

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	August 27, 2018
Time of Incident:	5:51 p.m.
Location of Incident:	745 N. St. Louis Ave. Chicago, Illinois 60624
Date of COPA Notification:	August 27, 2018
Time of COPA Notification:	8:26 p.m.

On August 27, 2018, at approximately 5:51 p.m., near the vicinity of 745 N. St. Louis Ave. Chicago, Illinois 60624, Officers ██████████ (“Officer ██████████” (“Officer ██████████ and ██████████ (“Officer ██████████ conducted the traffic stop of Complainant ██████████ (██████████ alleges that during the traffic stop, Officers ██████████ and ██████████ coerced him into turning in a weapon under the threat of police action. After an initial investigation, The Civilian Office of Police Accountability (“COPA”) also alleges that Officer ██████████ failed to report misconduct when he did not report Officers ██████████ and ██████████ when they made coercing statements to ██████████ during the traffic stop. After a thorough investigation, the COPA recommends the allegations be Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████ Star # ██████████, Employee ID# ██████████ Date of Appointment: ██████████ 15, Rank: Police Officer, Unit of Assignment: ██████████ DOB: ██████████ 84, Male, White.
Involved Officer #2:	██████████ Star ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 16, Rank: Police Officer, Unit of Assignment: ██████████ DOB: ██████████ 93, Male, White.
Involved Officer #3	██████████ Star ██████████ Employee ID# ██████████ Date of Appointment: ██████████ 14, Rank: Police Officer, Unit of Assignment: ██████████, DOB ██████████ 89, Male, Hispanic.
Subject #1:	██████████ DOB: ██████████ 95, Male, African American.

**III. ALLEGATIONS**

Officer	Allegation	Finding/Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged by [REDACTED] that on August 27, 2018, at approximately 5:51 p.m., near the location of 745 N. St. Louis Ave. Chicago, Illinois 60624, you coerced him into turning in a weapon under the threat of police action in violation of Rule 2 and 3.	Sustained/ 10 Day Suspension and Training
Officer [REDACTED] [REDACTED]	1.It is alleged by [REDACTED] that on August 27, 2018, at approximately 5:51 p.m., near the location of 745 N. St. Louis Ave. Chicago, Illinois 60624, you coerced him into turning in a weapon under the threat of police action in violation of Rule and 3.	Sustained/ 10 Day Suspension and Training
Officer [REDACTED] [REDACTED]	1.It is alleged by COPA that you failed to report misconduct in that you did not report Officers [REDACTED] and [REDACTED] when they made coercing statements to [REDACTED] on August 27, 2018, at approximately 5:51 p.m. near the location of 745 N. St. Louis Ave. Chicago, Illinois 60624 in violation of Rule 2, 3 and 21.	Sustained/ 5 Day Suspension

**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.

**Rule 21:** Failure to report promptly to the Department any information concerning any crime or other unlawful action.

Special Orders

**SO 07-01-04:** Firearms Taken into Custody or Turned In

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

### a. Interviews

COPA conducted complainant [REDACTED] ([REDACTED]) audio statement on August 30, 2018.<sup>2</sup> [REDACTED] stated that on August 27, 2018, he was driving on St. Louis Ave. and was stopped at a stop sign. [REDACTED] stated he saw a marked Chicago Police vehicle traveling westbound on Chicago Ave. [REDACTED] stated he proceeded to make a left turn on Chicago Ave. [REDACTED] stated the police vehicle was travelling in front of his vehicle. [REDACTED] stated he made a left turn onto Drake Ave., which was the next street. [REDACTED] stated he noticed the police vehicle was behind him before he made a left turn through the first alley on Drake Ave. [REDACTED] stated the officers activated their police vehicle lights and he came to a stop at 745 N. St. Louis Ave.

[REDACTED] stated three police officers came to his vehicle. [REDACTED] stated the officers were Hispanic and Caucasian, dressed in plain clothes, and wearing body worn cameras. [REDACTED] stated that before the officers came to his window, he took the keys out of the ignition and pulled out his identification card and insurance card. [REDACTED] stated one of the officers asked him for his driver's license. [REDACTED] stated he told the officers that he did not have his driver's license and instead was providing his identification card. [REDACTED] stated the officer asked him for his driver's license a second time before asking him to step out of his vehicle. [REDACTED] stated he consented and stepped out of his vehicle. [REDACTED] stated that he was handcuffed and one of the officers searched his vehicle. [REDACTED] stated that one of the officers ran his information on the computer and discovered that [REDACTED] did not have a driver's license. [REDACTED] stated he told the officers he knew he did not have a driver's license. [REDACTED] stated the officers informed him that his driver's license was invalid, and it would cost him three thousand dollars to get his vehicle out of the impound lot.

[REDACTED] stated that one of the officers told him that if he wanted the handcuffs removed, he had to make a call and get them a gun. [REDACTED] stated that the officer removed the handcuffs in the front of the police vehicle and then moved him to the back of the police vehicle. [REDACTED] stated he told the officers he didn't know anything about a gun, but the officers asked him to make a call and get them a gun. [REDACTED] stated that he called his little brother, [REDACTED] ([REDACTED]) and asked him if he could get him a gun. [REDACTED] stated he told [REDACTED] he was pulled over for driving and if he could give the officers a gun, they would let him go. [REDACTED] stated [REDACTED] told him he didn't know of a gun, but he could make a call. [REDACTED] stated the officers told him to make another call and so he called his uncle, [REDACTED]. [REDACTED] stated that his uncle's phone was off and so the officers told him they would let him go, but in two hours they would call him for a location to pick up a gun. [REDACTED] stated he never gave the officers his personal phone number and doesn't know how they obtained his phone number. [REDACTED] stated the officers asked him if he was a man of his word and he told them he was.

