

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 5, 2018
Time of Incident:	1:49 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	December 6, 2018
Time of COPA Notification:	1:48 PM

On December 5, 2018, around 1:49 PM near [REDACTED], Officer [REDACTED] # [REDACTED] (“Officer [REDACTED]”) and Officer [REDACTED] # [REDACTED] (“Officer [REDACTED]”) stopped [REDACTED] (“[REDACTED]”) vehicle after his vehicle’s VIN¹ was a partial match to a stolen vehicle. [REDACTED] alleges that he should not have been stopped.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 2009, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1983, Male, White
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 2013, Police Officer, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1987, Male, White
Involved Officer #3:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 1998, Lieutenant, Unit of Assignment: [REDACTED], Date of Birth: [REDACTED], 1969, Female, Hispanic
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1984, Male, Black

¹ Vehicle Identification Number

III. ALLEGATIONS

Officer [REDACTED]	1. Made a traffic stop of [REDACTED] vehicle without justification.	Exonerated
	2. Detained [REDACTED] without justification.	Exonerated
Officer [REDACTED]	1. Made a traffic stop of [REDACTED] vehicle without justification.	Exonerated
	2. Detained [REDACTED] without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department

Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals

Special Orders

S04-13-09: Investigatory Stop System

Federal Laws

The Fourth Amendment of the United States Constitution

V. INVESTIGATION²

a. Interviews

COPA conducted [REDACTED] (“[REDACTED]”) **audio statement³** on December 13, 2018. [REDACTED] stated that on the December 5, 2018 at about 2 PM, he was traveling on [REDACTED] and [REDACTED] when he came to a stop sign and saw police officers in a dark purple, unmarked SUV. He stated that the officers were traveling perpendicular to him. While passing him, [REDACTED]

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 10. [REDACTED] presented to COPA with an attorney, [REDACTED], who was present during his interview.

stated that the officer in the passenger seat looked at him and then tapped his partner.⁴ [REDACTED] said that he then made a left turn and looked in his rearview mirror and saw the officers make a u-turn and turn on their emergency lights. The officers then passed some cars, turned off their lights and got behind [REDACTED] vehicle, according to [REDACTED]. [REDACTED] stated that he made a right turn and then the officers turned their lights back on. [REDACTED] stated that he then stopped, and the driver of the squad car approached him with his weapon in his left hand. He stated that officer told him, “no funny business.”⁵ [REDACTED] stated he got out of the car at the officer’s direction and then the officer placed him in handcuffs.

[REDACTED] stated that the officer informed him that the car was stolen. [REDACTED] refuted the officer’s statement. [REDACTED] stated that the officer’s partner then walked up to [REDACTED] vehicle and informed his partner that the information that they had was incorrect. [REDACTED] said that the handcuffing officer then took the cuffs off him and asked for his license. [REDACTED] stated that the officers then took his license and went back to their vehicle. He stated that one of the officers asked if he had his conceal carry license. [REDACTED] indicated that he answered in the affirmative. He stated that an officer told him that his VIN came back to a stolen [REDACTED] and that he should get it checked out. [REDACTED] stated that the officers provided him a stop receipt, apologized, and he got their information and he used that to make a complaint at the [REDACTED] District.⁶ [REDACTED] stated that he had never had an interaction with either of these officers prior to this incident. [REDACTED] stated that he told Lieutenant [REDACTED] (“Lt. [REDACTED]”) at the [REDACTED] District that he felt that he was racially profiled by the officers who stopped him and that Lt. [REDACTED] was dismissive and would not provide him with any proof that his VIN was associated with a stolen vehicle.

b. Digital Evidence

Officers [REDACTED] and [REDACTED] **Body-Worn Cameras** (“BWC”) captured the traffic stop of [REDACTED] in its entirety from their respective perspectives.⁷ The officers are seen approaching [REDACTED] vehicle, with Officer [REDACTED] approaching the driver’s side and Officer [REDACTED] approaching the passenger’s side of the vehicle. Officer [REDACTED] is heard telling [REDACTED] to put his hands up and asking if he is the owner of the vehicle. He then instructs [REDACTED] to step out of the vehicle and tells him, “no funny business.” Officer [REDACTED] tells [REDACTED] that his vehicle has been reported stolen and begins placing him into handcuffs. Officer [REDACTED] then approaches and is seen and heard telling Officer [REDACTED] that the stolen information comes back to a [REDACTED]. Officer [REDACTED] then removes the handcuffs and asks [REDACTED] for his identification to document the stop. The officers are heard apologizing, they go back to their vehicle, ask [REDACTED] if he has conceal and carry, and then provide him with an investigatory stop receipt.⁸

⁴ It was determined from the available evidence that Officer [REDACTED] was the driver of the vehicle and Officer [REDACTED] was the passenger.

