

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 11, 2018
Time of Incident:	9:10 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	October 15, 2018
Time of COPA Notification:	1:52 a.m.

On October 11, 2018, [REDACTED] (“[REDACTED]”) was stopped for not displaying a registration plate. During the traffic stop, Officer [REDACTED] (“Officer [REDACTED]”) and his partners (the “officers”) discovered [REDACTED] had a suspended license. Officer [REDACTED] placed [REDACTED] in handcuffs and took her to the police station because she had no license, no insurance and the vehicle had no registration. Officer [REDACTED] drove [REDACTED]’s vehicle to the police station and the vehicle was impounded. [REDACTED] alleged Officer [REDACTED] detained her unnecessarily and damaged her cell phone.<sup>1</sup>

The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations. COPA’s investigation determined that Officer [REDACTED] acted in accordance with Department procedures when he detained [REDACTED]. Based on the information provided by [REDACTED], there was no complaint of misconduct regarding the damage to [REDACTED]’s cell phone. Accordingly, no allegations against him were served in this matter. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED], 2018, PO, Unit [REDACTED], DOB: [REDACTED] 1994, Male, White
Involved Officer #2:	[REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED], 2018, PO, Unit [REDACTED], DOB: [REDACTED], 1995, Male, White Hispanic
Involved Officer #3:	[REDACTED], star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED], 2000, FTO, Unit [REDACTED], DOB: [REDACTED], 1968, Female, Black
Involved Officer #4:	[REDACTED], star # [REDACTED], employee ID# [REDACTED],

<sup>1</sup> While [REDACTED] indicated her cell phone was damaged while in police custody, there is no indication of intentional damage or whether Officer [REDACTED] was aware her cell phone had been damaged. When a Department Member is involved in an incident resulting in accidental damage to property, that member will notify and request a supervisor, ensure all required documentation is completed. The supervisor will determine whether a City Claims Notification should be made and will complete and submit the Notification form. Special Order S03-10.

Involvement Officer #5: Date of Appointment: [REDACTED], 2012, FTO, Unit [REDACTED],  
 DOB: [REDACTED], 1987, Female, White Hispanic  
 [REDACTED], star # [REDACTED],  
 employee ID# [REDACTED],  
 Date of Appointment: [REDACTED], 2018, PO, Unit [REDACTED],  
 DOB: [REDACTED], 1997, Male, White Hispanic  
 Involvement Individual #1: [REDACTED], DOB: [REDACTED], 1991, Female, White

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on October 11, 2018, in the vicinity of [REDACTED], at approximately 9:10 p.m., you detained [REDACTED] without justification.	Exonerated
	2. It is alleged that you did not [REDACTED].	Exonerated

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
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.

Special Orders

1. S04-13-09 Investigatory Stop System
2. S04-14-03 Mandatory Court Appearance
3. S06-13 “Bond Procedures”
4. S06-13-01 “Bond Procedures – Nonresident Violator Compact”

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

In an interview with COPA, on October 15, 2018, ██████████ (“████████”) stated, on October 11, 2018, at approximately 8:45 p.m., she was driving alone in a 2010 Honda Insight, which had a city sticker but no temporary tags or license plate, when officers stopped her. The Officer, now known as Officer ██████, came to her window and asked for her license. ██████ did not have her license on her, so she provided her passport. ██████ explained the car did not have plates because she had recently purchased<sup>3</sup> the car and did not complete the paperwork. Officer ██████ asked ██████ if she had an Illinois license, which she replied no she has a California license. Officer ██████ told ██████ she had a conviction. ██████ later went to the Secretary of State and discovered there was an issue in California that was reported to Illinois, there was \$100 holding fine for not having insurance on her Illinois license number.<sup>4</sup>

Officer ██████ ordered her out of the car and told her to turn around to be handcuffed. Officer ██████ called other officers and approximately six officers responded, including two female officers. ██████ stated to female officer, Officer ██████, she was coming from a session with ██████ Outpatient Program counseling for anxiety attacks. She did not feel Officer ██████ was sensitive to her condition, even though she was compliant. When asked what was going to happen to her car, Officer ██████ told ██████ she would be taken to the police station for about 30 minutes and it was Officer ██████’s discretion what to do with her car. ██████ was taken to the police station, placed in a room and waited for a while, but was not fingerprinted. She was not mirandized, and officers asked her about her record, which she responded no to all questions. ██████ was released after 11:00 p.m. ██████ indicated Officer ██████ was struggling to find the same background information on her that he said was displayed in his car.

