

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	30 April 2018
Time of Incident:	15:30 Hours
Location of Incident:	██
Date of COPA Notification:	30 April 2018
Time of COPA Notification:	17:50 Hours

It is alleged that on April 30, 2018, two uniformed officers, driving a marked SUV, stopped ██████████ without justification, handcuffed him, and then searched his vehicle and person. Following that stop, ██████████ attempted to report the officers to Sergeant ██████████, who refused to take the report. Sergeant ██████████ directed ██████████ to lodge his complaints with COPA. ██████████ then called COPA to make a complaint.

II. INVOLVED PARTIES

Involved Officer #1:	██████████, Star: ██████; Employee ID: ██████; DOA: ██████ 2011; Rank: Police Officer; UOA: ██████; DOB: ██████ 1982; Female; White
Involved Officer #2:	██████████, Star: ██████; Employee ID: ██████; DOA: ██████ 2015; Rank: Police Officer; UOA: ██████; DOB: ██████ 2015; Gender: Female; Race: Hispanic
Involved Officer #3:	██████████, Star: ██████; Employee ID: ██████; DOA: ██████ 2002; Rank: Sergeant; UOA: ██████; DOB: ██████ 1977; Gender: Male; Race: White
Involved Individual #1:	██████████, DOB: ██████ 1984, Black Male

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer ██████████ ██████████	1. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████████ ██████████, Officer ██████████ detained ██████████ without justification.	EXONERATED

	<p>2. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED], Officer [REDACTED] handcuffed [REDACTED] without justification.</p> <p>3. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED], Officer [REDACTED] searched [REDACTED] without justification.</p> <p>4. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED], Officer [REDACTED] searched the vehicle of [REDACTED] without justification.</p>	<p>EXONERATED</p> <p>UNFOUNDED</p> <p>SUSTAINED</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED], Officer [REDACTED] detained [REDACTED] without justification.</p> <p>2. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED], Officer [REDACTED] handcuffed [REDACTED] without justification.</p> <p>3. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED], Officer [REDACTED] searched [REDACTED] without justification 6.</p>	<p>EXONERATED</p> <p>EXONERATED</p> <p>EXONERATED</p>
<p>Sergeant [REDACTED] [REDACTED]</p>	<p>1. It is alleged that on 30 Apr 2018, at approximately 1600 hours, at [REDACTED], [REDACTED] District Police Department, Sergeant [REDACTED] refused to take a report or complaint from [REDACTED] regarding his allegation of police misconduct by Officer [REDACTED] and Officer [REDACTED].</p> <p>2. It is alleged that on 30 Apr 2018, at approximately 1600 hours, at [REDACTED], [REDACTED] District Police Department, Sergeant [REDACTED] verbally abused [REDACTED] by using derogatory language</p>	<p>SUSTAINED</p> <p>NOT SUSTAINED</p>

and profanity regarding his race.

IV. APPLICABLE RULES AND LAWS

Rules

- 1. Rule 1: Prohibits an officer from violating any law or ordinance.
- 2. Rule 2: Prohibits an officer from engaging in any action or conduct which impedes the Department’s goals or brings discredit upon the Department.
- 3. Rule 6: Prohibits the disobedience of an order or directive, whether written or oral.
- 4. Rule 8: Prohibits the disrespect to maltreatment of any person, while on or off duty.

General Orders

General Order G08-01-02, Specific Responsibilities Regarding Allegations of Misconduct

Special Orders

Special	Order	S04-13-09,	Investigatory	Stop	System
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Federal Laws

U.S. Constitution Amendment IV

State Laws

- 1. 725 ILCS 5/107-14, Temporary Questioning Without Arrest
- 2. 725 ILCS 5/108-1.01, Search During Temporary Questioning

V. INVESTIGATION ¹

a. Interviews

██████████² gave a statement to the Civilian Office of Police Accountability on May 1, 2018. ██████████ stated that on April 30, 2018, he was visiting his uncle, ██████████, at ██████████. ██████████ went outside to smoke a cigarette. After he finished his cigarette, he walked down the stairs to discard it outside of the fenced-in yard. ██████████ watched as the officers turned on to his block. As soon as the officers saw him, they turned on their sirens, pulled up next to him, got out of their vehicle, and began asking him questions and telling him to put his hands up. Officer ██████████ told him that he matched the description of a suspect in the area.

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 Summarized from the digitally recorded statement of ██████████, Attachment 13

The female Hispanic officer, now known to be Officer [REDACTED], put his hands behind his back and cuffed him at the direction of Officer [REDACTED]. Officer [REDACTED] searched his person. First, Officer [REDACTED] patted him down outside of his clothing and manipulated objects in his pockets, then she went into his pockets and pulled out his identification. Officer [REDACTED] took his identification back to the squad car.

When Officer [REDACTED] returned, she held [REDACTED] while Officer [REDACTED] asked him questions. Officer [REDACTED] told [REDACTED] that he had violated his Concealed Carry license and asked if he had any warrants. Next, Officer [REDACTED] focused on the vehicle they were next to and asked to whom it belonged. He answered that it was his vehicle. It was a [REDACTED]. Officer [REDACTED] asked where the keys were. He told her that he was not sure. Officer [REDACTED] looked and discovered that the keys were inside of the car. Officer [REDACTED] then opened the vehicle and began searching. [REDACTED] advised that he asked why they were searching inside his car, which he believed prompted the Hispanic officer to shove him against his vehicle. He told her that there was no need for that. Officer [REDACTED] then opened the trunk and searched it.

Another marked police vehicle containing two Caucasian male Officers arrived. He asked the officers whether he was under arrest and told them that if he was not under arrest, that they needed to release him so that he could leave. One of the male officers made fun of him, stating, "what law school did you go to," while laughing. The male officer asked him again where he went to law school. Officer [REDACTED] released him.

At the end of the vehicle search, [REDACTED] asked Officer [REDACTED] for her star number and said that he was going to report her. She provided him with an investigatory stop receipt. [REDACTED] advised he then called 9-1-1 to make a report against the police officer and was informed by the dispatcher that he needed to go to a police station to make that report. He drove to the [REDACTED] District and attempted to give a report to Sergeant [REDACTED]. Sergeant [REDACTED] refused to take the report, saying that the officers had probable cause. [REDACTED] told Sergeant [REDACTED] that he still wanted to make a complaint. [REDACTED] refused to take the complaint. [REDACTED] told Sergeant [REDACTED] that they profiled him because he was black. Sergeant [REDACTED] told [REDACTED], "you live in [REDACTED], who else is there to fuck with?" [REDACTED] then got his ID, which had been taken by the officers, and left.

