

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 7, 2018
Time of Incident:	4:00 PM
Location of Incident:	[REDACTED]
Date of COPA Notification:	October 9, 2018
Time of COPA Notification:	11:27 AM

On October 7, 2018, at approximately 4:00 PM, Field Training Officer [REDACTED] (“FTO [REDACTED]”), and Probationary Police Officer [REDACTED] (PPO [REDACTED]s) and Probationary Police Officer [REDACTED] (PPO [REDACTED]”), working in the [REDACTED] District as Beat no. [REDACTED], stopped complainant [REDACTED], (“Mr. [REDACTED]”) for a traffic violation in the vicinity of [REDACTED]. Mr. [REDACTED] alleged that he was falsely stopped during a traffic stop and his vehicle was searched without justification.

II. INVOLVED PARTIES

Involved Officer	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], DOA: [REDACTED], Rank: Field Training Officer, Unit of Assignment: [REDACTED] District, DOB: [REDACTED] 72, Male, Black
Involved PPO	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], DOA: [REDACTED] 2018, Rank: Probationary Police Officer, Unit of Assignment: [REDACTED] District, DOB: [REDACTED] 81, Female, Black.
Involved PPO	[REDACTED], Star # [REDACTED], Employee ID [REDACTED], DOA: [REDACTED] /89, Rank: Probationary Police Officer, Unit of Assignment: [REDACTED] District, DOB [REDACTED] 89, Male, Black.
Involved Individual	[REDACTED], DOB: [REDACTED] 1958, Male/Black.

III. ALLEGATION

Officer	Allegation	Finding
FTO [REDACTED]	1. It is alleged that on October 7, 2018, at approximately 4:00 pm, at [REDACTED] Street, FTO [REDACTED] falsely stopped Mr. [REDACTED] for failure to stop at a stop sign, in violation of Rules 1 and 2.	Exonerated
	2. It is alleged that on October 7, 2018, at approximately 4:00 pm, at [REDACTED] Street, FTO [REDACTED] instructed officers to search his vehicle without justification, in violation of Rules 1 and 2.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Violation of any law or ordinance.
2. **Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

General and Special Orders

1. Mission Statement and Core Values, General Order 01-01.
2. Impoundment of Vehicles for Municipal Code Violations, Special Order 07-03-05.

Federal Laws

1. 4th Amendment, U. S. Constitution.

Municipal Code

1. Municipal Code of Chicago: 9-80-240 (a)
2. Municipal Code of Chicago: 9-24-010 (a)
3. 625 ILCS 5/6-303 (a)
4. 625 ILCS 5/3-707

V. INVESTIGATION¹

a. Interviews

In an interview with COPA² ██████████ related that his driver's license has been suspended for over ten years and is homeless and living out of his 1999 Jeep. Mr. ██████████ related that he was driving westbound on ██████████ Street, when he observed a parked squad car on the opposite side of the intersection. After completing a full stop, Mr. ██████████ proceeded to drive through the intersection and observed the squad car approaching him from behind with its emergency lights activated. Mr. ██████████ stopped his vehicle and three officers, now known as FTO ██████████ and PPO ██████████ and PPO ██████████ exited and approached his vehicle. Mr. ██████████ said that PPO ██████████ requested to see his driver's license, registration and insurance card. Mr. ██████████ told the officers that his driver's license had been suspended. After confirming that Mr. ██████████'s license was revoked, Mr. ██████████ was handcuffed and placed into custody. Mr. ██████████ heard FTO ██████████ instruct the other officers to search his vehicle which was later taken to the police station and impounded. Mr. ██████████ admitted being stopped on other occasions for driving on a suspended license. However, Mr. ██████████ believes that FTO ██████████ falsely stopped him for failure to make a stop at a stop sign and having his vehicle searched without justification. Mr. ██████████ believes that the In-car camera video is going to show that he made a complete stop at the stop sign.

b. Digital Evidence

In-Car Camera video³ clearly shows Mr. ██████████ driving through the intersection without making a stop at the stop sign. The squad car in observed activating its emergency lights and curbing Mr. ██████████.