████████ stated her complaint is that it was not communicated the cause of her arrest or why she was taken to the police station and she was detained longer than necessary. ██████ understood the process to be that she would receive a ticket, sign it, and be released. Officer ██████ took her cell phone from the car, and when he returned it to her the cell phone was damaged. ██████ did not know what happened to the cell phone or whether the damage was an accident. Additionally, ██████ was not sure if it was legal for Officer ██████ to drive her car because it did not have plates or insurance.<sup>5,6</sup>

In a telephone interview with COPA, on January 17, 2019, ██████████ (“████████”) provided a consistent statement as her previous interview with COPA with the following additional details. ██████ stated her cell phone on the night of the incident was a black/gray LG G7 ThinQ.

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<sup>2</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>3</sup> According to ██████’s 2019 Illinois Registration Identification Card, ██████ purchased the vehicle on ██████, 2018. Attachment 22.

<sup>4</sup> ██████ stated she had been stopped once in Illinois and received a bond for a headlight issue. At that time, she presented her California license.

<sup>5</sup> General Order G 07-03 “Vehicle Towing and Relocation Operations” allows an officer to operate a vehicle to be towed, without the owner’s consent, when the situation dictates its relocation prior to towing. G07-03 IV.A.4. Per BWC video the officers explained to ██████ her vehicle could not remain on the street.

<sup>6</sup> Attachment 8.

The cell phone may have been in a gel case but not an otter box case. As far as she knows, when she was stopped, the cell phone was on the front passenger seat of her car. Officer [REDACTED] handed her the cell phone, to make a phone call, while she was in the holding area at the Police Station. Immediately, she noticed the back of the cell phone was shattered. She believed she told Officer [REDACTED] about the damage and he was dismissive, where he did not acknowledge the damage to her cell phone. However, she could not recall exactly what happened during this interaction because, at the time, she was suffering a panic attack.<sup>7</sup>

### b. Digital Evidence

**Body Worn Camera (“BWC”)** obtained from **Officer [REDACTED]** shows Officer [REDACTED] approach [REDACTED] in her vehicle and tell [REDACTED] that she has no plates on her vehicle. [REDACTED] admitted she did not have plates. She explained she recently purchased the vehicle, about two weeks ago, and did not have time to go in to register the vehicle. [REDACTED] provided Officer [REDACTED] with her passport because she did not have her license with her. Officer [REDACTED] ran [REDACTED]’s name and found her California license had been suspended, and that she had a conviction. [REDACTED] indicated she did not know that her license was suspended and asked why. Officer [REDACTED] told her he didn’t know but it showed she had a conviction in Cook County from December 2017. Officer [REDACTED] returned to the police vehicle to run the VIN number of [REDACTED]’s vehicle, while the officer driving the police vehicle wrote [REDACTED]’s tickets.

Officer [REDACTED] approached [REDACTED] told her to exit the vehicle and walk to the rear of the vehicle. [REDACTED] complied. Officer [REDACTED] told [REDACTED] her vehicle was going to be towed, and she was going to the station because she had no license, no insurance and the vehicle had no registration.<sup>8</sup> Officer [REDACTED] drove [REDACTED]’s vehicle into the station while Officers [REDACTED] and [REDACTED] took [REDACTED] for transport. At the station, Officer [REDACTED] parked the car and indicated he was bringing [REDACTED]’s cell phone and bag into the station.<sup>9</sup>

**Body Worn Camera (“BWC”)** obtained from **Officers [REDACTED] and [REDACTED]** were consistent with Officer [REDACTED]’s BWC video at the scene of the traffic stop. BWC from Officers [REDACTED] and [REDACTED] recorded [REDACTED]’s transport to the police station. Neither officer spoke to [REDACTED] about her situation.<sup>10</sup>

**In-car camera** obtained from **Beat [REDACTED]** shows [REDACTED]’s vehicle does not have a rear license plate. The video is consistent with BWC video.<sup>11</sup>

### c. Documentary Evidence

**Office of Emergency Management and Communication (“OEMC”) PDT Messages Report** documented, on October 11, 2018 at 9:06 p.m., PC [REDACTED], now known as Officer [REDACTED]’s PC Number, received information about the individual: [REDACTED], DOB: [REDACTED], 1991.

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<sup>7</sup> Attachment 25.

<sup>8</sup> Attachments 19-21.