After being released, [REDACTED] stated he called his grandmother, [REDACTED] ([REDACTED]) and told her officers pulled him over and they wanted a gun in two hours. [REDACTED] stated [REDACTED] told him to come to her house and she would call someone. [REDACTED] stated that he went to [REDACTED] house first and then went to his house where a sergeant met him. [REDACTED] stated that he let the sergeant know that he was pulled over about thirty minutes prior and the officers told him he needed to

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

<sup>2</sup> Attachment 14

provide a gun in two hours. ██████ stated he told the sergeant he did not have a gun for them and didn't know anything about guns. ██████ stated the sergeant made a report. ██████ stated the sergeant eventually left and told him he would return with an incident number.

██████ stated that at about 8:10 p.m., he received a private call to his cell phone number. ██████ stated the officer on the phone asked him for an address. ██████ stated he gave the officer the address of 1509 S. Drake Ave. ██████ stated he did not put a gun anywhere at the address. ██████ stated he recorded the conversation as the sergeant had instructed him to do so. ██████ stated the officer called him a total of three times. ██████ stated that ██████ called the sergeant to let him know the officer called ██████ but the sergeant did not answer. ██████ stated that before going to the police station to show the sergeant the recordings, he saw police vehicle 9333 at 1509 S. Drake Ave. ██████ stated that when he arrived at the police station he received another phone call from the officers and he told them he did not have any information about a gun. ██████ stated that at the station he spoke to the sergeant and showed him the recordings. ██████ stated the sergeant talked to his boss and provided ██████ a log number and COPA's phone number. ██████ stated that since August 27, 2018, he has not received any more phone calls from the officers. ██████ stated he is afraid of the police and avoids being outside.

COPA conducted accused **Officer ██████** ("Officer ██████" audio statement on November 27, 2018.<sup>3</sup> Officer ██████ stated that he has worked with Officer ██████ since January 24, 2018. Officer ██████ stated that he did not recall having worked with Officer ██████ prior to August 27, 2018. Officer ██████ stated that on August 27, 2018, Officer ██████ was the driver of the vehicle, he was the passenger, and Officer ██████ was the back passenger. Officer ██████ stated that on August 27, 2018, ██████ was driving a white Chevrolet Malibu vehicle. Officer ██████ stated that he first observed ██████ vehicle traveling eastbound in the south alley of Chicago Ave. Officer ██████ stated that at that time, he and Officers ██████ and ██████ were directly behind ██████ vehicle.

Officer ██████ stated that he and the other officers were behind ██████ for 20 to 30 seconds before curbing the vehicle. Officer ██████ stated that he did not recall what the basis of the stop was. Officer ██████ stated he was the passenger in the police vehicle and did not know what violation Officer ██████ observed ██████ committing. Officer ██████ stated that once the emergency lights were activated, ██████ stopped his vehicle. Officer ██████ stated that once the vehicle was stopped, he approached the passenger side window which was approximately 8-10 feet away from ██████ Officer ██████ stated that Officer ██████ had a conversation with ██████ but did not hear what was said. Officer ██████ stated that he was eventually made aware that ██████ did not have a valid driver's license. Officer ██████ stated that he did not hear whether Officer ██████ made ██████ aware of the reason he was being pulled over. Officer ██████ stated that he observed Officer ██████ ask ██████ to step out of the vehicle and subsequently take ██████ in front of the squad car. Officer ██████ stated that at that point he told Officer ██████ to bring ██████ to him.

Officer ██████ stated ██████ was handcuffed but not under arrest. Officer ██████ stated that ██████ was handcuffed while the officers conducted an investigation. Officer ██████ stated that while standing with ██████ he asked ██████ for the date and reason of his last arrest. Officer ██████ stated that ██████ answered he was arrested in 2016 for a gun charge that was eventually dismissed. Officer ██████ stated that Officer ██████ conducted a name check of ██████ Officer ██████ stated that he knew the moving violation ██████ committed was petty and he would not

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<sup>3</sup> Attachment 38-40

be arrested for it. Officer ██████ stated that since ██████ mentioned a prior gun charge, he asked him if he knew any information about illegal guns in the neighborhood. Officer ██████ stated he further asked ██████ if he could give the officers information or get them an illegal firearm. Officer ██████ stated that prior to that conversation, ██████ was handcuffed and was not made aware that he had committed a minor moving violation and would not be arrested for that violation. Officer ██████ stated that ██████ was also not told he was free to leave.

Officer ██████ stated that he and Officer ██████ decided that they were going to use their discretion and give ██████ a break if he provided information about firearms in the community. Officer ██████ stated that he believed ██████ had this information because of the area where ██████ was stopped. Officer ██████ stated that he told ██████ to do them a favor and tell them about a gun, so they could recover it. Officer ██████ stated ██████ stated he did not have a gun but he could call someone to set up something. Officer ██████ stated he told ██████ that was acceptable and instructed ██████ to tell the individual to place the gun at a location, so they could recover it. Officer ██████ stated ██████ called a few people to try to obtain a firearm and ultimately told the officers he could provide them with a gun. Officer ██████ stated ██████ gave them his phone number after having been asked for it and stated he could get a gun within a couple of hours.

Officer ██████ stated that he decided to ask ██████ for a gun because the area that he works in is extremely dangerous and he has seen people murdered by firearms. Officer ██████ stated that he and Officer ██████ have rendered aid to gunshot victims. Officer ██████ stated that he and Officer ██████ try to be proactive police officers by recovering firearms from the street. Officer ██████ stated that while he does not employ the practice he used on ██████ regularly during traffic stops, he decided to use it on ██████ because of his prior criminal history. Officer ██████ stated that at one point they did make it a voluntary option for ██████ to provide a firearm. Officer ██████ stated, however, that ██████ was never made aware that he would not be arrested even if he did not provide the firearm. Officer ██████ stated that he and Officer ██████ would not receive any benefit from recovering a firearm. Officer ██████ stated that he and Officer ██████ just knew in their heart that recovering a firearm meant that one less person would be shot. Officer ██████ stated ██████ was released once he gave him his phone number.