[REDACTED] brought the clothes that he was wearing at the time of the stop to his COPA interview. [REDACTED] brought in a black hoodie, light blue jeans, a black scarf, and a tan sweatshirt.

Officer [REDACTED]³ gave a statement to the Civilian Office of Police Accountability on June 7, 2018. According to Officer [REDACTED], on April 30th, 2018, she and Officer [REDACTED] were responding to a "shots fired" call. Officer [REDACTED] recalled the Office of Emergency Management and Communication (OEMC) giving the description of the subject as a "male black wearing a black sweatshirt with white lettering" and the direction of flight. Officer [REDACTED] encountered [REDACTED] in the [REDACTED]. According to Officer [REDACTED], she observed [REDACTED] standing next to a white, [REDACTED], with two other men standing behind the vehicle. As Officer [REDACTED] and Officer [REDACTED] approached in the vehicle, the two men at the rear of the vehicle walked away quickly. Officer [REDACTED] and Officer [REDACTED] exited their vehicle and detained [REDACTED] because he matched the description of the offender.

³ Summarized from the digitally recorded statement of Officer [REDACTED], Attachment 26

Officer [REDACTED] described [REDACTED] as “wearing a shirt that was sweatshirt material with the arms cut off with large white lettering on the front.” Officer [REDACTED] further elaborated that [REDACTED] proximity to the call and being found on [REDACTED] after the suspect was last seen heading toward [REDACTED] raised her suspicion. According to Officer [REDACTED], [REDACTED] was roughly a block away from the call. Officer [REDACTED] described [REDACTED] as “suspicious.” Officer [REDACTED] said that the way the men looked at each other before walking away was suspicious. Officer [REDACTED] and Officer [REDACTED] did not attempt to detain all three men at that time. Officer [REDACTED] did not recall how many men were listed in the call, only the description of the one person. When another squad car approached the scene, they asked that car to go after the two men that walked away.

[REDACTED] was handcuffed for officer safety, then searched by Officer [REDACTED]. Officer [REDACTED] observed the search. Officer [REDACTED] asked [REDACTED] whether he had ever been arrested for a gun. [REDACTED] answered in the affirmative. Officer [REDACTED] searched for information on [REDACTED] in CLEAR. The CLEAR search results revealed that [REDACTED] had been arrested for a concealed carry violation, which Officer [REDACTED] understood to be a different type of crime than what she thought he meant when he said he had been arrested for a gun.

Officer [REDACTED] stated that [REDACTED] vehicle was searched because of the men’s proximity to the vehicle, even though no vehicle was mentioned in the OEMC call. Officer [REDACTED] did not observe anyone inside of the vehicle. When asked if [REDACTED] consented to the search of his vehicle, Officer [REDACTED] told investigators that she asked him who the vehicle belonged to and he said the vehicle belonged to him. She asked him for the keys. [REDACTED] attempted to get them out of his back pocket. [REDACTED] then told her that he could not find the keys, which led her to believe that maybe he was giving consent to the search.

Officer [REDACTED] found the keys sitting on the front seat of the vehicle. Officer [REDACTED] stated that she searched the front, rear and trunk of the vehicle. Inside of the vehicle, Officer [REDACTED] found what she described as two rolled up ski masks, but no weapon. Officer [REDACTED] made entry into the trunk using the keys she found on the seat. Officer [REDACTED] stated her belief was that she had “exigent circumstances” to search the vehicle. Officer [REDACTED] told investigators that in her experience as an officer handling “shots fired” calls, vehicles are used to hide weapons. She also said that the proximity to the call, [REDACTED] matching the description, the other men walking away, and the men’s behavior on arrival were all factors in her belief of exigent circumstances.

Officer [REDACTED]⁴ gave a statement to the Civilian Office of Police Accountability on June 7, 2018. According to Officer [REDACTED], on April 30, 2018, she and Officer [REDACTED] responded to a “shots fired” call by OEMC. The call they responded to was “two gunshot offenders. Two male black, last seen wearing a black hoodie with words on it. Last seen heading through alley towards [REDACTED]. No further information.”⁵ The shots were fired at [REDACTED] and [REDACTED]. Officer [REDACTED] encountered [REDACTED] on [REDACTED] and [REDACTED]. [REDACTED] wore a black sweater with white lettering on it. According to Officer [REDACTED], [REDACTED] was deemed to be a suspect because he matched the description and was found in close proximity to the location of the call.

⁴ Summarized from the digitally recorded interview of Officer [REDACTED], Attachment 27

⁵ See Attachment 3.

As they approached [REDACTED], there were two other men standing near the rear of [REDACTED] vehicle, who left the area when the officers approached. Officer [REDACTED] thought this was suspicious. No attempts were made to prevent the men from leaving. Officer [REDACTED] stated that they did not pursue the other men because [REDACTED] matched the description of the offender. Officer [REDACTED] stated that she handcuffed [REDACTED] because she believed that he had a weapon on him. She then patted him down. According to Officer [REDACTED] they told [REDACTED] that they were putting him in handcuffs because he matched the description of a suspect.

Officer [REDACTED] asked for his identification. [REDACTED] told her that it was in his wallet. She retrieved his wallet from his pocket and took out his identification, then ran his name through LEADS. [REDACTED] told them that he had been arrested for a gun before. Officer [REDACTED] LEADS search revealed that he had not been arrested for illegal possession of a gun, but rather that he had been arrested for a violation of his concealed carry license by being caught possessing cannabis. The officers focused on the vehicle the men had been standing near. The officers asked [REDACTED] whether the vehicle they were standing near belonged to him and he answered in the affirmative. Officer [REDACTED] then searched his license plate in LEADS as well.

Officer [REDACTED] searched the vehicle, but she did not recover anything. Officer [REDACTED] told Officer [REDACTED] that there were two ski masks in the car. The description of the suspects did not include ski masks or a vehicle. Officer [REDACTED] advised investigators that the vehicle was searched because they believed there were exigent circumstances, which made the search necessary: the strong belief that he had a weapon on his person or concealed in the vehicle, the way everyone left the vehicle when officers approached, and their proximity to the vehicle. Officer [REDACTED] did not see any of the men in the vehicle prior to the search. Officer [REDACTED] observed the search of the vehicle but did not participate.

