SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 10, 2018
Time of Incident:	4:30 PM
Location of Incident:	and
Date of COPA Notification:	May 24, 2018
Time of COPA Notification:	3:30 PM
Officer and Officer Additionally, on May 10, 2018, request a CPD supervisor come to against Officer and Officer	o his residence at the complete that to initiate a complaint
Involved Officer #1:	Appointment: Rank: Sergeant, Unit of Assignment: District, DOB: Male, White
Involved Officer #2:	, Star , Employee ID , Date of Appointment: , Rank: Police Officer, Unit of Assignment: District, DOB: , Male, White
Involved Officer #3	Date of Appointment: Rank: Police Officer, Unit of Assignment: District, DOB: Male, White Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant	1. It is alleged that on or about May 10, 2018, at approximately 4:23 PM, Sgt. failed to initiate a complaint alleging police misconduct involving P.O. Star and P.O. Star in violation of Rules 5 and 10.	Exonerated
Officer	1. It is alleged that on or about May 10, 2018, on the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained improperly detained in the sidewalk in front of at approximately 2:38 PM, Officer improperly detained	Exonerated
	2. It is alleged that on or about May 10, 2018, on the sidewalk in front of at approximately 2:38 PM, Officer conducted an improper search of violation of Rules 2 and 8.	Unfounded
Officer	1. It is alleged that on or about May 10, 2018, on the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in violation of Rules 2 and 8.	Exonerated
	2. It is alleged that on or about May 10, 2018, on the sidewalk in front of a part of	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules	
1. Rule 2 : Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.	
2. Rule 5 : Failure to perform any duty.	
3. Rule 8 : Disrespect to or maltreatment of any person, while on or off duty.	
4. Rule 10: Inattention to duty.	
General Orders	
1. G08-01-02 : Specific Responsibilities Regarding Allegations of Misconduct	
Special Orders	
1. S04-13-9: Investigatory Stop System	
Federal Laws	
1. 4 th Amendment, U.S. Constitution	
V. INVESTIGATION 1	
a. Interviews	
On May 24, 2018, complainant (), gave COPA an aurrecorded interview. stated that at approximately 4:00 P.M., on or about April 30, 200 he was around the area of and visiting a female acquaintan	18^2

proceeded to walk northbound towards stated he then observed fifteen to twenty males on the street having a dispute.

have gotten wind of it [the dispute]," because as he was leaving, plainclothes police officers

stated after spending the night with his female acquaintance, he left her residence and

to avoid the group. stated that the police, "must

street westbound on

drove up to the location in an unmarked vehicle.

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¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

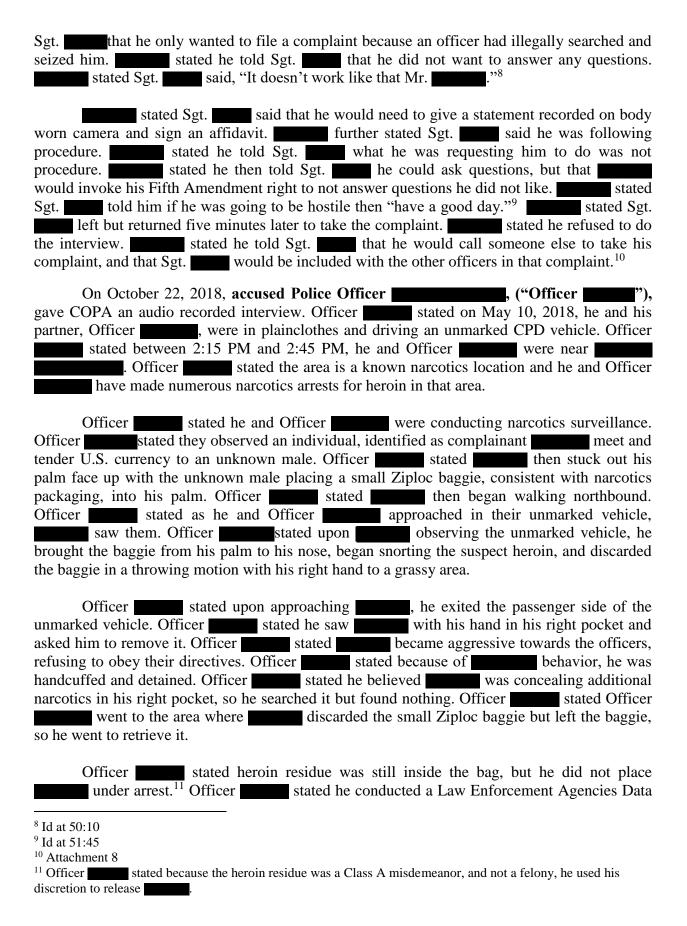
² Further investigation revealed interacted with the accused officers on May 10, 2018.