Officer ██████ stated that within the next hours, they called ██████ and received a location from him. Officer ██████ stated that he and Officers ██████ and ██████ relocated to the location but there was nothing at the location. Officer ██████ stated that he recalled calling ██████ to verify the address. Officer ██████ stated that ██████ told him over the phone that he was afraid for his life. Officer ██████ stated that he was shocked ██████ made this statement and he told ██████ that he did not have to be scared and that if he could not provide the gun it was no big deal. Officer ██████ stated that he did not make any superior aware of the firearm retrieval. Officer ██████ stated that he and Officers ██████ and ██████ were called into the station by Sergeant ██████ ("Sergeant ██████ Officer ██████ stated that Sergeant ██████ told him and Officers ██████ and ██████ that they were getting close to the line and what they did was not good. Officer ██████ stated he was scared because he did not know his actions were wrong. Officer ██████ stated that since January of 2018, he has recovered 19 illegal firearms. Officer ██████ stated that he realized that what he did was wrong and that he crossed the line. Officer ██████ stated that he was sorry, and it would not happen again. Officer ██████ stated that at the time he did not know his actions were wrong.

COPA conducted accused **Officer [REDACTED]** (“Officer [REDACTED] audio statement on November 27, 2018.”<sup>4</sup> Officer [REDACTED] stated that on August 27, 2018, he conducted the traffic stop of [REDACTED]. Officer [REDACTED] stated that he first observed the vehicle in the vicinity of Chicago Ave. and one block west of St. Louis Ave. Officer [REDACTED] stated the vehicle was traveling westbound on Chicago Ave., then southbound into the alley and finally eastbound in the south alley of Chicago Ave. Officer [REDACTED] stated he stopped [REDACTED] because he observed him drive through an alley which is prohibited by municipal law. Officer [REDACTED] stated he was several feet from [REDACTED] vehicle when he observed [REDACTED] commit the violation. Officer [REDACTED] stated he stopped [REDACTED] vehicle two seconds after seeing the violation. Officer [REDACTED] stated he activated his emergency lights and curbed the vehicle at 745 N. St. Louis Ave.

Officer [REDACTED] stated that [REDACTED] stopped his vehicle immediately. Officer [REDACTED] stated he exited his police vehicle and approached [REDACTED]. Officer [REDACTED] stated he asked [REDACTED] for proof of a driver’s license. Officer [REDACTED] stated he did not recall what [REDACTED] stated but he did recall that [REDACTED] was in violation of driving without proof of a driver’s license. Officer [REDACTED] stated that at that moment he did not know [REDACTED] driver’s license status, so he asked [REDACTED] to step out of the vehicle for further investigation. Officer [REDACTED] stated that at that time he detained [REDACTED] because he did not know his name or any more information. Officer [REDACTED] stated he took precautions by placing [REDACTED] into handcuffs while he conducted his investigation. Officer [REDACTED] stated he entered [REDACTED] name into the PDT system and learned that [REDACTED] was driving on an invalid driver’s license. Officer [REDACTED] stated that he then informed [REDACTED] of the arrestable offense. Officer [REDACTED] stated that at this time Officer [REDACTED] and [REDACTED] were standing near him as cover officers. Officer [REDACTED] stated that during the name check he discovered [REDACTED] was a convicted felon and had a 2017 gun charge.

Officer [REDACTED] stated that [REDACTED] demeanor was compliant. Officer [REDACTED] stated that when he placed [REDACTED] in handcuffs he was not under arrest. Officer [REDACTED] stated that he did not issue [REDACTED] any traffic violations and instead gave him a verbal warning. Officer [REDACTED] stated that he and Officer [REDACTED] did tell [REDACTED] to provide a gun in exchange for not receiving any traffic violations. Officer [REDACTED] stated that he and Officer [REDACTED] explained to [REDACTED] that they learned of his previous gun charge and they believed he could provide them intel on removing a gun from the street. Officer [REDACTED] stated that he believed he could work something out with [REDACTED].

Officer [REDACTED] stated that he uses his discretion with individuals. Officer [REDACTED] stated that even though [REDACTED] committed a crime, he believed he could work with him by giving him a verbal warning. Officer [REDACTED] stated that he asked [REDACTED] if he could get someone to put a gun at a location for them to pick up. Officer [REDACTED] stated that prior to asking [REDACTED] for the gun, he had already decided to use his discretion in not issuing [REDACTED] any traffic violations. Officer [REDACTED] stated that prior to asking [REDACTED] about the gun, he did not specifically make [REDACTED] aware that he would not be arrested but his intentions were never to arrest him. Officer [REDACTED] stated he also never told [REDACTED] he was free to leave. Officer [REDACTED] stated that he did not know how [REDACTED] understood what he said to him, but he did recall telling [REDACTED] that he did not want an arrest in conjunction with producing the gun.

When asked whether he made [REDACTED] aware that he would not be arrested for the traffic violations, Officer [REDACTED] stated he did not specially tell [REDACTED] he would not be arrested but he hoped [REDACTED] knew he would not be arrested because he was unhandcuffed to make the phone call to his friend. Officer [REDACTED] stated that to him it was obvious that he was not going to arrest [REDACTED].

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<sup>4</sup> Attachment 35-37

for the minor violation, but he did not make [REDACTED] aware. Officer [REDACTED] stated he has better things to do with his time than petty arrests for minor traffic violations. Officer [REDACTED] stated that when he was having the conversation with [REDACTED] regarding the gun he was in the driver's seat of his squad car while [REDACTED] was in the back seat of the squad car. Officer [REDACTED] stated he believed the door to the squad car was open but Officer [REDACTED] was standing in between [REDACTED] and the door. Officer [REDACTED] stated that [REDACTED] told him that he could try to make a phone call about obtaining a gun. Officer [REDACTED] stated this made him believe that [REDACTED] could provide them with a gun or with intel regarding a gun.