Sergeant [REDACTED]⁶ gave a statement to the Civilian Office of Police Accountability on June 18, 2018. Sergeant [REDACTED] told investigators that he is familiar with Officers [REDACTED] and [REDACTED] because they are officers in the 7th District and have occasionally reported to him directly. Sergeant [REDACTED] recalled [REDACTED] coming in to the [REDACTED] District to make a complaint that he was stopped and patted down for no reason. Sergeant [REDACTED] did not accept the complaint. Sergeant [REDACTED] told investigators that he asked additional questions to gather more information for a complaint. [REDACTED] showed him that they gave him an ISR receipt. Sergeant [REDACTED] looked up the investigatory stop report and read it. After reading the report and listening to [REDACTED] account of the story and finding them to be congruent, Sergeant [REDACTED] felt that Officer [REDACTED] and Officer [REDACTED] did not do anything wrong.

Sergeant [REDACTED] stated that he has only been a sergeant for one year and that it was only the third complaint he has ever received while a sergeant. Sergeant [REDACTED] told investigators that the normal practice for receiving complaints would be to take steps to identify the officers involved, write a report, and then forward it to COPA or, if COPA was not available, to forward it to CPIC. Sergeant [REDACTED] stated his understanding that Department policy required him to accept all complaints regardless of the nature of the complaint. Sergeant [REDACTED] was unaware of any specific policy giving an exception to that rule. Sergeant [REDACTED] admitted telling [REDACTED] that he

⁶ Summarized from the digitally recorded interview of Sergeant [REDACTED] Attachment 30

would not accept the complaint because the officers did not do anything wrong. However, Sergeant [REDACTED] did tell [REDACTED] that he could contact COPA if he wanted to press it further.

Sergeant [REDACTED] denied telling [REDACTED] that [REDACTED] was not racially profiled because [REDACTED] is black and lives in [REDACTED] and there is no one else there for police to “fuck with.” According to Sergeant [REDACTED] based on the investigatory stop report and [REDACTED] attire, an all-black outfit with white letters or numbers, [REDACTED] matched the description. Sergeant [REDACTED] relayed the same to [REDACTED]. Sergeant [REDACTED] told investigators that, based on his preliminary investigation into the matter, he did not believe there was basis for a complaint, so he did not accept it. Sergeant [REDACTED] did admit, after further review and being interviewed regarding his failure to accept the complaint, that he should have filed the complaint regardless of whether he believed there was wrongdoing.

b. Digital Evidence

Officer [REDACTED] **Body Worn Camera**⁷ (BWC) showed Officer [REDACTED] driving her vehicle to where she encountered an African American man wearing a black shirt with white lettering, a black scarf, a black “du rag,” and light-colored blue jeans. The man, now known to be [REDACTED] was standing on the curb a few feet away from a white mid-sized sedan. Officer [REDACTED] exited the vehicle and immediately began placing the man’s right hand behind his back, while a Caucasian female officer, now known to be Officer [REDACTED] did the same to his left arm. Officer [REDACTED] first patted the outside of the man’s pockets. As she patted his left rear pocket, some unidentified object in his pocket created a visible straight-edged indentation. Officer [REDACTED] then opened his pocket, put her hands into his pockets to investigate the object. She did not remove the object. She then continued patting the outside of his clothes. A second squad car appeared on the scene.

Officer [REDACTED] then took the wallet out of his back pocket and retrieved his identification and went back into her vehicle. Officer [REDACTED] ran the license plate on the vehicle and confirmed that it belonged to the [REDACTED]. The man’s driver’s license became visible to the BWC and read, “[REDACTED] [REDACTED] could be seen standing to the driver’s side of the vehicle while Officer [REDACTED] ran his name. When Officer [REDACTED] exited her vehicle, a different Caucasian female officer was holding [REDACTED] and a Caucasian male officer stood nearby. Officer [REDACTED] confronted [REDACTED] with the fact that he was a licensed carry concealer and that it was different from him being busted for a gun.

[REDACTED] asked if he was under arrest and demanded to be released if he was not under arrest. The male officer could be heard asking [REDACTED] where he got his law degree. [REDACTED] protested that the officers illegally searched his car without probable cause. Officer [REDACTED] retorted that there was probable cause because they were all at the car and the other two men ran. Officer [REDACTED] offered [REDACTED] a stop receipt and he accepted. He read the stop receipt and said, “have a good day Officer [REDACTED]” According to Officer [REDACTED] BWC, the detention lasted slightly longer than six minutes.

⁷ See Attachment 34.

Officer ██████ BWC⁸ began with ██████ standing in handcuffs as Officer ██████ searched his wallet. Officer ██████ took ██████ license to the vehicle. ██████ can be heard protesting the stop. Officer ██████ told ██████ that he matched the description of someone with a gun. He told her he did not have a gun. She answered that it did not matter because he could have hidden it. A second squad car appeared. A male and a female officer exited. Officer ██████ asked ██████ if he had ever been arrested for a gun and he answered in the affirmative. Officer ██████ asked him who the car belonged to. ██████ answered that it was his car. Officer ██████ then asked where the keys were.

An older black man approached the vehicle and Officer ██████ told the man to stay away from the car. ██████ identified the man as his uncle. Officer ██████ passed ██████ to the unidentified female Officer and went to ██████ vehicle, a white midsize vehicle with the doors and trunk shut. Officer ██████ opened the car door, then went back and asked ██████ whether there was a weapon in the car. ██████ said no. ██████ told her that she could not search his car. She responded that she could search the car because ██████ and the other two men who took off were all at the car. Officer ██████ searched the interior of the car. The sound of a drawer opening and closing could be heard as the video faced downward. Officer ██████ re-emerged with ██████ car keys. Officer ██████ then briefly searched the now open trunk. Officer ██████ went back to the interior of the vehicle and searched the backseat. There was a rolled up knit object in the back.