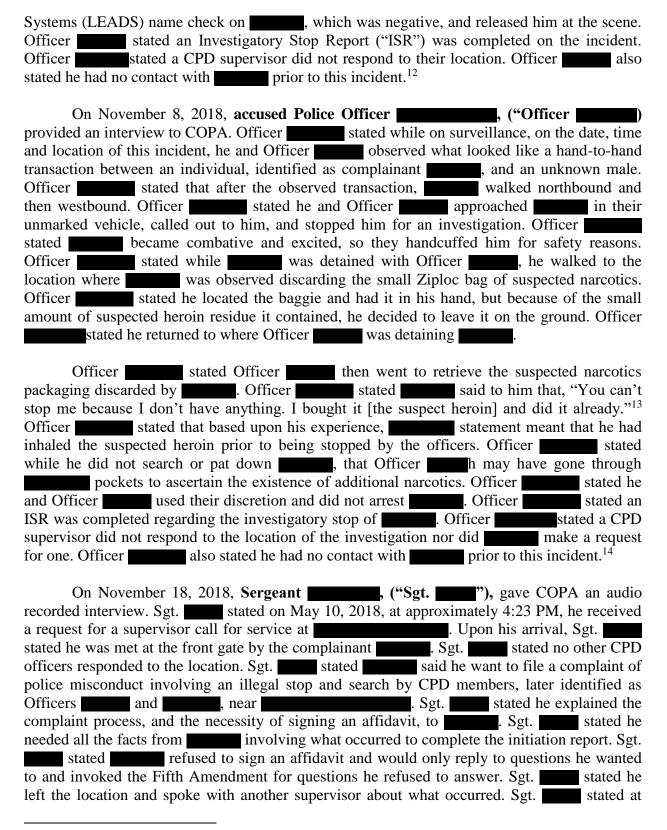
³ Attachment 8 at 40:00

stated instead of investigating the on-going dispute with the group, the officers, later identified as Officer and Officer stopped and began investigating him. stated the officers had been on stated one of the officers grabbed him and put him up against the police vehicle. It stated he told the officers to leave him alone. It stated that Officer began searching his left pocket but did not retrieve anything. It stated Officer obviously knew he was doing something wrong because he did not perform a thorough search. It stated Officers and profiled him because he is an Hispanic male. It stated he told the officers, "I do not consent to any illegal searches or seizures."
stated Officer said, "you don't run the show here, I do." stated initially that he thanked Officers and for stopping him, telling the officers "I'm glad you guys are here because in a way you probably saved me from an ass whipping." stated while being stopped, Officers and began to illegally search him and then illegally ran his name. stated the officers questioned what he was doing in the area. stated he told the officers that was none of their business. stated the officers told him, "we know what you're doing." stated the officers told him they observed him exiting a building known for drug activity. stated he told the officers he had not purchased any drugs. admitted that he was verbally hostile towards the officers.
stated Officer stood behind him while Officer retrieved a bag from the ground. admitted the location of the stop was a high narcotics area. stated the narcotics bag Officer retrieved hardly contained anything. stated that after the officer examined the narcotics bag, he knew from the expressions between Officer and Officer they knew it was not worth pursuing. stated Officer asked for his identification. stated he told Officer what crime he had committed. Stated Officer replied he was being detained. Stated he asked Officer if he was conducting a Terry stop. stated he told Officer if he was conducting a Terry stop. stated he told Officer if he was conducting a Terry stop. stated he told Officer if he was conducting a Terry stop, he only had a certain amount of time to do it. stated since he had not done anything wrong, the officers let him go. stated he was not provided any documentation from the officers regarding his stop and investigation.
stated initially he did not know where to make a complaint against Officers and stated that he first went to the District to make the complaint but was told by CPD personnel to go home, dial 911, and a supervisor would come to his home. stated he went home and called 911 requesting a supervisor to come to his residence to make the complaint. stated a supervisor, identified as Sergeant ("Sgt. ") arrived at his residence to take the complaint. stated he started to file the complaint, but then felt he was getting ultimatums from Sgt. stated he told