Officer [REDACTED] stated that [REDACTED] was eventually allowed to leave the scene. Officer [REDACTED] stated that before [REDACTED] left, he provided the officers with his phone number. Officer [REDACTED] stated that he did not recall whether [REDACTED] was asked to provide his phone number or whether he volunteered it. Officer [REDACTED] stated that when speaking to [REDACTED] about the gun, he used the word, "pipe." Officer [REDACTED] stated that there is a certain way, "they," say things and for [REDACTED] to get a better understanding he used the word, "pipe."

Officer [REDACTED] stated that prior to August 27, 2018, he had not encountered [REDACTED] Officer [REDACTED] stated that he did not recall which officer called [REDACTED] but that one of them called him and learned that [REDACTED] obtained a gun. Officer [REDACTED] stated he believed only one phone call was made to [REDACTED] a couple of hours after the traffic stop. Officer [REDACTED] stated that [REDACTED] informed the officers that he had placed the gun under a garbage can in an alley. Officer [REDACTED] stated he and Officer [REDACTED] and [REDACTED] relocated to find the gun but did not find anything. Officer [REDACTED] stated that when they did not find the gun, they called [REDACTED] again to confirm the location.

Officer [REDACTED] stated that [REDACTED] made unnecessary comments regarding fear for his life. Officer [REDACTED] stated that Officer [REDACTED] apologized for him feeling threatened, but they were just trying to get guns off the street. Officer [REDACTED] stated that Officer [REDACTED] did not have any communication with [REDACTED] regarding the recovery of the weapon. Officer [REDACTED] stated that Officers [REDACTED] and he were called to the station by Sergeant [REDACTED] who told them that they went too far. Officer [REDACTED] stated that personally he did not know what he was doing was wrong until he met with Sergeant [REDACTED] Officer [REDACTED] stated that Sergeant [REDACTED] told him what he did was totally uncalled for and that he should not have done that. Officer [REDACTED] stated that he explained to Sergeant [REDACTED] that he thought that his actions were proactive police work.

When asked where he learned the technique he used on [REDACTED] Officer [REDACTED] stated that a few months prior, he and Officer [REDACTED] decided they were going to try to gather as much intel as possible to remove guns off the street. Officer [REDACTED] stated that there have been times where he learned of individuals with prior gun charges and he asked the individuals for information regarding guns. Officer [REDACTED] stated that in some cases the individuals provide good information, and, in some cases, they ask to be left alone. Officer [REDACTED] stated that he has not recovered a weapon from a similar situation as [REDACTED] in the past. Officer [REDACTED] stated that he has received honorable mentions from the Chicago Police Department for recovering weapons. Officer [REDACTED] reiterated that he did not know his actions were improper. Officer [REDACTED] stated that his body worn camera captures him confidently speaking to [REDACTED] about the gun retrieval because he did not know his actions were wrong. Officer [REDACTED] stated that he has seen children being shot and he wants to help rid the streets of guns. Officer [REDACTED] stated his intentions were good, however, had he known his actions were wrong he would not have done it because he worked hard to become a Chicago Police Officer.

COPA conducted accused Officer ██████████ (“Officer ██████████ audio statement on November 27, 2018.<sup>5</sup> Officer ██████████ stated that prior to August 27, 2018, he had worked with both Officer ██████████ and ██████████ however, he did not know how many times. Officer ██████████ stated that Officer ██████████ was the driver of the vehicle, Officer ██████████ was the passenger, and he was a back passenger directly behind Officer ██████████. Officer ██████████ stated that he recalled conducting the traffic stop of ██████████ vehicle that was travelling down an alley. Officer ██████████ did not recall the initial reason for stopping ██████████ however, he believed it was because ██████████ was using the alley as a through street, which is a violation. Officer ██████████ stated they activated the police vehicle’s emergency lights and ██████████ vehicle came to a stop on the St. Louis block.

Officer ██████████ stated that he and Officer ██████████ approached ██████████ driver’s side window and Officer ██████████ approached the passenger’s side window. Officer ██████████ stated Officer ██████████ asked ██████████ if he had a driver’s license to which he responded in the negative. Officer ██████████ stated Officer ██████████ asked ██████████ to step out of the vehicle and asked him if he had any weapons or narcotics on his person, to which ██████████ responded he did not. Officer ██████████ stated Officer ██████████ asked ██████████ for consent to search the vehicle and ██████████ consented. Officer ██████████ stated ██████████ was handcuffed by Officer ██████████ and brought back to the police vehicle. Officer ██████████ stated that at that moment ██████████ was not under arrest.

Officer ██████████ stated he conducted the search of the vehicle. Officer ██████████ stated ██████████ demeanor was calm. Officer ██████████ stated that during the traffic stop he did not become aware that Officers ██████████ and ██████████ asked ██████████ for a gun in exchange for his release. Officer ██████████ stated that he became aware that Officers ██████████ and ██████████ asked ██████████ for a gun at the end of the stop when ██████████ was uncuffed.

Officer ██████████ stated that Officers ██████████ and ██████████ related to him that ██████████ had the possibility of getting the officers intel on obtaining a gun. Officer ██████████ stated he did not recall Officers ██████████ and ██████████ relating to him how they were going to go about acquiring the gun. Officer ██████████ stated ██████████ was allowed to leave the scene and he did not recall what he and Officers ██████████ and ██████████ did after releasing ██████████. Officer ██████████ stated sometime during the evening, he and Officers ██████████ and ██████████ relocated to another location to pick up the gun allegedly placed by ██████████. Officer ██████████ stated that prior to relocating to the location, he was made aware by Officers ██████████ and ██████████ that they were in route to recover a gun. Officer ██████████ stated that prior to relocating to the location, he did not hear Officers ██████████ or ██████████ make phone calls to ██████████. Officer ██████████ stated that no gun was recovered at the location.