Officer ██████ told Officer ██████ that ██████ background was “actually pretty good.” ██████ and Officer ██████ bantered about the difference in him being arrested for a gun charge and the violation he was arrested for in the past. ██████ asked whether he was under arrest and insisted that if he was not under arrest, he should be released. ██████ then insisted that his car was illegally searched. Officer ██████ insisted that there was probable cause because ██████ “friends took off from a shots fired.” Officer ██████ gave ██████ a stop receipt. According to Officer ██████ BWC, the detention lasted a little more than five minutes.

Officer ██████ BWC⁹ began with Officer ██████ driving his vehicle to where Officer ██████ and Officer ██████ had ██████ in handcuffs. ██████ was protesting the stop. Officer ██████ asked ██████ who the car belonged to and then asked him where his keys were. ██████ told Officer ██████ that he did not know. Officer ██████ searched his pockets for keys, while Officer ██████ walked over to Officer ██████ to check on the status of ██████ name search. As ██████ spoke with Officer ██████ an older black man, ██████ uncle, approached the car. Officer ██████ told the man to stay away from the car. The man asked him if he was doing a *Terry Stop*. Officer ██████ engaged the man in conversation, saying that ██████ would tell them what happened afterward, if he did not get arrested. The man protested that they had no right to search ██████ car. Officer ██████ can be heard in the background. A small crowd gathered in the background. ██████ can be heard asking if he is under arrest and requesting a lawyer or to be released. ██████ told them that they had no probable cause to search his vehicle. Officer ██████ said that ██████ and his friends were all around the car. Officer ██████ gave ██████ a stop receipt and left.

⁸ See Attachment 34.

⁹ See Attachment 34.

Officer [REDACTED] camera captured approximately four and a half minutes of the detention, though he was not the first officer on the scene.

The **in-car camera video footage**¹⁰ from unit [REDACTED], Officer [REDACTED] and Officer [REDACTED] vehicle, began with a female voice saying, "... shirt with white lettering," as Officer [REDACTED] and [REDACTED] drove down the street. As the vehicle approached the block where [REDACTED] was parked, two men walked away from [REDACTED] vehicle – one man was wearing a blue shirt and dark pants and the other was wearing all black. [REDACTED] was standing within a car-length of his vehicle, a white mid-sized sedan. The vehicle stopped. Officer [REDACTED] came walking around the front of the vehicle. [REDACTED] could be heard asking repeatedly, "what did I do?" Officer [REDACTED] responded, "if it's not you, it's not you, okay, but we got a call over here." One of the officers said, "he matched the description." Officer [REDACTED] asked [REDACTED] if he had any identification on him. [REDACTED] told her it was in his wallet.

A second squad car approached. Officer [REDACTED] told those officers, "two other dudes went that way." The second squad car drove away and was followed by an unmarked vehicle. Officer [REDACTED] told Officer [REDACTED] to run the plates of the vehicle. [REDACTED] protested that he was being stopped for no reason and asked for an explanation. Officer [REDACTED] told [REDACTED] that he was in handcuffs because he matched the description of someone who was shooting. [REDACTED] said that he did not have a gun. Officer [REDACTED] told him it did not matter because he could have hidden it. Officer [REDACTED] asked [REDACTED] if he had ever been arrested for a gun before and he answered yes. Two other officers appeared on scene, a Caucasian male and a Caucasian female. Officer [REDACTED] asked [REDACTED] if he was a concealed carry holder. [REDACTED] answered that he had been before but no longer. Officer [REDACTED] asked him where his keys were, he answered that they were probably in his uncle's home. Officer [REDACTED] then opened the car door, which was unlocked. She leaned in and re-emerged holding keys. She walked back to [REDACTED] asked if there was a weapon in the car. [REDACTED] said no. Officer [REDACTED] then resumed searching the vehicle as the other officers watched.

The rest of the conversation proceeded in the same way as referenced above on the body worn cameras.

c. Documentary Evidence

The incident was documented by the involved officers in **Contact Card No.** [REDACTED].¹¹ In the contact card, Officer [REDACTED] indicated that she and Officer [REDACTED] were responding to a call of shots fired at [REDACTED]. The caller relayed that the suspect was wearing a black shirt with white lettering and fled through the alley toward [REDACTED]. Officer [REDACTED] indicated that they encountered Mr. [REDACTED] wearing a black shirt with white lettering, standing with two other unknown black males. As they turned onto the [REDACTED] block of [REDACTED] the men appeared nervous and started to walk away. The other two men walked away.

Mr. [REDACTED] was detained for investigation. Mr. [REDACTED] was asked if he had ever been arrested for a gun before. He replied that he had been arrested for a gun before but did not have a gun with him that day. Officer [REDACTED] performed a protective pat down of him. Officer [REDACTED]

¹⁰ See Attachment 34.

¹¹ Attachment 14 and Attachment 33

peered into the vehicle the men had been gathered around. Officer █████ observed keys on the passenger seat and a rolled-up ski masks on the front and rear seats. Officer █████ then determined that “due to the proximity of all the men to the vehicle when r/o’s arrived, their suspicious actions and r/o’s knowledge that gang members use vehicles to hide weapons, Officer █████ searched the vehicle for weapons.” No weapons were recovered. Officer █████ issued a stop receipt for the encounter. After leaving the scene, Officer █████ realized that she failed to return the driver’s license to Mr. █████ causing them to return to the scene of the stop to return his license.

Office of Emergency Management and Communication **Event Number** █████¹² reports the details of a Shots Fired call at █████ at 15:40 hours. At 15:44, Unit █████ reported a possible match to the suspect at █████ and █████ Unit █████ asked for a license check on a vehicle with the license plate █████ at 15:46. Then unit █████ ran a search on a driver’s license with the number █████ The message broadcasts on the PDT was “2 gunshots offenders 2 m/b, last saw wearing, blk hoodie w/words on it last saw headed through alley towards █████ nfi.”

Daily Assignment and Attendance¹³ reports show that on April 30, 2018, Officer █████ and Officer █████ were assigned to Beat █████

A report of the **PCAD messages**¹⁴ for █████ revealed that on April 30, 2018, at 15:46 hours the license plate number █████ was run by username █████ The plate matched registration to █████ Next, the driver’s license and name of █████ were run by the same username. The records revealed that █████ was a Concealed Carry license holder and that his license was current. There were no warrants.

