on [REDACTED] and [REDACTED] without justification, in violation of Rule 1 and Rule 2.<br>2. Impounded [REDACTED] car without justification, in violation of Rule 1 and Rule 8.<br>3. Arrested and ticketed [REDACTED] without justification, in violation of Rule 1, Rule 8, and Rule 11.<br>4. Searched [REDACTED] vehicle without permission, in violation of Rule 1. | Exonerated<br><br>Exonerated<br><br>Exonerated<br><br>Exonerated |
| Officer [REDACTED] | 1. Performed a traffic stop on [REDACTED] and [REDACTED] without justification, in violation of Rule 1 and Rule 2.<br>2. Impounded [REDACTED] car without justification, in violation of Rule 1 and Rule 8.<br>3. Arrested and ticketed [REDACTED] without justification, in violation of Rule 1, Rule 8, and Rule 11.<br>4. Searched [REDACTED] vehicle without permission, in violation of Rule 1. | Exonerated<br><br>Exonerated<br><br>Exonerated<br><br>Exonerated |

Approved:

[REDACTED]

[REDACTED]

*Deputy Chief Administrator – Chief Investigator*

12/19/2018

Date

**Appendix A**

Assigned Investigative Staff

---

|                                    |  |
|------------------------------------|--|
| <b>Squad#:</b>                     | Four   |
| <b>Investigator:</b>               |  |
| <b>Supervising Investigator:</b>   |  |
| <b>Deputy Chief Administrator:</b> |  |