⁴ Id at 45:22 ⁵ Id at 45:25 ⁶ Id at 42:23

⁷ Id at 43:50





¹² Attachment 21

¹³ Attachment 31 at 13:35

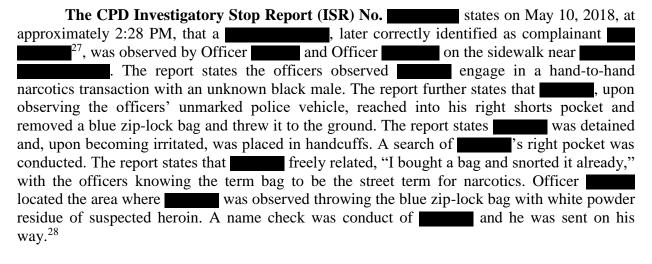
¹⁴ Attachment 31

that time he had only been a supervisor for four months. Sgt. stated once informed of the correct procedure for initiating a complaint by the other supervisor, he returned to speak with Sgt. stated he apologized to and said he made a mistake. Sgt. stated he asked whether he wanted to still file a complaint. Sgt. stated became very belligerent, telling him, "go fuck yourself, you had your chance." stated stated stated became very belligerent, telling him, "go fuck yourself, you had your chance."
b. Digital Evidence
The Body Worn Camera (" BWC ") video of Officer shows his interaction with during the investigation. It is heard yelling to unknown persons, "Ya'll record this man, ya'll record this man."
The BWC video of Officer shows his interaction with during the investigation. It is yelling obscenities. Officer tells figure watching a dope spot. You were seen coming out of a dope spot." is yelling at Officer saying, "This is illegal what you're doing man, point blank and simple." states he was stopped by the officers because he is Hispanic in a black neighborhood. It is states the officers should be investigating the black males fighting across the street instead of him. begins using racial epithets to describe the behavior of the black males he said were fighting. Stated to Officer the did not have any narcotics on his person, and that he "snorted it" before he was stopped. He did not have any narcotics on his person, and that he "snorted it" before he was stopped.
Sgt. BWC videos show his interactions with
Sgt. second video shows him returning to speak with square. Sgt. tells that he made a mistake. Sgt. says to that if he wants to do the complaint Sgt. has no problem taking it. says, "Do you hear what I said, or do I speak a different language?" Sgt. twice asks if he wants him to leave. does not reply. Sgt. twice asks again if he wants him to take the complaint. replies to Sgt. with a racial epithet describing himself. Sgt. again asks
15 Attachment 29 16 Attachment 14 at 1:00 17 Attachment 15 at 3:35 18 Id at 3:50 19 Id at 5:00 20 Id at 5:31