The Body Worn Camera (BWC) video shows FTO ██████████ and PPO ██████████ and PPO ██████████ conducting a traffic stop on Mr. ██████████ who admits to not having a valid driver's license. Mr. ██████████ described himself as being homeless and living out of his vehicle. PPO ██████████ requested to see Mr. ██████████'s driver's license and proof of his insurance and handed his identification card to PPO ██████████. FTO ██████████ instructed PPO ██████████ to run a driver's license check⁴ on Mr. ██████████ over the radio. The dispatcher informed PPO ██████████ that Mr. ██████████'s driver's license had been revoked and suspended for financial responsibilities. PPO ██████████ instructed Mr. ██████████ to exit his vehicle and to hand over his car keys. Mr. ██████████ exits his vehicle and is patted-down and handcuffed by PPO ██████████. FTO ██████████ observed conducting a thorough search of Mr. ██████████. PPO ██████████ is observed searching Mr. ██████████'s vehicle and requesting a Seizure Notice Sticker from PPO ██████████. Mr. ██████████

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 Att. 9, Audio Interview of ██████████.

³ Att. 21, In-Car Camera video.

⁴ Att. 24, OEMC 911 & Police Transmissions.

was upset and angry because his vehicle was going to impounded and referred to the officers as cold-blooded and ruthless gangsters.

c. Documentary Evidence

The Arrest Report of [REDACTED]⁵ indicated that on October 7, 2018, at 4:00 PM, at [REDACTED], the incident was captured on Body Worn Camera (BWC). The report related that Mr. [REDACTED] was driving westbound on [REDACTED] street, when he failed to stop at a stop sign. The officers curbed Mr. [REDACTED]'s vehicle and conducted a traffic stop investigation. Mr. [REDACTED] was asked to produce his driver's license and proof of insurance. Mr. [REDACTED] provided only a state identification card and admitted not having a valid driver's license. Mr. [REDACTED] did not provide proof of insurance and a request via police radio confirmed that Mr. [REDACTED]'s driver's license was indeed suspended. Mr. [REDACTED] was placed into custody and transported to the police station for processing and his vehicle was impounded. Mr. [REDACTED] was issued three citations for failure to stop at a stop sign, license suspended/revoked and operating uninsured vehicle.

Mr. [REDACTED] was issued citations for Failure to Stop at Stop Sign (TN-[REDACTED])⁶ and Operating an Uninsured Vehicle (TN-[REDACTED])⁷.

Mr. [REDACTED] was also issued a citation for Driving with a Suspended or Revoked license (TN-[REDACTED])⁸ which is a violation of Illinois Vehicle Code (625 ILCS 5/6-303) and Municipal Code of Chicago (MCC) 9-80-240 which is subject to impoundment under Special Order 07-03-05.

Special Order 07-03-05, Impoundment of Vehicle for Municipal Code violations.⁹ This order outlines the procedures for an impoundment of a vehicle that is in violation of MCC 9-80-240, Driving with a Revoked or Suspended License.

Vehicle Impoundment/Seizure Report¹⁰ indicated that Mr. [REDACTED] was observed failing to make a Stop at a Stop Sign. A LEADS search revealed that Mr. [REDACTED] was operating his vehicle with a revoked license which is a violation of Municipal Code of Chicago 9-80-240, Driving with a Suspended or Revoked License.

Chicago Police Department Event Query Report # [REDACTED]¹¹ indicated that FTO [REDACTED] and PPC [REDACTED] and PPC [REDACTED] conducted a traffic stop involving Mr. [REDACTED]. A name search revealed that Mr. [REDACTED] was driving with suspended driver's license.

⁵ Att. 4, Arrest Report of [REDACTED]

⁶ Att. 13, Traffic citation (TN-[REDACTED]).

⁷ Att. 11, Traffic citation (TN-[REDACTED]).

⁸ Att. 12, Traffic citation (TN-[REDACTED]).

⁹ Att. 26, Special Order 07-03-05, Impoundment of Vehicles for Municipal Code Violations.

¹⁰ Att. 10, Vehicle Impoundment/Seizure Report.

¹¹ Att. 5, CPD Event Query Report # [REDACTED].

OEMC PDT Messages Report¹² revealed through LEADS that Mr. [REDACTED]'s driver's license was suspended.

