

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 2, 2018, at 3:27pm, at or near [REDACTED], Chicago, Illinois
Date/Time of COPA Notification:	February 5, 2018, at 2:03pm
Involved Officer #1:	[REDACTED] Star # [REDACTED] / Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2001 Sergeant / Unit [REDACTED] Date of Birth: [REDACTED], 1967
Involved Officer #2:	[REDACTED] Star # [REDACTED] / Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2012 Police Officer / Unit [REDACTED] Date of Birth: [REDACTED], 1985 Male / White Hispanic
Involved Officer #3:	[REDACTED] Star # [REDACTED] / Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2010 Police Officer / Unit [REDACTED] Date of Birth: [REDACTED], 1982 Male / Hispanic
Involved Officer #4:	[REDACTED] Star # [REDACTED] / Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2003 Police Officer / Unit [REDACTED] Date of Birth: [REDACTED], 1971 Male / Hispanic
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1982 Male / Black
Case Type:	Improper Search and/or Seizure

I. ALLEGATIONS

<p>Sgt. [REDACTED]</p>	<p>1. It is alleged that on February 2, 2018 p.m., at approximately 3:30 p.m., at or near [REDACTED] St., Sgt. [REDACTED] detained [REDACTED] without justification.</p> <p>2. It is alleged that on February 2, 2018 p.m., at approximately 3:30 p.m., at or near [REDACTED] St., Sgt. [REDACTED] seized US currency in the possession of [REDACTED] without justification.</p>	<p>Unfounded</p> <p>Unfounded</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on February 2, 2018 p.m., at approximately 3:30 p.m., at or near [REDACTED] St., Officer [REDACTED] detained [REDACTED] without justification.</p> <p>2. It is alleged that on February 2, 2018 p.m., at approximately 3:30 p.m., at or near [REDACTED] St., Officer [REDACTED] searched [REDACTED] without justification.</p> <p>3. It is alleged that on February 2, 2018 p.m., at approximately 3:30 p.m., at or near [REDACTED] St., Officer [REDACTED] seized US currency in the possession of [REDACTED] without justification.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer [REDACTED]</p>	<p>1. It is alleged that on February 2, 2018 p.m., at approximately 3:30 p.m., at or near [REDACTED] St., Officer [REDACTED] detained [REDACTED] without justification.</p>	<p>Unfounded</p>
<p>Officer [REDACTED] [REDACTED]</p>	<p>1. It is alleged that on February 2, 2018 p.m., at approximately 3:30 p.m., at or near [REDACTED] St., Officer [REDACTED] detained [REDACTED] without justification.</p>	<p>Unfounded</p>

II. SUMMARY OF EVIDENCE¹

Per CPD documentation (i.e. [REDACTED] arrest report, general case report and contact card) and supporting BWC footage², COPA determined that at approximately 3:20 p.m. on February 2, 2018, Officer [REDACTED] was working with Officer [REDACTED] on a gang violence suppression mission in an area known for narcotics activity. Officer [REDACTED] observed [REDACTED] and [REDACTED] walking together in the [REDACTED] Wood Street. [REDACTED] and [REDACTED] conversed briefly before parting ways. [REDACTED] got into the backseat of a Nissan, while [REDACTED] kept walking. [REDACTED] continued down the street and turned away from the officers when he noticed their presence. At the same time, Officer [REDACTED] approached the Nissan, smelled marijuana inside the car and asked [REDACTED] if he had been smoking marijuana, which [REDACTED] denied. Officer [REDACTED] also observed a plastic bag protruding from [REDACTED] coat pocket. Sgt. [REDACTED] and Officer [REDACTED] escorted [REDACTED] out of the car. [REDACTED] removed two more plastic bags from his pocket and removed the cash. The three bags contained approximately five thousand dollars.

Meanwhile, Officer [REDACTED] detained [REDACTED] down the street, where he told officers that he possessed a “half zipper” of marijuana.³ [REDACTED] also told officers that he had just been talking to [REDACTED]. At the same time, [REDACTED] admitted to officers that he had been smoking marijuana earlier during the day. He also told officers that he was carrying thousands of dollars in cash because he was going to buy a car. Sgt. [REDACTED] confirmed with [REDACTED] that he had been talking to [REDACTED] in the street minutes earlier. Sgt. [REDACTED] returned to [REDACTED] and informed him that he was under a narcotics investigation. Then, Officer [REDACTED] searched [REDACTED] and discovered marijuana in his pocket. Sgt. [REDACTED] and Officers [REDACTED] and [REDACTED] detained [REDACTED] throughout his police encounter. The officers also seized [REDACTED] cash. Sgt. [REDACTED] transported [REDACTED] to the [REDACTED] District station, where he was released with a citation for marijuana possession and an inventory sheet detailing his seized cash.

III. ANALYSIS AND CONCLUSION

COPA recommends a finding of unfounded for all allegations against Sgt. [REDACTED] and Officers [REDACTED] and [REDACTED].

[REDACTED] claim that he was detained and searched without justification is not supported by the evidence. The body worn camera footage shows that the officers discussed the smell of marijuana with each other and with the Nissan passengers, including [REDACTED]. The passengers admitted to smelling marijuana as well. It is well established that it is not a violation of the 4th amendment to search a vehicle based on the recognizable smell of an illegal substance.⁴ Further, Illinois courts have extended this warrant exception to the search of the driver and all passengers of the vehicle.⁵ Because the officers indicated the search was based on the suspicion of narcotics

¹COPA investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

² Attachments 20, 19, 16, 4, and 5.

³ According to a police report, [REDACTED] possessed approximately 15 grams of marijuana on scene. (Att. 5)

⁴ *People v. Stout*, 106 Ill. 2d 77, 87 (1985).

⁵ *People v. Boyd*, 298 Ill. App. 3d 1118, 1127 (1998).

possession due to the marijuana odor, there was probable cause to search the vehicle and its passengers. In light of this probable cause, allegation 1 against Sergeant [REDACTED] allegations 1 and 2 against Officer [REDACTED] and allegation 1 against Officers [REDACTED] and [REDACTED] are unfounded.

[REDACTED] claim that the US currency was seized from his possession without justification is also not supported by the evidence. The currency was discovered by Officer [REDACTED] during an investigation of a possible narcotics transaction. The officers found the possession of large, separated amounts of cash in plastic bags suspicious. [REDACTED] had just been speaking with [REDACTED] who himself had been discovered in possession of marijuana. Based on these known facts, a possible connection existed between the marijuana found on [REDACTED] and the cash found on [REDACTED]⁶ and therefore probable cause existed to seize it.⁷ As such, allegation 2 against Sgt. [REDACTED] and allegation 3 against Officer [REDACTED] are unfounded.

Approved:

[REDACTED]

June 17, 2019

Andrea Kersten
Deputy Chief Investigator

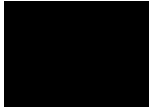

Date

⁶ Attachment 4

⁷ See e.g. 720 ILCS 570/505(a)-(b)

Appendix A

Assigned Investigative Staff

Squad#:	3
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Kersten