⁵ Attachment 10 at 6:07

⁶ [REDACTED] stated that he made his complaint to Lt. [REDACTED]s, See Attachment 6.

⁷ Attachment 14

⁸ Attachment 16

c. Documentary Evidence

PDT Messages⁹ show that an officer with PC number, [REDACTED],¹⁰ ran [REDACTED] license plate on December 5, 2018. In a message received at [REDACTED], [REDACTED] VIN [REDACTED] pops up as a possible hit on a stolen vehicle based on a partial VIN match with [REDACTED]. The LEADS instructions in the PDT message indicate that there is a “possible hit” and that the officers should “verify driver and vehicle.” A subsequent message indicates that the stolen vehicle is a [REDACTED].

A **Traffic Stop Statistical Study (“TSSS”)**¹¹ prepared by Officer [REDACTED] reports the details of [REDACTED] stop.

An **Investigatory Stop Receipt**¹² given to [REDACTED] lists Officers [REDACTED] and [REDACTED] as the officers who stopped him. The reason listed is Other (Specify): Possible Hit Stolen Vehicle.

VI. ANALYSIS

COPA recommends a finding of Exonerated for all allegations against Officers [REDACTED] and [REDACTED], and based on the available evidence, COPA did not serve the officers with allegations. Traffic stops are akin to investigatory stops, and therefore must be analyzed as such.¹³ Chicago Police Department (“the Department”) Special Order S04-13-09 codifies the Department’s Investigatory Stop System. Per S04-13-09 (II)(C)(1), “a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.”

In the instant case, the officers used their PDT to “run” [REDACTED] license plate number through LEADS, as officers often do as they drive through traffic. They received a possible hit with an instruction to verify the driver and vehicle. This amounts to the reasonable articulable suspicion that the officers needed to curb and approach [REDACTED] vehicle. Upon approaching the vehicle, Officer [REDACTED], according to [REDACTED] had his firearm in his left hand. At no point in time did [REDACTED] allege that Officer [REDACTED] pointed his firearm at him.¹⁴ For officer safety purposes, after receiving a possible hit on a stolen vehicle, it was appropriate for Officer [REDACTED] to approach [REDACTED] vehicle with his firearm drawn.

⁹ Attachment 4

¹⁰ Officer [REDACTED].

¹¹ Attachment 5

¹² Attachment 16

¹³ Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement. *Whren v. United States*, 517 U.S. 806, 809-10 (1996). 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.” *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)) (internal citation omitted). 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.” *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

¹⁴ Officer [REDACTED] BWC footage does not clearly depict where his firearm was as he approached [REDACTED] vehicle, however it is evident that it is not pointed at [REDACTED].

Very quickly after reaching [REDACTED] vehicle, Officer [REDACTED] asked him to exit the vehicle and began to handcuff him.¹⁵ Handcuffing [REDACTED] amounted to a temporary detention for purposes of investigation. While normally COPA may analyze whether the length of the detention was proper during an investigatory stop, that analysis is not necessary in this case. Almost immediately after [REDACTED] was cuffed, Officer [REDACTED] told Officer [REDACTED] that the stolen vehicle was a [REDACTED], not the vehicle, a [REDACTED], that [REDACTED] was driving. At this time, Officer [REDACTED] removed the handcuffs and asked [REDACTED] for his identification for purposes of documenting the stop.

Both Officers [REDACTED] and [REDACTED] were apologetic to [REDACTED] and provided him with an Investigatory Stop Receipt. Additionally, Officer [REDACTED] completed a Traffic Stop Statistical Study form relative to this stop.¹⁶

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED] [REDACTED]	1. Made a traffic stop of [REDACTED] vehicle without justification. 2. Detained [REDACTED] without justification.	Exonerated Exonerated
Officer [REDACTED] [REDACTED]	1. Made a traffic stop of [REDACTED] vehicle without justification. 2. Detained [REDACTED] without justification.	Exonerated Exonerated

Approved:

 [REDACTED]
 Deputy Chief Administrator – Chief Investigator

 Date

¹⁵Although [REDACTED] made issue of Officer [REDACTED] stating, “no funny business,” that statement has no bearing on the analysis of the officers’ conduct.

¹⁶An argument could be made that the officers should have completed an Investigatory Stop Report, however COPA concludes that the officers did not act in bad faith when completing the TSSS and the evidence in the record provides sufficient information as to why they curbed [REDACTED] vehicle.

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████████
Deputy Chief Administrator:	████████████████████