CLEAR Personnel records¹⁵ indicated that username █████ belongs to Officer █████

OEMC Transmission █████¹⁶ captured a woman placing a 9-1-1 call. In the call, the woman indicated that there were two shots fired by a young, black male in a black hoodie with words on it. The man was walking in the alley towards █████ The caller indicated that the man had dreadlocks.

OEMC Zone Audio¹⁷ captured a transmission from OEMC dispatchers notifying officers of a “shots fired” call at █████ by two male blacks with a black hoodie and words on it headed toward █████ The audio also captured beat █████ making a stop related to the call.

d. Additional Evidence

¹² Attachment 3

¹³ Attachment 22

¹⁴ Attachment 19

¹⁵ Attachment 8

¹⁶ Attachment 35

¹⁷ Attachment 36

In a letter written by Mr. ██████¹⁸ to COPA on April 30, 2018, ██████ wrote about another interaction with the Chicago Police Department. In this letter, ██████ also wrote that at 3:30 PM on April 30th, Officer ██████ star No. ██████ and another female officer approached him as he left his house. According to ██████ the officers told him that he fit the description of a shooting suspect. ██████ adamantly insisted that he had not been engaged in any crime. Officer ██████ placed him in handcuffs and then proceeded to search his vehicle, including the trunk.

██████ wrote that he followed up the encounter by attempting to file a complaint with Sergeant ██████ in the █ District. According to ██████ Sergeant ██████ declined to take his complaint, telling him that it was not profiling because he is black and lives in ██████ and there is no one else there for the police to “fuck with.”

Neither Officer ██████ BWC¹⁹ nor Officer ██████ BWC²⁰ captured any significant part of the incident.

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 *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

¹⁸ Attachment 32

¹⁹ See Attachment 34.

²⁰ See Attachment 34.

VII. ANALYSIS

The Fourth Amendment to the U.S. Constitution generally prohibits warrantless searches and seizures without probable cause.²¹ This case implicates Mr. ██████ Fourth Amendment rights because the accused officers stopped him, handcuffed him, patted him down, and searched his vehicle without his consent.²² The relevant case law, state statutes, and CPD directives set different rules for stops, pat-downs, and vehicle searches. When evaluating searches and seizures “an objective standard applies, so the police officer seeking to justify the intrusion ‘must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.’”²³ “Courts do not evaluate probable cause in hindsight, based on what a search does or does not turn up.”²⁴ “The facts . . . instead should be considered from the perspective of a reasonable officer at the time that the situation confronted him or her.”²⁵

1. Terry – or Investigatory – Stop

An officer may perform an investigatory stop “when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed” a crime.²⁶ The Fourth Amendment, Supreme Court precedent²⁷, Illinois law,²⁸ and Chicago Police Department Special Order S04-13-09(A), (B) permit an officer to conduct a warrantless search – often referred to as a pat down or frisk - of a person’s outer clothing during an investigatory stop when the officer reasonably believe the person may be armed. Additionally, an officer may handcuff a person during an investigatory stop when the officer reasonably believes the suspect is armed or poses a danger to the officer or others.²⁹ To justify a *Terry* stop, “the situation confronting the police officer must be so far from the ordinary that any competent officer would be expected to act quickly.”³⁰ A “reasonable suspicion” need not be enough to constitute probable cause, but must be more than a “mere hunch.”³¹ In evaluating the propriety of a *Terry* stop, the facts are to be viewed from the

²¹ *Terry v. Ohio*, 392 U.S. 1, 17 n.15 (1968)(“the Fourth Amendment governs all intrusions by agents of the public upon personal security, and to make the scope of the particular intrusion, in light of all the exigencies of the case, a central element in the analysis of reasonableness.”)

²² Att. # 33, Investigatory Stop Receipt indicates Mr. ██████ did not give consent for the search of his vehicle.

²³ *People v. Long*, 99 Ill. 2d 219, 227-28 (1983)(quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968)).

²⁴ *Florida v. Harris*, 568 U.S. 237, 249 (2013) (citing *United States v. Di Re*, 332 U.S. 581, 595 (1948)).

²⁵ *People v. Thomas*, 198 Ill. 2d 103, 110 (2001)

²⁶ 725 ILCS 5/107-14(a); see also *Arizona v. Johnson*, 555 U.S. 323, 326-27 (2009)(citing *Terry*, 392 U.S. at 88).

²⁷ *Arizona v. Johnson*, 555 U.S. 323, 326-27 (2009) (“First, the investigatory stop must be lawful. That requirement is met in an on-the-street encounter . . . when the police officer reasonably suspects that the person apprehended is committing or has committed a criminal offense. Second, to proceed from a stop to a frisk, the police officer must reasonably suspect that the person stopped is armed and dangerous”)(citing *Terry*, 392 U.S. at 88).

²⁸ 725 ILCS 5/108-1.01

²⁹ *United States v. Wilson*, 2 F.3d 226, 231 (7th Cir. 1993) (upholding use of handcuffs in investigatory stop); *Tom v. Volda*, 963 F.2d 952, 957-958 (7th Cir. 1992) (upholding use of handcuffs in investigatory stop); *United States v. Glenna*, 878 F.2d 967, 972 (7th Cir. 1989) (handcuffing was permissible as part of a *Terry* stop where police dispatch indicated defendants were in possession of several small weapons and an explosive device, and a loaded clip was found on the defendant).

³⁰ *People v. Thomas*, 198 Ill. 2d 103, 110 (2001)(citing *People v. Long*, 99 Ill. 2d at 228-29).

³¹ *Id.*

perspective of a reasonable police officer under the same circumstances, and not “with analytical hindsight.”³²

2. Warrantless Searches beyond pat down

The Fourth Amendment generally prohibits an officer from performing a warrantless search beyond a protective pat down.³³ If a search during an investigative stop “goes beyond what is necessary to determine if the suspect is armed, it is no longer valid under *Terry*.”³⁴ Supreme Court case law³⁵ and the applicable CPD directive both limit a protective pat down to the “outer clothing” and note it is “not a general exploratory search for evidence of criminal activity.”³⁶ If an officer has probable cause to arrest an individual, then an officer may conduct an extensive warrantless search of the individual’s person to preserve evidence and to disarm the subject prior to “the extended exposure which follows the taking of a suspect into custody and transporting him to the police station.”³⁷ Finally, if an individual “freely and voluntarily” consents to a search then it is constitutionally valid.³⁸

3. Automobile Exception – probable cause required

The Fourth Amendment permits an officer to search a vehicle when the officer has probable cause to believe the vehicle contains contraband or evidence of a crime.³⁹ Vehicles’ “ready mobility” and “the pervasive regulation of vehicles capable of traveling on the public highways” are the primary justifications for the automobile exception.⁴⁰ “A police officer has probable cause to conduct a search when the facts available to him would warrant a person of reasonable caution in the belief that contraband or evidence of a crime is present.”⁴¹ Courts look to the totality of the circumstances on a case-by-case basis to determine probable cause as it “is a fluid concept--turning on the assessment of probabilities in particular factual contexts--not readily, or even usefully, reduced to a neat set of legal rules.”⁴²

Allegations against Officer [REDACTED]

1. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED] Officer [REDACTED] detained [REDACTED] [REDACTED] without justification in violation of rules 1 and 6.

