

SUMMARY REPORT OF INVESTIGATION¹

Date of Incident:	October 6, 2018
Time of Incident:	9:27 AM
Location of Incident:	5652 S. Loomis Blvd, Chicago, IL 60636
Involved Officers:	Officer [REDACTED] Star # [REDACTED] Officer [REDACTED]
Involved Individual:	[REDACTED]
Case Type:	Improper Detention

I. ALLEGATIONS

Officer	Allegation	Finding/Recommendation ²
Officer [REDACTED]	1. Stopped [REDACTED] without justification	Exonerated
	2. Unjustified Verbal altercation	Exonerated

II. APPLICABLE RULES AND LAWS

Rules
<p>1. 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.</p> <p>2. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.</p>
General Orders

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² Officer [REDACTED] was never served allegations because COPA determined that his case was exonerated.

1. G02-01: Human Rights and Human Resources.

State Laws

1. 625 ILCS 5/3-413-G: A person may not operate any motor vehicle that is equipped with registration plate covers.

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.

III. INVESTIGATION³**a. Interviews**

COPA interview the complainant, ██████████ on October 23, 2018.⁴ ██████████ related that on October 6, 2018, she was driving for Uber but did not have a fare at the time of her traffic stop. ██████████ denied making any traffic violations. A marked police car drove behind ██████████ for about one to two blocks before activating the emergency lights. A male officer told ██████████ her license plates were not valid. ██████████ stated that she had current plate registration. The officer related he ran her plates, and the registration was expired. The male officer looked at ██████████ registration documents and confirmed the VIN matched. ██████████ also related to the male officer that she had a house fire and lost her physical driver's license, but her license was valid. ██████████ showed the officer a photo of her license. The officer ran ██████████ information and told her that her license expired in 2017. ██████████ had Indiana plates and driver's license, both of which she asserted were up-to-date. The male officer told ██████████ he had probable cause to arrest her and search her car. ██████████ felt like the officer was harassing her by threatening to take her to jail. The female officer concurred that ██████████ plate and driver's license were not valid. ██████████ thought the male officer was intimidating her, so she did not question him or seek additional information. The officer viewed ██████████ documents and evidence, but related his system reporting her plates and driver's license were not valid. The officers never asked her out of the car, asked to search her car, or actually searched her car. ██████████ asserted that she would not have been allowed to drive for Uber if her license and registration were not up-to-date. The officers let ██████████ go, but she did not know why. ██████████ was subject to a traffic stop by different CPD officers on October 4, 2018 and the officers told her that all her information was valid. Per ██████████ the car is registered to her mother, ██████████ ██████████

b. Digital Evidence

Body Worn Camera (BWC) was obtained from the officers who performed a traffic stop on ██████████ on October 6, 2018.⁵

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Att. 4

⁵ Att. 9

Officer [REDACTED]

Officer [REDACTED] approached [REDACTED] on the driver's side at roughly 9:28 AM. Officer [REDACTED] told [REDACTED] her tags expired on August 14, 2018. [REDACTED] told the officer that he tags did not expire until 2019. Officer [REDACTED] asked for [REDACTED] license and she related she lost her license in a house fire but had a photo, which she showed him. Officer [REDACTED] related he saw the sticker was valid, but his computer system reported that her license plates as expired. Officer [REDACTED] reviewed the paper copy of [REDACTED] registration, which he confirmed was current and matched her car. Officer [REDACTED] told [REDACTED] he believed her, but there was an error with her information that she needed to correct. [REDACTED] then told Officer [REDACTED] the vehicle was registered to her mother. Officer [REDACTED] returned to the squad car and told his partner that it was weird that [REDACTED] information appeared to be expired on their computer systems. Both officers attempted to perform searches of [REDACTED] information on the in-car computer. Officer [REDACTED] returned to [REDACTED] vehicle at about 9:38 AM and told her that her license had been expired since 2017. [REDACTED] showed Officer [REDACTED] her log-in on the IN BMV website. Officer [REDACTED] reiterated that he believed [REDACTED] information was valid and he was going to let her go, but someone at the BMV made a mistake that [REDACTED] needed to resolve. At roughly 9:39 AM, Officer [REDACTED] told [REDACTED] "Right now I have probable cause to actually put you in cuffs and search the whole vehicle." [REDACTED] told the officers she was pulled over the day prior and the officers related her information was up-to-date, she did not believe it was a computer error. Officer [REDACTED] again related he could arrest [REDACTED] but was letting her go and she needed to resolve the discrepancy. Officer [REDACTED] walked away and terminated his BWC at about 9:41 AM.

Officer [REDACTED]

Officer [REDACTED] BWC initiated at about 9:28 AM and she approached [REDACTED] vehicle on the passenger's side. The officers returned to their squad car at approximately 9:33 AM and performed searches on their in-car computer. Officer [REDACTED] returned to the passenger's side of [REDACTED] car at roughly 9:38 AM. Officer [REDACTED] agreed with Officer [REDACTED] that [REDACTED] information appeared to be expired, which she should confirm with the Department of Motor Vehicles. Officer [REDACTED] turned off her BWC at roughly 9:41 AM.

c. Physical Evidence

[REDACTED] provided a photo of her Indiana **license plate**, which had a 2019 expiration sticker, and her **vehicle registration**.⁶ The registration was under [REDACTED] [REDACTED] name and issued on August 16, 2018.

[REDACTED] also provided a photo of her **Indiana driver's license**, which was issued on November 4, 2016 and expires on February 13, 2023.⁷

d. Documentary Evidence

⁶ Att. 6

⁷ Att. 3

An **Office of Emergency Management and Communications (OEMC) Event Query Report** was located from ██████████ October 6, 2018 traffic stop.⁸ Beat ██████ initiated a traffic stop at about 9:28 AM. The officers ran ██████████ name, date of birth, and driver's license state of issuance. The officers also ran her Indiana license plates. The event was cleared and closed at approximately 9:48 AM.

A **license plate search** was conducted through OEMC. Officer ██████ researched ██████████ license plate from about 9:27 AM until 9:46 AM. At about 9:27 AM and 9:46 AM, the system returned that the license plate was valid for one year, starting in August 2017.

Officer ██████ also ran **name searches for** ██████████⁹ Information was returned for ██████████ Indiana driver's license. However, available details did not specify if, or when, ██████████ license was expired.

A **Traffic Stop Summary** was obtained from ██████████ October 6, 2018 traffic stop.¹⁰ ██████████ was stopped at about 9:28 AM near 3500 S. Halsted St. Her reported violation was failing to display state registration.

IV. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See

⁸ Att. 8

⁹ Att. 12

¹⁰ Att. 10

Appendix A

Assigned Investigative Staff

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