<sup>9</sup> Attachment 14. Officer [REDACTED]’ BWC captured the incident while [REDACTED] was at the rear of her vehicle and the video was consistent with Officers [REDACTED], [REDACTED] and [REDACTED]. Attachment 15.

<sup>10</sup> Attachments 16, 17.

<sup>11</sup> Attachment 18.

The information reported ██████ did not have a valid Illinois license, status: Suspended. ██████, under her California address,<sup>12</sup> had “1 STOPS IN EFFECT 1 CONV LAST 12 MO SUSP.”<sup>13,14</sup>

**OEMC Event Query #** ██████ documented the traffic stop and indicated an individual, now known as ██████, was escorted to the police station for a traffic violation bond (“TVB”). Beat ██████, at 11:36 p.m., issued 3 citations and closed this event.<sup>15</sup>

**Motor Vehicle Inventory Report** documented, under Inventory Property No. ██████, on October 12, 2018, ██████'s vehicle was towed because of a suspended license.<sup>16</sup>

## VI. ANALYSIS

### I. 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.

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<sup>12</sup> ██████ confirmed her California address with Officer ██████. *See* Attachment

<sup>13</sup> Attachment 11, page 3 at Msg. No. ██████.

<sup>14</sup> Attachment 11.

<sup>15</sup> Attachment 24.

<sup>16</sup> Attachment 22.

## VI. ANALYSIS

COPA finds **Allegation 1**, that Officer [REDACTED] detained [REDACTED] without justification is **Exonerated**. A person cited for a traffic violation that requires a court appearance will be required to post a valid Illinois driver's license or other form of bond.<sup>17</sup> A court appearance is required for an alleged violation of operating a motor vehicle without insurance.<sup>18</sup> When an individual "is required to post a bond, he or she will be escorted to the district facility in the district of occurrence,"<sup>19</sup> and the individual "will be processed by district personnel in accordance with Department directives."<sup>20</sup>

[REDACTED] admitted she did not register her vehicle, her vehicle was uninsured and she did not have an Illinois driver's license. [REDACTED]'s license was suspended. Video confirms Officer [REDACTED] told [REDACTED] she was being taken to the police station because she had no license, no car insurance and her car was not registered. [REDACTED] received three citations for not displaying a registration plate, driving on a suspended license and operating an uninsured motor vehicle.

[REDACTED], further alleged, she was held at the station for too long, where she did not leave until after 11:00 p.m. The OEMC Event Query corroborated [REDACTED]'s story, in that the incident was closed with three citations issued at 11:36 p.m. While it is understandable that [REDACTED] was frustrated about having to wait longer than she expected, BWC confirms the officers on the scene were actively investigating the incident.

Based on the totality of the circumstances, the less than three hours [REDACTED] was held at the station was not unreasonable. Therefore, Officer [REDACTED] detained [REDACTED] according to CPD directives and she was not detained longer than was reasonably necessary to process and issue her citations, and this allegation is **Exonerated**.

COPA finds **Allegation 2** that Officer [REDACTED] failed to Mirandize [REDACTED] is **Exonerated**. Rule 6 requires an officer to comply with all directives and orders, written or verbal. According to General Order G04-03, "a person need not be advised of their rights if the police are engaged in general on-the-scene questioning about a crime or other general questioning of witnesses in the fact-finding process, as long as the questioned person has not been taken into custody or has not become the focus of the investigation."

It is true that [REDACTED] was not Mirandized prior to being taken into custody, however, Miranda warnings were not required at that time. At the time [REDACTED] was being questioned on the scene, the officers were still investigating the stop. [REDACTED] does not allege she was questioned about facts of the stop while at the station, only while on the scene.

For the foregoing reasons, Officers [REDACTED] was not obligated to give [REDACTED] Miranda warnings, therefore this allegation is **Exonerated**.

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<sup>17</sup> Special Order S06-13 III.B.

<sup>18</sup> Special Order S04-14-03 II.B.

<sup>19</sup> S06-13 III.F.

<sup>20</sup> S06-13 III.F.2.

**CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer [REDACTED]	1. It is alleged that on October 11, 2018, in the vicinity of [REDACTED], at approximately 9:10 p.m., you detained [REDACTED] without justification.	Exonerated
	2. It is alleged that you did not Mirandize [REDACTED].	Exonerated

Approved:

[REDACTED]

June 27, 2019

\_\_\_\_\_  
 Andrea Kersten  
 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>	████████████████████