³² *Id.*

³³ *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993)

³⁴ *Minnesota v. Dickerson*, 508 U.S. 366, 373 (1993) (citing *Sibron v. New York*, 392 U.S. 40, 65-66 (1968)).

³⁵ *Adams v. Williams*, 407 U.S. 143, 146 (1972) (“The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue his investigation without fear of violence”)

³⁶ CPD Special Order 04-13-09(II)(B).

³⁷ *U.S. v. Robinson*, 414 U.S. 218, 234-35 (1973).

³⁸ *Schneekloth v. Bustamonte*, 412 U.S. 218, 222 (1973) (citing *Vale v. Louisiana*, 399 U.S. 30, 35 (1970), and *Bumper v. North Carolina*, 391 U.S. 543, 548 (1968)).

³⁹ *Collins v. Virginia*, ___ U.S. ___, ___, 138 S. Ct. 1663, 1669 (2018)(citing *Carroll v. United States*, 267 U.S. 132 (1925)).

⁴⁰ *Collins v. Virginia*, ___ U.S. ___, ___, 138 S. Ct. 1663, 1669-70 (2018)(quoting *California v. Carney*, 471 U.S. 386, 390, 932 (1985)).

⁴¹ *Florida v. Harris*, 568 U.S. 237, 243 (2013)(internal citations omitted).

⁴² *Florida v. Harris*, 568 U.S. 237, 244 (2013)(citing *Illinois v. Gates*, 462 U.S. 213, 232 (1983)).

Officer ██████ is **EXONERATED** of this allegation. The detention of ██████ was justified. Rule 1 prohibits an officer from violating any law or ordinance. The primary laws implicated are the Fourth Amendment and the Illinois law referenced above which codify an officer's abilities during an investigatory stop. Rule 6 prohibits an Officer from violating any directive or order. Special Order S04-13-09 outlines the policy for conducting an investigatory stop. An investigatory stop is defined as "the temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense." The Special Order further explains, "[r]easonable Articulate Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience." Here, we found that it was reasonable to detain ██████ for an investigatory stop.

The evidence shows that near 1540 hours, OEMC received a call of shots fired in the vicinity of ██████ ██████ and subsequently relayed the information to officers. In the message to officers, OEMC indicated that there were two black males heading from the scene through an alley towards ██████ OEMC indicated that one of the men was last seen wearing a black hoodie with words on it. Four minutes later, Officers ██████ and ██████ encountered ██████ at ██████ a little more than one city block away from the scene. When Officers ██████ and ██████ encountered ██████ he was wearing a black sweatshirt with white lettering, a black scarf, and blue jeans. As the officers approached, ██████ a black man, was standing in close proximity to a white sedan and two unidentified men were standing near the rear of the same vehicle. One of those men was also wearing a black hoodie or jacket. As the Officers approached, the two men near the rear of the vehicle walked away. Officer ██████ requested that a second squad car go after those two men, but they were never detained.

Any of these factors alone would be an insufficient cause, but together make a compelling reason to at least investigate further. Both Officer ██████ and Officer ██████ indicated that they did not recall the detail that there had been more than one suspect, but instead had both keyed in on the description of the male wearing the black hoodie. Both officers expressed their belief that ██████ matched the description of the described suspect.⁴³ Both officers found ██████ proximity to the crime to be relevant to the likelihood he was the suspect. Both officers thought ██████ was behaving "suspiciously," albeit that description is subjective. The officers found that ██████ was acting nervously and saw the departure of the other two men as suspicious. Given the totality of the circumstances, it is reasonable that ██████ could be seen as a suspect as well. Accordingly, the investigatory stop was appropriate and within policy.

- 2. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████ Officer ██████ handcuffed ██████ ██████ without justification in violation of rules 1 and 6.**

⁴³ "[S]imilarity in apparel, in addition to a description of the suspect's race and sex narrows considerably the population of potential suspects." *People v. Jones*, 102 Ill. App. 3d 246 (4th Dist. 1981)(citing *People v. Grice*, 87 Ill. App. 3d 718 (2nd Dist. 1980)).

This allegation is **EXONERATED**. Given the allegation that Officer [REDACTED] detention of [REDACTED] was found to be within policy, officers are permitted to handcuff an individual during an investigatory stop when they reasonably believe the suspect is armed or poses a danger to the officer or others.⁴⁴ Both officers articulated their fears that [REDACTED] was the armed shooting suspect as the reason for handcuffing him. Both officers said that he matched the description of the suspect and was found a block away from the scene of the shooting. Both officers stated their belief that he had a weapon on him.

3. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED] Officer [REDACTED] searched [REDACTED] without justification in violation of rules 1 and 6.

This allegation is **UNFOUNDED**. Based on the statements of the officers involved and the corroborating video evidence, Officer [REDACTED] did not conduct or participate in the search of [REDACTED] Person.

4. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED] Officer [REDACTED] searched the vehicle of [REDACTED] without justification in violation of rules 1 and 6.

There are generally two exceptions to the warrant requirement for a vehicle search: consent and probable cause. COPA finds that neither exception is applicable here, and thus the allegation is **SUSTAINED**.