Officer ██████████ stated that he and Officers ██████████ and ██████████ were called to the station by Sergeant ██████████ an hour or half an hour later. Officer ██████████ stated that at the station Sergeant ██████████ informed the officers he received a complaint about their actions. Officer ██████████ stated that Sergeant ██████████ asked them to explain their actions. Officer ██████████ stated that Sergeant ██████████ made the officers aware that their actions were wrong, and they should not be going into adjacent districts and that they should have informed the team about the situation. Officer ██████████ stated he told Sergeant ██████████ that he was unaware of the details and was only aware that there was a gun and they were going to check on whether the information was true. Officer ██████████ stated he did not write a memorandum about the events that occurred. Officer ██████████ stated Officers ██████████ and ██████████ have not said anything to him about the situation since August 27, 2018.

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<sup>5</sup> Attachment 34



COPA conducted witness Sergeant [REDACTED] (“Sergeant [REDACTED] audio statement on December 17, 2018.<sup>6</sup> Sergeant [REDACTED] stated that on August 27, 2018, he responded to the location of 1540 S. Drake Ave. to make a report for a traffic stop that occurred at 745 N. St. Louis Ave. Sergeant [REDACTED] stated he initially spoke to [REDACTED] who informed him that [REDACTED] had been the subject of a traffic stop at 745 N. St. Louis Ave. Sergeant [REDACTED] stated that [REDACTED] then informed him that three officers stopped him while driving for not having a valid driver’s license at approximately 5:51 p.m. Sergeant [REDACTED] stated that [REDACTED] alleged that the officers told him he should be taken into the station for a traffic violation, but they would not if [REDACTED] produced a gun or made calls to obtain a gun. Sergeant [REDACTED] stated that [REDACTED] told him the first call he made was to his brother to attempt to obtain a gun, but he was unsuccessful, so the officers told him they would call [REDACTED]. Sergeant [REDACTED] stated that he told [REDACTED] he was going to write a complaint.

Sergeant [REDACTED] stated that he also advised [REDACTED] to record the telephone conversation if the officers involved called him. Sergeant [REDACTED] further told [REDACTED] to call him if the involved officers called him. Sergeant [REDACTED] stated that [REDACTED] called him when he got back to the station and informed him that he received a call from the officers. Sergeant [REDACTED] stated that [REDACTED] went to the station around 7:50 p.m. and played him the recording of the telephone call with the officers. Sergeant [REDACTED] stated he informed [REDACTED] of the investigative process and told him to contact the police if the involved officers continued to bother him. Sergeant [REDACTED] stated that officers are not permitted to offer the release of an arrestee in exchange for providing a weapon. Sergeant [REDACTED] stated that when there is a weapon turn in there are proper protocols and documentation that must be done. Sergeant [REDACTED] stated there are no rewards or encouragement from the Chicago Police Department to recover weapons. Sergeant [REDACTED] stated the recovery of weapons is a police officer’s job.

COPA conducted witness Sergeant [REDACTED] (“Sergeant [REDACTED] audio statement on January 11, 2019.<sup>7</sup> Sergeant [REDACTED] stated that on August 27, 2018, he was on duty in the [REDACTED] district. Sergeant [REDACTED] stated on August 27, 2018, he did not become aware of a traffic stop incident complaint. Sergeant [REDACTED] stated he became aware of the incident three to four days later. Sergeant [REDACTED] stated that Lieutenant [REDACTED] (“Lt. [REDACTED] from the [REDACTED] District informed him that Officers [REDACTED] and [REDACTED] were involved in an incident during a traffic stop and that a log number was generated. Sergeant [REDACTED] stated that Lieutenant [REDACTED] did not elaborate on the nature of the complaint. Sergeant [REDACTED] stated that upon learning about the complaint, he spoke to Officers [REDACTED] and [REDACTED]. Sergeant [REDACTED] stated he did not recall what day it was that he spoke to the officers, but he did not believe it was the same day as the incident.

Sergeant [REDACTED] stated that Officers [REDACTED] and [REDACTED] related that they had a verbal altercation with the subject of the traffic stop. Sergeant [REDACTED] stated that once he learned that information he related to the officers that they need to be careful of how they interact with people. Sergeant [REDACTED] stated he further told the officers that these are different times and officers must be careful of what they say, of cursing, of how they approach people, and that they must take a “diligent and stand back” approach in traffic stops. Sergeant [REDACTED] stated police work is very dangerous and the area the officers work in is high in violence and confrontation. Sergeant [REDACTED] stated that he never became specifically aware of the kind of conversation or interaction the officers had with the complainant.

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<sup>6</sup> Attachment 41

<sup>7</sup> Attachment 46

Sergeant [REDACTED] stated he never asked the officers about what specifically happened because he assumed it was a verbal issue involving probable cause. Sergeant [REDACTED] stated that he learned of the allegations three weeks to a month later when Officer [REDACTED] was taken off field duty. Sergeant [REDACTED] stated he did not recall, but it was possible, that he told Officers [REDACTED] and [REDACTED] that they crossed the line in their actions on August 27, 2018. Sergeant [REDACTED] stated he did not recall what the officers told him in response to his statements. Sergeant [REDACTED] stated his conversation with Officer [REDACTED] and [REDACTED] was not captured on body worn camera. Sergeant [REDACTED] stated he did not recall having a conversation with Officer [REDACTED] with regards to the traffic incident on August 27, 2018.

Sergeant [REDACTED] stated that officers are not permitted to offer the release of an individual in exchange for turning in a weapon. Sergeant [REDACTED] stated under no circumstances may an officer make a deal for a gun turn in in exchange for no police action. Sergeant [REDACTED] stated that the proper protocols for recovery of a weapon include completing a general offense case report and inventorying the weapon into CPD evidence. Sergeant [REDACTED] stated that he was not sure what rule violation an officer violated if he is found to be coercing civilians into turning in a weapon under the threat of police action. Sergeant [REDACTED] stated there are no rewards for an officer if he recovers a weapon. Sergeant [REDACTED] stated an officer receives a salary and it is their duty.