Municipal Code of Chicago 9-80-240¹³, Driving with a suspended or revoked license – Impoundment. (a) The owner of record of any motor vehicle that is operated by a person with a suspended or revoked driver's license shall be liable to the city for an administrative penalty of \$1,000 plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

VI. 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.

¹² Att. 19, OEMC PDT Messages Report.

¹³ Att. 25, Municipal Code of Chicago 9-80-240¹³, Driving with a suspended or revoked license – Impoundment.

VII. ANALYSIS

1. *Falsely stopped Mr. [REDACTED] during a traffic stop and had his vehicle searched without justification.*

The entire incident involving FTO [REDACTED], PPO [REDACTED], PPO [REDACTED] and Mr. [REDACTED] was captured on the Body Worn Camera (BWC) and In-Car Camera (ICC). Mr. [REDACTED] related in his interview that he was falsely cited for making a stop at the stop sign. However, the ICC captured Mr. [REDACTED] driving through the intersection without making a stop at a stop sign. Based on this evidence, COPA finds the allegation that Mr. [REDACTED] was falsely stopped during a traffic stop be EXONERATED.

The BWC shows the officers approach Mr. [REDACTED] and being greeted by PO [REDACTED] who informs him that he is being audio and video taped. PPO [REDACTED] instructed Mr. [REDACTED] to turn off his car and requested his driver's license and proof of insurance. Mr. [REDACTED] told PPO [REDACTED] that he did not have a valid driver's license and was homeless and living out of his vehicle. FTO [REDACTED] instructed PPO [REDACTED] to use her police radio and request a driver's license check on Mr. [REDACTED]. The dispatcher informed PPO [REDACTED] that Mr. [REDACTED]'s driver's license was revoked and suspended for financial reasons. At that point, PPO [REDACTED] instructed Mr. [REDACTED] to hand over the car keys and to step out of the car. PPO [REDACTED] then patted-down Mr. [REDACTED] and placed him in handcuffs. PPO [REDACTED] then searched Mr. [REDACTED]'s vehicle and requested a Seizure Notice Sticker from PPO [REDACTED]. The BWC showed PPO [REDACTED] searching through Mr. [REDACTED] vehicle, before it was driven away to the police station.

Pursuant to *South Dakota v. Opperman*¹⁴, when a vehicle is impounded for any reason, an officer may conduct an inventory search of the vehicle subject if the search is accordance with a department policy that does not give discretion to the individual officer but instead requires an inventory in cases of impoundment. Mr. [REDACTED] was in violation of Municipal Code of Chicago (MCC) 9-80-241, Driving with a Revoke or Suspended License and his vehicle was impounded and searched in accordance with Chicago Police Department policy. Specifically, Special Order 07-03-05 which outlines the procedures for impounding a vehicle in violation of certain Municipal Code of Chicago (MCC) ordinances. Based on this evidence, COPA finds that the allegation that Mr. [REDACTED]'s vehicle was search without justification be EXONERATED.

The BWC captured Mr. [REDACTED] yelling at the officers and referred to the officers as cold-blooded and ruthless gangsters. FTO [REDACTED], PPO [REDACTED] and PPO [REDACTED] maintained their composure and spoke to Mr. [REDACTED] with professionalism, dignity and respect and followed the Mission Statement and Core Values¹⁵ established by CPD.

¹⁴ 428 U.S. 364, 96 S. Ct. 3092 (1976)

¹⁵ Att. 27, General Order 01-01, Mission Statement and Core Values.

VIII. CONCLUSION

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

Officer	Allegation	Finding
FTO [REDACTED]	1. It is alleged that on October 7, 2018, at approximately 4:00 pm, at [REDACTED], FTO [REDACTED] falsely stopped Mr. [REDACTED] for failure to stop at a stop sign.	Exonerated
	2. It is alleged that on October 7, 2018, at approximately 4:00 pm, at [REDACTED], FTO [REDACTED] instructed officers to search his vehicle without justification.	Exonerated

[REDACTED SIGNATURE]

Angela Hearts Glass
Deputy Chief Administrator

6-19-19
Date

Appendix A

Assigned Investigative Staff

Squad [REDACTED]	
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]