Consent

COPA finds that [REDACTED] did not consent to the search of the vehicle. The voluntariness of consent to a police search depends upon the totality of the circumstances, and it is the State's [REDACTED] to show, by a preponderance of the evidence, that the consent was voluntarily given.⁴⁵ For the consent to be voluntary, "the consentor must have been under no duress or coercion, actual or implied, and the consent must have been unequivocal, specific, and freely and intelligently given."⁴⁶

Here, Officer [REDACTED] belief that [REDACTED] consented to the search of his vehicle is unreasonable. While not dispositive, the Investigatory Stop Receipt indicates that the search beyond pat down was done without [REDACTED] consent.⁴⁷ At multiple times during the encounter,

⁴⁴ *United States v. Wilson*, 2 F.3d 226, 231 (7th Cir. 1993) (upholding use of handcuffs in investigatory stop); *Tom v. Volda*, 963 F.2d 952, 957-958 (7th Cir. 1992) (upholding use of handcuffs in investigatory stop); *United States v. Glenna*, 878 F.2d 967, 972 (7th Cir. 1989) (handcuffing was permissible as part of a *Terry* stop where police dispatch indicated defendants were in possession of several small weapons and an explosive device, and a loaded magazine was found on a defendant).

⁴⁵ *People v. Casazza*, 144 Ill. 2d 414, 417 (1991).

⁴⁶ *People v. Purchase*, 214 Ill. App. 3d 152, 155 (3d Dist. 1991).

⁴⁷ Att. 33.

██████████ challenged Officer ██████████ authority to search the car and repeatedly complained that the search of the vehicle was illegal. That alone should be enough refute the contention that consent was voluntarily given, but the circumstances of the search make that even less likely. At the time of the search, ██████████ was handcuffed and surrounded by officers. Moments prior to the search, he expressed being afraid to reach for his wallet to give the officers his identification. ██████████ telling Officer ██████████ that the keys were in his uncle's house when they were actually in his car is further evidence that he did not want his car searched.⁴⁸

Probable Cause

Absent consent, an officer must have probable cause to search a vehicle. Special Order S04-13-09 states that probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it. Special Order S04-13-09 is consistent with Constitutional Law, which states, “[i]t is clearly established that the Fourth Amendment prohibits warrantless searches of automobiles unless there is probable cause to believe that contraband is located in the vehicle or that the car is an instrumentality of a crime.”⁴⁹ “A police officer has probable cause to conduct a search when the facts available to him would warrant a person of reasonable caution in the belief that contraband or evidence of a crime is present.”⁵⁰ Courts look to the totality of the circumstances on a case-by-case basis to determine probable cause as it “is a fluid concept--turning on the assessment of probabilities in particular factual contexts--not readily, or even usefully, reduced to a neat set of legal rules.”⁵¹ Here, there was no probable cause to suspect the vehicle contained evidence of a crime or was involved in the crime.

██████████ told Officer ██████████ that he had recently been arrested for a gun charge. Officer ██████████ took that to mean that ██████████ had been arrested for illegally possessing a firearm, which made it more reasonable to believe that ██████████ might be armed in this situation than it would have been absent that statement.⁵² Officer ██████████ patted ██████████ down and found no weapon, she then inquired about ██████████ vehicle. In the Investigatory Stop Report, Officer ██████████ wrote that in her experience as an officer, gang members often used vehicles to hide contraband. However, ██████████ and the two other individuals' proximity to the vehicle is insufficient to provide probable cause for searching the interior of the vehicle and the trunk. Officer ██████████ did not observe any persons of interest accessing the vehicle or the trunk. The OEMC message reporting the shooting did not

⁴⁸ See *People v. Sweborg*, 293 Ill. App. 3d 298 (3d Dist. 1997)(Fact that suspect explained how to remove keys from ignition when the officer had trouble was not consent for search of trunk when subject repeatedly said he did not want his personal items searched.)

⁴⁹ *United States v. Ross*, 456 U.S. 798 (1982). *Walker v. Guzik*, Civil Action No. 87-2702, 1991 U.S. Dist. LEXIS 2497, at *20 (E.D. Pa. Feb. 28, 1991)

⁵⁰ *Florida v. Harris*, 568 U.S. 237, 243 (2013)(internal citations omitted).

⁵¹ *Florida v. Harris*, 568 U.S. 237, 244 (2013)(citing *Illinois v. Gates*, 462 U.S. 213, 232 (1983)).

⁵² “Information that the defendant committed a similar offense is relevant to probable cause.” *Porter v. City of Chicago*, 393 Ill. App. 3d 855, 868, 912 N.E.2d 1262, 1273 (1st Dist. 2009)(citing *People v. Hendricks*, 253 Ill. App. 3d 79, 88-89 (1st Dist. 1993))

include any vehicle descriptions, or even that a vehicle was used in the crime. Similarly, the description: African American male wearing a black shirt with unspecified white lettering – was not specific enough to give Officer [REDACTED] probable cause to perform more than a *Terry* stop of Mr. [REDACTED] which does not extend to a search of a vehicle and the trunk. In short, there was no evidence that Mr. [REDACTED] was involved in the shooting, or that the two men who walked away had access to the car, or that the vehicle was involved in the shooting, and thus there was no probable cause to search the vehicle for evidence of a crime.

For these reasons, the allegation that Officer [REDACTED] searched [REDACTED] vehicle without justification is **SUSTAINED**.

Allegations against Officer [REDACTED]

1. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED] Officer [REDACTED] detained [REDACTED] without justification in violation of rules 1 and 6.

This allegation is **EXONERATED**. Officer [REDACTED] was justified in detaining [REDACTED]. See the analysis for allegation 1 against Officer [REDACTED]. The same rationale applies.

2. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED] Officer [REDACTED] handcuffed [REDACTED] without justification in violation of rules 1 and 6.

This allegation is **EXONERATED**. Officer [REDACTED] was justified in handcuffing [REDACTED]. See the analysis for allegation 2 against Officer [REDACTED]. The same rationale applies.

3. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED] Officer [REDACTED] searched [REDACTED] without justification in violation of rules 1 and 6.

Officer [REDACTED] is **EXONERATED** of this allegation. Rule 1 prohibits an officer from violating any law or ordinance. The primary laws implicated are the Fourth Amendment and the Illinois laws referenced above which codify an officer's rights during an investigatory stop. Rule 6 prohibits an Officer from violating any directive or order. Special Order S04-13-09 says:

“When an officer has detained a subject based upon Reasonable Articulate Suspicion that criminal activity is afoot and, during that detention, develops additional Reasonable Articulate Suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger of attack to the officer or another, the officer may conduct a Protective Pat Down of the outer clothing of the subject for hard objects that could be used as weapons.”