Sergeant [REDACTED] stated Officer [REDACTED] is from Romania and he has spoken to him in the past about the cultural differences in how people approach the police in Romania and in the United States. Sergeant [REDACTED] stated Officer [REDACTED] is stern and verbose in how he approaches people in stops and thinks this leads to higher level of confrontation. Sergeant [REDACTED] stated he believes this is more of a cultural issue with Officer [REDACTED] more than it is his intention to raise the level of the situation. Sergeant [REDACTED] stated he has a lot of confidence in Officers [REDACTED] and [REDACTED] because they have done a lot of good work for him in the past. Sergeant [REDACTED] stated that he has talked to the officers in the past about the proper way to approach people. Sergeant [REDACTED] stated that after he learned about the allegations he called Officer [REDACTED] to make sure he was okay, considering the number of suicides within the Chicago Police Department. Sergeant [REDACTED] stated he told Officer [REDACTED] to be honest and to follow through with the procedures. Sergeant [REDACTED] stated he did discuss with Officer [REDACTED] the specific allegations. Sergeant [REDACTED] stated he also spoke to Officers [REDACTED] and [REDACTED] to give them words of positivity and encouragement.

#### **b. Digital Evidence**

**Photographs** provided by [REDACTED] depict screenshots of the phone calls made by Officers [REDACTED] and [REDACTED]. Three calls are recorded at 8:10 p.m., 8:22 p.m. and 8:32 p.m.<sup>8</sup>

A **Photograph** provided by [REDACTED] depicts a squad car at the location of 1509 S. Drake Ave.<sup>9</sup>

A **Third-Party Video from A&R Food Mart**, located at 3452 W. Chicago Avenue, depicts [REDACTED] at 5:40:59 p.m. stopped at a stop sign on St. Louis Ave. waiting to turn left onto Chicago Ave.<sup>10</sup> At 5:41:08 p.m., Officers [REDACTED] and [REDACTED] appear, traveling down Chicago Ave. At 5:41:32 p.m., [REDACTED] turns left onto Chicago Ave. travelling approximately two

<sup>8</sup> Attachment 29; 1-4

<sup>9</sup> Attachment 29; 11

<sup>10</sup> Attachment 29; 12, 13

cars distance behind the officers. At 5:41:08 p.m., [REDACTED] turns left onto Drake Ave. and at 5:41:32 p.m., Officer [REDACTED] does a U-Turn and follows [REDACTED] down Drake Ave. through the first alley on the left-hand side. [REDACTED] is stopped at 5:42:11 p.m. Officer [REDACTED] drives off at 6:02 p.m. [REDACTED] slowly pulls away from the area and at 6:03 p.m. an individual in a red shirt gets into [REDACTED] vehicle.

In a **Cell Phone Video Recording** of Officer [REDACTED] calling [REDACTED] Officer [REDACTED] is heard asking [REDACTED] for a location.<sup>11</sup> [REDACTED] tells Officer [REDACTED] the location is 1509 S. Drake Ave. and that he put “it” in the garbage can.

In a **Cell Phone Video Recording** of Officer [REDACTED] calling [REDACTED] Officer [REDACTED] is heard confirming with [REDACTED] that he put “it” in the back.<sup>12</sup> [REDACTED] tells Officer [REDACTED] he put “it” under the garbage can and doesn’t know if anyone saw him put it there. Officer [REDACTED] asks [REDACTED] how long ago he put “it” there and confirms there is an empty lot with a white truck.

In a **Cell Phone Video Recording** of Officer [REDACTED] calling [REDACTED] Officer [REDACTED] is heard asking [REDACTED] why he made them go all the way over there.<sup>13</sup> Officer [REDACTED] further tells [REDACTED] that he did not deliver. [REDACTED] tells Officer [REDACTED] that he is scared for his life. [REDACTED] is seen standing in the lobby of the police station asking to speak to a Sergeant because some officers are harassing him. Officer [REDACTED] tells [REDACTED] not to be scared because they had a deal. [REDACTED] asks Officer [REDACTED] to stop calling him and Officer [REDACTED] hangs up.

Officer [REDACTED] **Body Worn Camera (“BWC”)** begins capturing when he is running [REDACTED] name over the computer.<sup>14</sup> Officer [REDACTED] states that he is sure [REDACTED] has something to tell them. Officer [REDACTED] questions whether [REDACTED] heard what Officer [REDACTED] stated. Officer [REDACTED] states that he is subject to going to jail and his vehicle subject to impound. Officer [REDACTED] asks [REDACTED] whether he wants to go to jail or do something else. [REDACTED] questions the officers about what they mean. Officer [REDACTED] asks [REDACTED] whether he has a, “pipe,” and asks him to make a call. Officer [REDACTED] states that he wants a pipe and not an arrest. Officer [REDACTED] tells [REDACTED] to call someone and to tell them to put it at whatever location he wants. Officer [REDACTED] tells [REDACTED] to give them an address and he will be on his way. [REDACTED] states that he can try to call someone but did not know. Officer [REDACTED] tells [REDACTED] to tell his contact that he needs a gun and a pick-up location. Officer [REDACTED] states that they need a gun within the next half hour and a location within the next 15 minutes. Officer [REDACTED] tells Officer [REDACTED] to get [REDACTED] phone.