²¹ Attachment 15
²² Id at 8:44
²³ Attachment 25, BWC #2 video at 00:47
²⁴ Id at 1:28

twice if he wants to make a complaint. replies to Sgt., "You had the opportunity. Now you're going to be on the complaint too, don't worry about it." Sgt. tells to have a good day and leaves the scene. 26

c. Documentary Evidence



Office of Emergency Management and Communications (OEMC), Event Query No. ______, shows on May 10, 2018, at approximately4:23 PM a request for a supervisor call was dispatched to Sgt. ______, of the _____ District. The report shows Sgt. ______ at approximately 4:37 PM. At approximately 5:15 PM, the report shows Sgt. ______ tells dispatch he will contact the zone. At approximately 5:44 PM, the report shows Sgt. ______ contacted and informed dispatch that refused service. 29

VI. ANALYSIS

a. Officer and Officer had legal justification to stop and detain

The Chicago Police Department delineates criteria for its members to conduct an investigatory stop.³⁰ Specifically, for investigatory stops, CPD members must possess reasonable articulable suspicion based upon 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.³¹ Furthermore, "[p]robable cause to arrest exists when the totality of the facts and circumstances known to a police officer would

²⁶ Attachment 25, BWC#2 video

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²⁵ Id at 1:37

²⁷ During his COPA interview, Officer stated stated first name was erroneously listed as and, and not his correct first name of

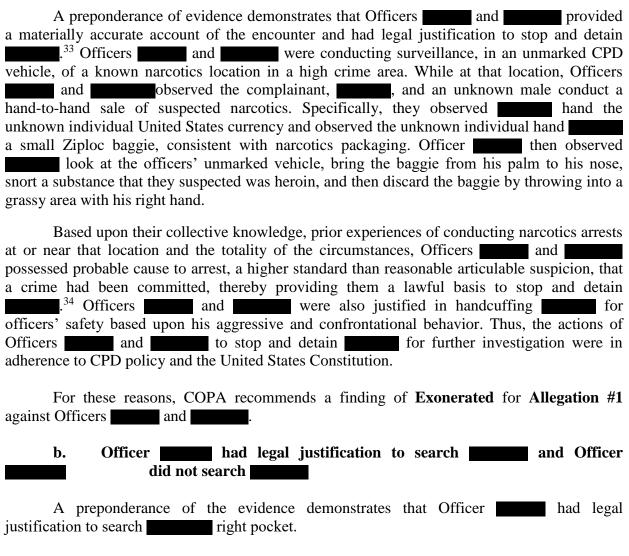
²⁸ Attachment 11

²⁹ Attachment 20

 $^{^{30}}$ Special Order S04-13-09,
 $Investigatory\ Stop\ System,$ Chicago Police Department

³¹ *Id*.

lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest."³²



The Fourth Amendment to the United States Constitution guarantees the individual the right to be free from unreasonable searches and seizures. The fundamental inquiry is whether the search or seizure was reasonable under all of the circumstances.³⁵

Generally, during an investigatory stop, officers may "pat down of the outer clothing of a person for weapons" if they reasonably believe that the person is armed and dangerous. 36 "A

³² People v. D.W. (In re D.W.), 341 Ill. App. 3d 517, 526 (1st Dist. 2003).

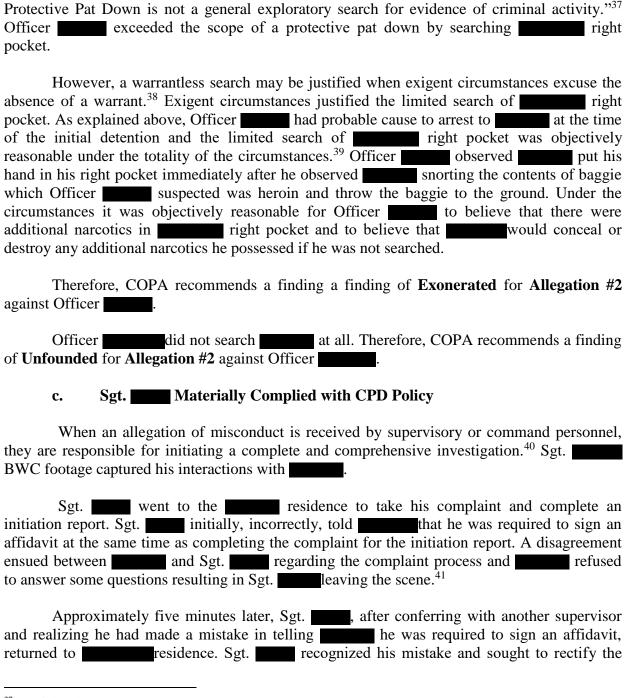
version of the events materially differed from Officer and Officer However, Officer

body worn footage captured admitting to snorting heroin.