Officer [REDACTED] and Officer [REDACTED] stopped [REDACTED] on [REDACTED] because he matched the description of a black male in a black sweatshirt headed toward [REDACTED] who fired shots approximately one block away. [REDACTED] was stopped approximately four minutes after the call was

received. The nature of the crime for which [REDACTED] was stopped was such that would reasonably lead an officer to believe he was armed and dangerous.

Officer safety protocols require [REDACTED] to be patted down outside of his clothing for hard objects and would permit a more thorough investigation of hard objects. During the course of Officer [REDACTED] pat down of [REDACTED] the outline of a hard object became visible through [REDACTED] back pocket. Officer [REDACTED] conducted a more thorough investigation of the object by peering into the pockets and placing her hand inside. We find that this search was not excessive in scope. For the reasons discussed above, Officer [REDACTED] is **EXONERATED** of this allegation.

Allegations against Sergeant [REDACTED]

- 1. It is alleged that on 30 Apr 2018, at approximately 1600 hours, at [REDACTED] District Police Department, Sergeant [REDACTED] refused to take a report or complaint from [REDACTED] regarding his allegation of police misconduct by Officer [REDACTED] and Officer [REDACTED] in violation of rule 6.**

This allegation is **SUSTAINED**. Rule 6 prohibits disobeying any order or directive, whether written or oral. General Order G08-01-02 requires that when incidents regarding allegations of misconduct subject to the Log Number process are received, the supervisor or commanding officer who first receives information of the alleged misconduct will contact COPA by telephone and will record all information available at the time the allegation was received in a report to COPA. This procedure was not followed in this case.

Sergeant [REDACTED] admitted in his interview to COPA that he did not follow this directive because he mistakenly believed that it was up to his discretion to send the complaint to COPA, though he has since learned that it was not up to his discretion. Sergeant [REDACTED] performed a preliminary investigation of the complaint, reviewed the investigatory stop report, and asked questions about the nature of the complaint. Sergeant [REDACTED] told investigators that he did inform [REDACTED] of COPA and suggested that [REDACTED] take his complaints there, though, Sergeant [REDACTED] was still obligated to accept the complaint and forward it on to COPA anyway. Because Sergeant [REDACTED] admission, there is no reason for further analysis.

- 2. It is alleged that on 30 Apr 2018, at approximately 1600 hours, at [REDACTED] District Police Department, Sergeant [REDACTED] verbally abused [REDACTED] by using derogatory language and profanity regarding his race in violation of rules 2 and 8.**

This allegation is **NOT SUSTAINED**. Rule 2 holds officers accountable for violations of policy and the Department's stated goals. Among those policies and goals is the obligation to police courteously and fairly to all citizens. Rule 8 prohibits an officer from engaging in disrespectful conduct or speech. Overall, COPA found both [REDACTED] and Sergeant [REDACTED] credible. [REDACTED] was very candid and factually accurate in his description of events with Officer [REDACTED] and Officer [REDACTED]. He was also candid about his interactions with Sergeant [REDACTED] at least to the extent that many of his allegations were corroborated by Sergeant [REDACTED] himself. Sergeant [REDACTED]

was also very candid in recounting his interaction with [REDACTED] and his rationale for making the decision that he did. Sergeant [REDACTED] also accepted culpability for failing to accept [REDACTED] complaint in violation of Department rules, but denied making the alleged profane and insulting comments. With two credible witnesses telling two very similar stories that turn on a single statement, COPA does not have sufficient evidence to determine by a preponderance of the evidence what occurred.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer [REDACTED]

i. Complimentary, Training and Disciplinary History

Officer [REDACTED] complimentary and training history were considered in the recommended finding. Officer [REDACTED] received a reprimand for current license plate/city sticker violation, January 2019.

ii. Recommended Penalty, by Allegation

Officer [REDACTED] was appointed October 17, 2011 and since has not had training on 4th Amendment Search and Seizure. COPA recommends a discipline of Violation-Noted and training on 4th Amendment Search and Seizure Training.

b. Sergeant [REDACTED]

i. Complimentary and Disciplinary History

Sergeant [REDACTED] training, complimentary and disciplinary history were considered in recommending discipline in this case. Sergeant [REDACTED] does not have a history of discipline.

ii. Recommended Penalty, by Allegation

Sergeant [REDACTED] was forthcoming in taking responsibility for independently investigating [REDACTED] complaint instead of filing a complaint with COPA, per policy and procedure. Despite his admission, the seriousness of impeding a complaint warrants a 5-day suspension.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at [REDACTED]	EXONERATED

	<p>██████████ Officer ██████████ detained ██████████ without justification.</p> <p>2. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████████ ██████████ Officer ██████████ handcuffed ██████████ without justification.</p> <p>3. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████████ ██████████ Officer ██████████ searched ██████████ without justification.</p> <p>4. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████████ ██████████ Officer ██████████ searched the vehicle of ██████████ without justification.</p>	<p>EXONERATED</p> <p>UNFOUNDED</p> <p>SUSTAINED</p>
<p>Officer ██████████ ██████████</p>	<p>1. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████████ ██████████ Officer ██████████ detained ██████████ without justification.</p> <p>2. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████████ ██████████ Officer ██████████ handcuffed ██████████ without justification.</p> <p>3. It is alleged that on 30 Apr 2018, at approximately 1547 hours, at ██████████ ██████████ Officer ██████████ searched ██████████ without justification.</p>	<p>EXONERATED</p> <p>EXONERATED</p> <p>EXONERATED</p>
<p>Sergeant ██████████ ██████████</p>	<p>1. It is alleged that on 30 Apr 2018, at approximately 1600 hours, at ██████████ ██████████ District Police Department, Sergeant ██████████ refused to take a report or complaint from ██████████ regarding his allegation of police misconduct by Officer ██████████ and Officer ██████████ ██████████</p> <p>2. It is alleged that on 30 Apr 2018, at approximately 1600 hours, at ██████████ ██████████ District Police Department,</p>	<p>SUSTAINED</p> <p>NOT SUSTAINED</p>

Sergeant [REDACTED] verbally abused [REDACTED]
[REDACTED] by using derogatory language
and profanity regarding his race.

Approved:

[REDACTED]

March 28, 2019

[REDACTED]

Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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