Officer [REDACTED] **BWC** depicts him getting out of the passengers’ seat of the police vehicle and approaching [REDACTED] passenger side window.<sup>15</sup> The passenger side window is closed and Officer [REDACTED] uses his flash light to look inside of the vehicle. Officer [REDACTED] then hands a handcuffed [REDACTED] to Officer [REDACTED] While standing with [REDACTED] Officer [REDACTED] asks [REDACTED] when he was last arrested. [REDACTED] states that he was arrested in 2016 for a gun. [REDACTED] states that he was in the car with someone else and the case was eventually thrown out. [REDACTED] further

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<sup>11</sup> Attachment 29; 7

<sup>12</sup> Attachment 29; 6

<sup>13</sup> Attachment 29; 5

<sup>14</sup> Attachment 30; AXON\_Body\_2\_Video\_2018-08-27-1746

<sup>15</sup> Attachment 30, AXON\_Body\_2\_Video\_2018-27-1742-file\_2

states that his license is not suspended or revoked and that he just paid for it. Officer [REDACTED] then brings [REDACTED] near the police vehicle's passenger side window to speak to Officer [REDACTED]. Officer [REDACTED] states that they will have to take his car away. Officer [REDACTED] further asks [REDACTED] about the gun charge and asks whether the gun was his. [REDACTED] states that the gun was someone else's. Officer [REDACTED] states that driving with an invalid license is a misdemeanor charge and his car could be impounded which would cost [REDACTED] about two thousand dollars.

Officer [REDACTED] then states that he is sure [REDACTED] has something to tell them. [REDACTED] asks the officer to repeat himself. Officer [REDACTED] states that [REDACTED] is subject to being arrested and his vehicle is subject to being impounded. Officer [REDACTED] states that total cost is two thousand dollars without the ticket costs. Officer [REDACTED] asks [REDACTED] what it's going to be, whether jail or something else. [REDACTED] asks about what he means. Officer [REDACTED] asks [REDACTED] whether he has a "pipe." [REDACTED] states that he does not. Officer [REDACTED] asks [REDACTED] to give them one. [REDACTED] states that he thinks he knows where something is. Officer [REDACTED] states that he does not need a "head" with it, that he just wants a "pipe." Officer [REDACTED] asks [REDACTED] to give them an address to go pick it up. [REDACTED] states that he can try to call someone, but he can't guarantee anything. [REDACTED] states that he knows about a trap house that might have something. Officer [REDACTED] moves a handcuffed [REDACTED] closer to Officer [REDACTED] and asks whether he wants [REDACTED] to call someone. Officer [REDACTED] states that he is going to shut off his BWC and Officer [REDACTED] turns his off as well.

Officer [REDACTED] BWC depicts him getting out of the back passengers' seat of the police vehicle and approaching [REDACTED] driver's side window behind Officer [REDACTED]<sup>16</sup>. Officer [REDACTED] is seen asking [REDACTED] for his driver's license. [REDACTED] hands Officer [REDACTED] his identification card and states that he does not have a driver's license. Officer [REDACTED] informs [REDACTED] that not having a driver's license is an arrestable offense and instructs him to exit the vehicle. As [REDACTED] begins to exit his vehicle Officer [REDACTED] begins to place handcuffs on [REDACTED]. As Officer [REDACTED] is placing the handcuffs on [REDACTED] he asks [REDACTED] if he has any weapons or narcotics on his person to which [REDACTED] states that he does not. Officer [REDACTED] further asks [REDACTED] where he was going. [REDACTED] states that he is picking up his cousin. Officer [REDACTED] asks [REDACTED] why he made a U-Turn in the alley and [REDACTED] states that his cousin was trying to flag him down. Officer [REDACTED] asks [REDACTED] if they can search the vehicle and [REDACTED] consents. Officer [REDACTED] then begins to search the vehicle. Officer [REDACTED] then approaches Officer [REDACTED] as he is asking [REDACTED] for a "pipe." Officer [REDACTED] walks towards Officer [REDACTED] and [REDACTED] as Officer [REDACTED] tells [REDACTED] to make the call. Officer [REDACTED] is holding [REDACTED] who is still handcuffed. Officer [REDACTED] returns to [REDACTED] vehicle and retrieves [REDACTED] cell phone. Officer [REDACTED] hands [REDACTED] his cellphone while still being handcuffed. Officer [REDACTED] walks [REDACTED] towards Officer [REDACTED] and asks whether he wants [REDACTED] to call someone. Officer [REDACTED] states that he is going to cut off his body BWC and at that moments Officer [REDACTED] also shuts off his.

### c. Documentary Evidence

An OEMC Report for August 27, 2018, indicates that Officer [REDACTED] was present at the traffic stop location of 745 N. Saint Louis Ave. from 5:42 p.m. to 6:01 p.m.<sup>17</sup>

<sup>16</sup> Attachment 30; AXON\_Body-2-Video-2018-08-27\_1742

<sup>17</sup> Attachment 6

An OEMC Report for August 27, 2018, indicates that Officer ██████ was present at the alleged weapon recovery location of 1509 S. Drake Ave. from 7:32 p.m. to 8:30 p.m.<sup>18</sup>

## VI. ANALYSIS

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard. It is alleged by ██████ that Officers ██████ and ██████ coerced him into turning in a weapon under the threat of police action. COPA also alleged that Officer ██████ failed to report misconduct when he did not report Officers ██████ and ██████ when they made coercing statements to ██████ during the traffic stop. After analyzing the evidence, COPA determined the allegations against Officers ██████ and ██████ are supported by sufficient evidence to reach Sustained findings.