and were not required to effectuate arrest simply because they possessed ³⁴ Officer probable cause to arrest.

³⁵ *People v. Tyler*, 210 Ill. App. 3d 833, 836 (1991).

³⁶ Special Order S04-13-09; see also People v. Sorenson, 196 Ill. 2d 425, 433 (2001).



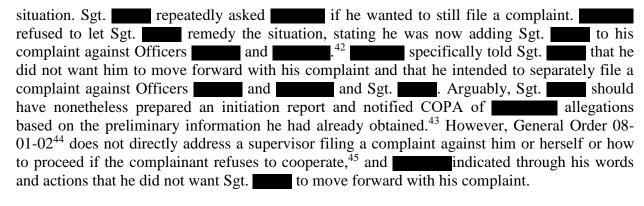
³⁷ Special Order S04-13-09.

³⁸ See People v. Pierini, 278 Ill. App. 3d 974, 978 (1st Dist. 1996).

³⁹ Arresting officers, in order to prevent the arrestee from obtaining a weapon or destroying evidence, may search both "the person arrested" and "the area within his immediate control." *Chimel v. California*, 395 U.S. 752, 754 (1969). However, Officer did did not place under arrest, either before or after the search, and therefore the search incident to arrest exception to the warrant requirement is inapplicable. *See People v. Tyler*, 210 Ill. App. 3d 833, 840 (1991) (a search did not constitute a lawful search incident to arrest when the defendant was not arrested on the date of the search).

⁴⁰ General Order G08-01-02, *Specific Responsibilities Regarding Allegations of Misconduct*, Chicago Police Department.

⁴¹ Attachment 24, BWC video #1



A preponderance of the evidence demonstrates that Sgt. was acting in good-faith and was not improperly attempting to dissuade from moving forward with his complaint or cover-up the alleged misconduct.

For these reasons, COPA recommends a finding of **Exonerated**.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sgt.	1. It is alleged that on or about May 10, 2018, at, at approximately 4:23 PM, Sgt failed to initiate a complaint alleging police misconduct involving P.O, Star, and P.O, Star in violation of Rules 5 and 10.	Exonerated
Officer	1. It is alleged that on or about May 10, 2018, on the sidewalk in front of at approximately 2:38 PM, Officer improperly detained in properly detained, in violation of Rules 2 and 8.	Exonerated
	2. It is alleged that on or about May 10, 2018, on the sidewalk in front of, at approximately 2:38 PM, Officer conducted an improper search of, in violation of	Unfounded

⁴² Attachment 24, BWC video #2

⁴³ See General Order 08-01-02(II)(B)(3).

⁴⁴ COPA has not located any other applicable directive.

⁴⁵ Arguably, Sgt. should have nonetheless prepared an initiation report and notified COPA of allegations based on the preliminary information he had obtained. *See* General Order 08-01-02(II)(B)(3).

	Rules 2 and 8.	
Officer	1. It is alleged that on or about May 10, 2018, on the sidewalk in front of approximately 2:38 PM, Officer improperly detained in properly detained, in violation of Rules 2 and 8.	Exonerated
	2. It is alleged that on or about May 10, 2018, on the sidewalk in front of 3 at approximately 2:38 PM, Officer conducted an improper search of nine in violation of Rules 2 and 8.	Exonerated
Approved:		
Deputy Chief Admi	Date inistrator – Chief Investigator	

Appendix A

Assigned Investigative Staff

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