At issue is whether Officers ██████ and ██████ made compelling and coercing statements to ██████ to obtain a firearm under the threat of police action on August 27, 2018. In accordance with the Chicago Police Department's views reflected in The Advocate 2.0 Volume I issue February 2016, titled, "Case Reporting and Weapon Turn Ins," Chicago Police Officers should never provide false information about the circumstances surrounding a weapon turn in. Officers are also prohibited from compelling and otherwise coercing any person to turn in a weapon under the threat of police action. The Officers and Supervisors who disregard these prohibitions can face severe consequences.<sup>19</sup>

Evidence shows that Officers ██████ and ██████ conducted a valid traffic stop of Complainant ██████ for using the alley as a through street which is a municipal violation.<sup>20</sup> Once Officer ██████ discovered that ██████ did not have a valid driver's license, he was within his powers to ask ██████ to exit the vehicle and handcuff him while he conducted his investigation. Officers ██████ and ██████ investigation led them to discover that ██████ had a prior arrest for unlawful possession of a firearm. Based on that knowledge, Officers ██████ and ██████ believed that ██████ had access to a firearm.

Officers ██████ and ██████ then made statements to ██████ urging him to either provide them with a firearm or be arrested. The statements were captured both on the Officers' BWC and on ██████ personal phone. Officer ██████ statement, "my man, driving on an invalid license is a misdemeanor charge and we can impound your car which is about two grand to take it out,"<sup>21</sup> and Officer ██████ follow up statement of, "You got a pipe – I don't want an arrest with it – so call whoever you want, tell them to place it whatever location you want, give us an address, we'll pick it up, and you'll be up out your way,"<sup>22</sup> cannot be taken in any other manner other than as compelling statements made to ██████ to avoid his arrest for the traffic stop.

While Officers ██████ and ██████ stated that their intentions were never to arrest ██████ and that they hoped he understood he would not be arrested, neither officer made ██████ aware that he would not be arrested in conjunction with the minor traffic violations. Moreover, neither Officer made ██████ aware that he was free to leave and did not have to comply with their request to provide a firearm. Further, when the statements regarding the firearm were made to ██████ he was handcuffed and when ██████ made the calls to obtain a firearm, he was placed in the back of

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<sup>18</sup> Attachment 28

<sup>19</sup> Attachment 48

<sup>20</sup> See generally, Chicago Municipal Code, Section 9-20-010

<sup>21</sup> Attachment 30, AXON\_Body\_2\_Video\_2018-27-1742-file\_2 at 4:17

<sup>22</sup> Attachment 30, Attachment 30; AXON\_Body\_2\_Video\_2018-08-27-1746 at 0:57

the police vehicle with Officer ██████ blocking the door. Officers ██████ and ██████ employed persuading and intimidating tactics on ██████ after creating an unfounded view of ██████ as a man with access to illegal firearms. Officer ██████ statement that he used the word, “pipe” instead of firearm with ██████ because there is a certain way, “they,”<sup>23</sup> say things alludes to him stereotyping ██████. While it is the job of police officers to be proactive in ridding the streets of illegal guns, the manner in which Officers ██████ and ██████ chose to act on August 27, 2018, was improper. Both Officers ██████ and ██████ were made aware that their actions were out of line with the practices of the department by Sergeant ██████ and it was a view they shared and expressed in their interview with COPA. For the aforementioned reasons, COPA recommends the finding of Sustained.

With respect to Officer ██████ COPA finds that he had sufficient knowledge of Officers ██████ and ██████ actions to conclude that they were improper. Officer ██████ was within ear shot of Officers ██████ and ██████ when they made the coercing statements to ██████. Additionally, Officer ██████ had sufficient time to report the actions of Officer ██████ and ██████ to a superior. For the aforementioned reasons, COPA also recommends the finding of Sustained with regard to the allegation against Officer ██████.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer ██████

#### i. Complimentary and Disciplinary History

Officer ██████ complimentary history shows he has received an emblem of recognition for physical fitness, the traffic stop of the month award and 32 honorable mentions. Officer ██████ disciplinary history shows a court appearance violation and equipment violation.

#### ii. Recommended Penalty, by allegation

##### 1. Allegation No. 1, 10 Day Suspension and Training

### b. Officer ██████

#### i. Complimentary and Disciplinary History

Officer ██████ complimentary history shows he has received an emblem of recognition for physical fitness, a department commendation, and 31 honorable mentions. Officer ██████ does not have any prior disciplinary history.

#### ii. Recommended Penalty by allegation

##### 1. Allegation No. 1, 10 Day Suspension and Training

### c. Officer ██████

#### i. Complimentary and Disciplinary History

Officer ██████ complimentary history shows he has received two emblems of recognition for physical fitness, one police officer of the month award, and 45 honorable mentions. Officer ██████ does not have any prior disciplinary history.

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<sup>23</sup> Attachment 35 at 18:31

**ii. Recommended Penalty by Allegation**  
**1. Allegation No. 1, 5 Day Suspension and Training**

**VIII. CONCLUSION**

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

Officer	Allegation	Finding/Recommendation
Officer [REDACTED] [REDACTED]	1.It is alleged by [REDACTED] that on August 27, 2018, at approximately 5:51 p.m., near the location of 745 N. St. Louis Ave. Chicago, Illinois 60624, you coerced him into turning in a weapon under the threat of police action in violation of Rule 3.	Sustained/ 10 Day Suspension and Training
Officer [REDACTED] [REDACTED]	1.It is alleged by [REDACTED] that on August 27, 2018, at approximately 5:51 p.m., near the location of 745 N. St. Louis Ave. Chicago, Illinois 60624, you coerced him into turning in a weapon under the threat of police action in violation of Rule 3.	Sustained/ 10 Day Suspension and Training
Officer [REDACTED] [REDACTED]	1.It is alleged by COPA that you failed to report misconduct in that you did not report Officer [REDACTED] and [REDACTED] when they made coercing statements to [REDACTED] on August 27, 2018, at approximately 5:51 p.m., near the location of 745 N. St. Louis., Chicago, Illinois 60624 in violation of Rule 21.	Sustained/ 10 Day Suspension and Training

Approved:

\_\_\_\_\_  
 Angela Heart-Glass  
 Deputy Chief Administrator – Chief Investigator

\_\_\_\_\_  
 Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	████████████████████
<b>Supervising Investigator:</b>	████████████████
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass