

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	April 24, 2016
Time of Incident:	2:48 PM
Location of Incident:	7043 S. Morgan St.
Date of COPA Notification:	November 6, 2017
Time of COPA Notification:	2:03 PM

On April 24, 2016, the complainant, [REDACTED] was arrested by Officers [REDACTED] and [REDACTED] after a gun was found in his car.<sup>1</sup> [REDACTED] alleged he was arrested without justification. After interviewing [REDACTED] and reviewing available evidence, COPA determined all allegations are Unfounded. COPA’s findings are further discussed in the Analysis portion of this report.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2006, Police Officer as [REDACTED] Unit [REDACTED] [REDACTED] [REDACTED] Date of Birth: [REDACTED] 1983, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2010, Police Officer, Unit [REDACTED] [REDACTED], Date of Birth: [REDACTED] 1984, Female, White
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED] 2001, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1979, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1978, Male, Black

**III. ALLEGATIONS<sup>2</sup>**

Officer	Allegation	Finding
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<sup>1</sup> Officer [REDACTED] Star # [REDACTED] is of no relation to the reporting COPA investigator, [REDACTED] [REDACTED] COPA Badge # [REDACTED]

<sup>2</sup> No allegations were presented related to [REDACTED] allegations of fabrications and forgeries involved in his arrest and prosecution, as COPA was able to independently determine the claims lacked merit.

Officer [REDACTED]	1. Arrested [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Unfounded
Officer [REDACTED]	1. Arrested [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Unfounded
Officer [REDACTED]	1. Arrested [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Unfounded

#### IV. APPLICABLE RULES AND LAWS

##### Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 14:** Prohibits making a false report, written or oral.

##### Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

#### V. INVESTIGATION<sup>3</sup>

##### a. Interviews

COPA interviewed the complainant, [REDACTED] on December 7, 2018.<sup>4</sup> [REDACTED] related that on April 24, 2016, he was driving his car and with his father. [REDACTED] had allowed his nephew, [REDACTED] to borrow his car earlier in the day. [REDACTED] was approaching Morgan St. and turning north when he was pulled over by a police car. The officers had guns drawn and told [REDACTED] that churchgoers reported someone in his truck had pulled a gun on the them. [REDACTED] and his father exited the vehicle and [REDACTED] provided his license and insurance. [REDACTED] told the officers there were no guns in his car and he allowed them to search. [REDACTED] did not know his license was suspended at the time. Officer [REDACTED] searched [REDACTED] car and found a firearm by the rear, driver-side seat. [REDACTED] father was allowed to leave and [REDACTED] was arrested.

[REDACTED] denied driving passed a church at 7201 S. Carpenter at any point on April 24, 2016. He also denied having any altercation or a road-rage incident prior to his arrest. [REDACTED] further denied that he pointed anything which could have been perceived as a gun or pulling a gun on

<sup>3</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>4</sup> Att. 27

anyone. [REDACTED] denied that the recovered gun was his and stated he did not know where it came from. Per [REDACTED] later told him that before returning the vehicle on April 24, 2016, [REDACTED] acquaintance pointed a gun at people who they had doubled-parked. This acquaintance had dreadlocks, as did [REDACTED] did not know this acquaintance's name.

Per [REDACTED] officers reported in court that they saw [REDACTED] vehicle exiting an alley east of Morgan. However, the event query indicates the officers followed [REDACTED] for four minutes. [REDACTED] also believed the photo array in which he was identified was tampered with. [REDACTED] elaborated that there were two sets of photo arrays that were shown to the witnesses, Mr. and Mrs. [REDACTED]. The one from Mr. [REDACTED] identified an individual that was not [REDACTED]. The photo array from Mrs. [REDACTED] did not have Mr. [REDACTED] statement about who Mr. [REDACTED] identified. Additionally, there appeared to be a circle that was partially erased. [REDACTED] also believed the photo next to his in the array was photoshopped to remove the circle. [REDACTED] did not know who tampered with the array. [REDACTED] did not believe Mrs. [REDACTED] actually identified him. Further, [REDACTED] accused Detective [REDACTED] of forging Officer [REDACTED] signature on a Complaint for Preliminary Examination. Per [REDACTED] Officer [REDACTED] was the complainant but Detective [REDACTED] signed only with his own star number and no name.

#### b. Digital Evidence

No relevant digital evidence was obtained pertaining to the present investigation. COPA notes that the [REDACTED] District was not assigned Body Worn Cameras until May 1, 2017.

#### c. Physical Evidence

No relevant physical evidence was obtained pertaining to the present investigation.

#### d. Documentary Evidence

[REDACTED] **Arrest Report** was obtained from April 24, 2016 with RD # [REDACTED]<sup>5</sup> [REDACTED] was charged with misdemeanor driving on a suspended license, and felony unlawful use of a weapon/felon in possession. A warrant was also issued, as [REDACTED] was on parole at the time of this arrest. Officers [REDACTED] and [REDACTED] responded to a call of a person with a gun, which described the offender as driving a black Suburban with a temporary license plate and two occupants. The officers saw the vehicle and pulled it over. The officers approached [REDACTED] (the driver) and asked him to exit. [REDACTED] told the officers his license was suspended, and he was placed in custody. The officers told [REDACTED] why he was stopped and "he freely stated 'Officer's [sic] I don't have no gun in the car, I just bought it yesterday, you can go ahead and search it.'" Officer [REDACTED] recovered a loaded firearm "from under the second row bench seat on the passenger side." [REDACTED] was taken to the [REDACTED] District.

An **Original Case Incident Report** was also located for RD # [REDACTED]<sup>6</sup> Witnesses were listed as [REDACTED] and [REDACTED] [REDACTED] and [REDACTED] (the complainant's father). The arresting officers were listed as Officers [REDACTED] and [REDACTED]. Per Officer [REDACTED] roughly

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<sup>5</sup> Att. 4

<sup>6</sup> Att. 5

one hour after a call came in for a person with a gun, he and his partners saw the suspect vehicle and found a gun in [REDACTED] vehicle.

Detective [REDACTED] spoke with [REDACTED] via phone. Mr. [REDACTED] related that, “he was a victim of an aggravated assault,” that his wife, [REDACTED] had witnessed. Mr. [REDACTED] told Detective [REDACTED] he was leaving church at 7201 S. Carpenter and had double parked. A “black Chevrolet SUV with 2 occupants and an Illinois temporary plate of [REDACTED] wanted to get by. The driver “became agitated” when he could not pass, produced a handgun, pointed the weapon at Mr. [REDACTED] and stated, “move your fucking car.” Mr. [REDACTED] described the driver as “a male black with dreadlocks.” Mr. [REDACTED] called the police with a description but could not describe the passenger. Mr. [REDACTED] waited about an hour for the police, but no one responded, and he left. Mrs. [REDACTED] told the detective that after leaving church, Mr. [REDACTED] helped her into their vehicle “when a black SUV pulled up and the driver was angry that he couldn’t pass.” The driver then pointed a gun at Mr. [REDACTED] and “yelled ‘move your car’” before driving off. Detective [REDACTED] arranged two photo arrays. Mr. [REDACTED] selected a place holder that was not [REDACTED] and Mrs. [REDACTED] selected [REDACTED] photo.

Detective [REDACTED] interviewed [REDACTED] on April 25, 2016. [REDACTED] reported he had just purchased his 2002 Tahoe on April 23, 2016. [REDACTED] had driven his cousin and two of his cousin’s friends prior to his arrest. [REDACTED] denied ever possessing a handgun or pointing a gun at anyone on April 24, 2016. [REDACTED] was driving his elderly father when the police stopped him. [REDACTED] allowed the officers to search his car and was surprised when a gun was found.

**Case Supplementary Reports** were also obtained for RD # [REDACTED]. The arresting officers saw “a black Chevrolet Tahoe emerge from the east alley of Morgan and then turn northbound on Morgan.” When [REDACTED] was asked to step out of his car, he told the officers “just so you know, my license is suspended, but Im [sic] on a payment plan.” [REDACTED] stated he did not have a gun and allowed the officers to search he vehicle. Officer [REDACTED] found a loaded handgun in [REDACTED] car and [REDACTED] was transported to the [REDACTED] District. [REDACTED] father, [REDACTED] was with [REDACTED] but not arrested.

An **Original Case Incident Report** was located for RD # [REDACTED].<sup>8</sup> Mr. and Mrs. [REDACTED] were reported as the victims of an aggravated assault with a handgun near 7201 S. Carpenter. Mr. and Mrs. [REDACTED] came to the [REDACTED] District to make a report. They stated an unknown offender asked Mr. [REDACTED] to move his car. The “offender became agitated and pointed a blue steel semiautomatic handgun at” Mr. [REDACTED] before fleeing. The “offender was described as a male, black with dreadlocks,” about 35 years old, and “wearing a blue or gray shirt.” The vehicle was described as a black SUV with custom black wheels and Illinois temporary license plate [REDACTED].

**Case Supplementary Reports** were also obtained for RD # [REDACTED].<sup>9</sup> Detective [REDACTED] conducted a photo array that included [REDACTED]. These documents contained no additional, relevant content.

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<sup>7</sup> Atts. 6, 20

<sup>8</sup> Att. 21

<sup>9</sup> Atts. 22, 23, 24

COPA was allowed to view and photograph the **original photo arrays and related documents** in which [REDACTED] was identified.<sup>10</sup> [REDACTED] identified someone other than [REDACTED] (photo 1) and [REDACTED] identified [REDACTED] (photo 2). Copies of the photo arrays are included below.

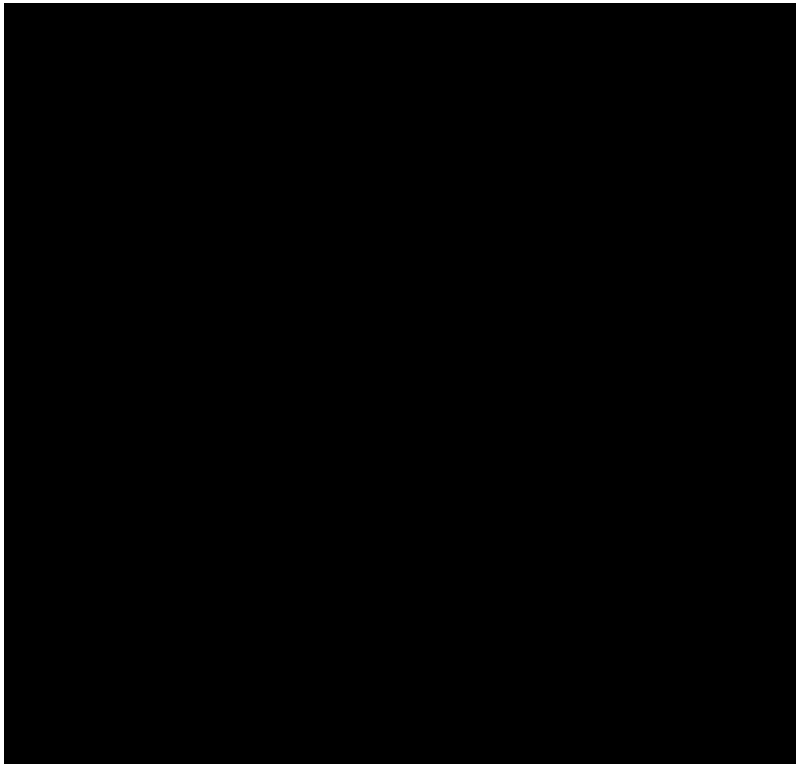


Photo 2

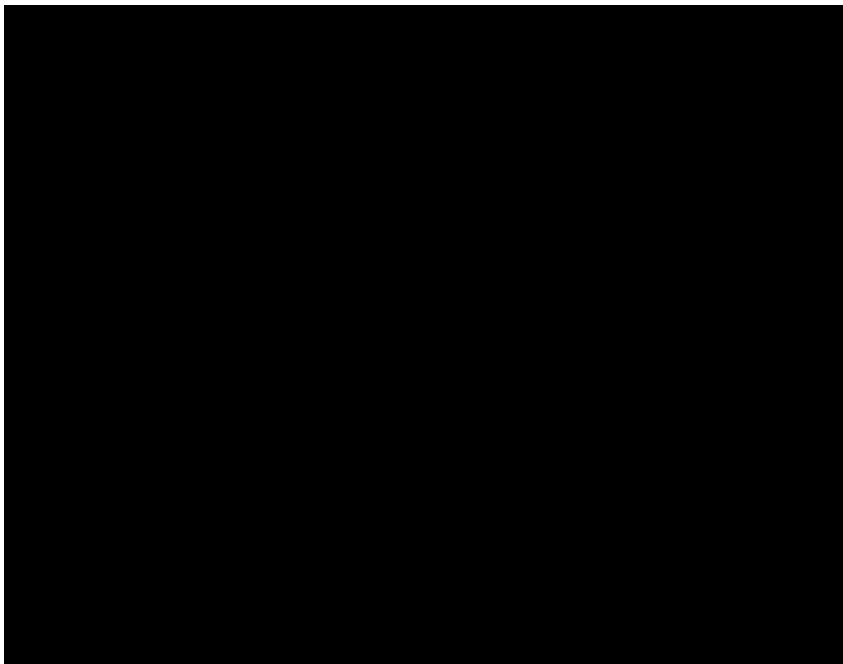


Photo 2

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<sup>10</sup> Att. 35

A request to CPD for the Detective's File pertaining to this case was met with negative results.<sup>11</sup>

The following relevant Office of Emergency Management and Communications (OEMC) Event Query Reports were obtained from April 24, 2016.

- **Event Number** [REDACTED] initiated at approximately 1:38 PM when [REDACTED] reported that a driver of a black Suburban pulled a gun on him at a church at 7201 S. Carpenter St.<sup>12</sup> Mr. [REDACTED] elaborated that the vehicle had two occupants and temporary Illinois license plate number [REDACTED]. At roughly 2:58 PM, Beat [REDACTED] (Officers [REDACTED] and [REDACTED] reported going to the [REDACTED] District with one individual.
- **Case Number** [REDACTED] initiated at about 2:48 PM.<sup>13</sup> Beat [REDACTED] ran a temporary license plate number of [REDACTED] at about 2:48 PM. Shortly after, the officers also searched [REDACTED] name. Beat [REDACTED] reported going to the [REDACTED] District with one subject at roughly 2:50 PM.

**License Plate** searches were also conducted through OEMC. On April 24, 2016, Officer [REDACTED] searched license plate [REDACTED] at approximately 2:44 PM.<sup>14</sup> He searched license plate [REDACTED] at roughly 1:40 PM and 1:44 PM.<sup>15</sup> Per Department reports, [REDACTED] arrest occurred at about 2:48 PM.<sup>16</sup>

The following relevant criminal dockets were obtained from the Cook County Clerk of the Circuit Court.

- **Case Number** [REDACTED] was filed on April 25, 2016.<sup>17</sup> [REDACTED] was charged with felony unlawful use of a weapon/felon in possession and a traffic offense. The case was superseded by direct indictment on May 23, 2016 and transferred to the criminal division.
- **Case Number 16CR** [REDACTED] was filed on May 25, 2016.<sup>18</sup> [REDACTED] received two felony charges of felon in possession/use of a firearm and six felony charges of aggravated unlawful use of a weapon. [REDACTED] pleaded not guilty on June 6, 2016. [REDACTED] appeared pro se on April 20, 2017. In the following months, several motions, notices, appeals, continuances, etc. were entered. On March 27, 2019, an agreement of eight years was made, and [REDACTED] pleaded guilty to one count of felon in possession/use of a firearm. A judgement of nolle prosequi was entered for the remaining charges. On April 5, 2019, [REDACTED] was sentenced to 8 years in the Illinois Department of Corrections as a Class X

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<sup>11</sup> Att. 31

<sup>12</sup> Att. 32

<sup>13</sup> Att. 33

<sup>14</sup> Att. 43

<sup>15</sup> Att. 44

<sup>16</sup> Att. 4

<sup>17</sup> Att. 7

<sup>18</sup> Att. 37

offender and three years of mandatory supervised released, with credit for time served. On May 30, 2019, [REDACTED] motion to withdraw his plea was denied. On June 17, 2019, the case was removed from call and assigned to the appellate court.

On March 19, 2018, [REDACTED] filed a civil rights complaint in the United States District Court Northern District of Illinois under **Case Number 18-CV[REDACTED]** against the City of Chicago, several Department members, and Cook County.<sup>19</sup> The following pertinent documents were filed as part of this lawsuit.

- **[REDACTED] Complaint**, filed on March 19, 2018, alleged that he was illegally stopped and arrested by Officers [REDACTED] and [REDACTED] further asserted that the officers “weren’t sure, with a [...] 100% certainty if they were following behind the right vehicle.” [REDACTED] alleged there is “no east alley of Morgan,” the officers followed him for over four minutes, Officer [REDACTED] gave false reports, and the photo array contained forgeries. He also complained that he was not given a Miranda warning waiver or a citation for driving on a suspended license. [REDACTED] denied having dreadlocks at the time of his arrest and denied that he matched the description provided by [REDACTED]
- An **Amended Complaint** was filed on June 19, 2018.<sup>20</sup> [REDACTED] did not believe the officers had authority to search his car, but [REDACTED] acknowledged that he gave consent. [REDACTED] denied that alleged witnesses/victims ever gave a clothing, hair, or vehicle description. [REDACTED] also complained about the conduct of his criminal trial and alleged that Officer [REDACTED] signature was forged by Detective [REDACTED] on the Complaint for Preliminary Examination.
- On November 23, 2018, the **Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint** was filed.<sup>21</sup> The Defendant’s related that “the Court found [REDACTED] stated a Fourth Amendment claim based upon the denial of a probable cause hearing, and allowed Plaintiff to proceed [...] based solely on ‘the denial of a prompt judicial determination of probable cause following his arrest.’” Per the Defendants, [REDACTED] “was provided a probable cause hearing regarding his possession of a firearm and driving on a suspended license the day after his arrest.” The motion included a print-out from the Cook County Clerk of the Circuit court from this hearing, which occurred on April 25, 2016 in front of Judge [REDACTED]
- An **Order to Dismiss with Prejudice** was filed on April 2, 2019.<sup>22</sup> The court granted the Defendant’s “motion to dismiss for failure to state a claim.”

#### e. Additional Evidence

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<sup>19</sup> Att. 38

<sup>20</sup> Att. 40

<sup>21</sup> Att. 41

<sup>22</sup> Att. 42

█████ authored several letters to COPA. The most pertinent information contained in these letters is detailed below.<sup>23</sup>

- In a letter dated October 25, 2017, █████ wanted to file a complaint against █████ District officers for tampering with a photo array.<sup>24</sup> █████ provided notes and documents which he believes indicate that Mrs. █████ and Mr. █████ signatures were forged, and the array was altered. █████ included the following photo array (photo 3), which he reported was completed by Mr. █████<sup>25</sup>

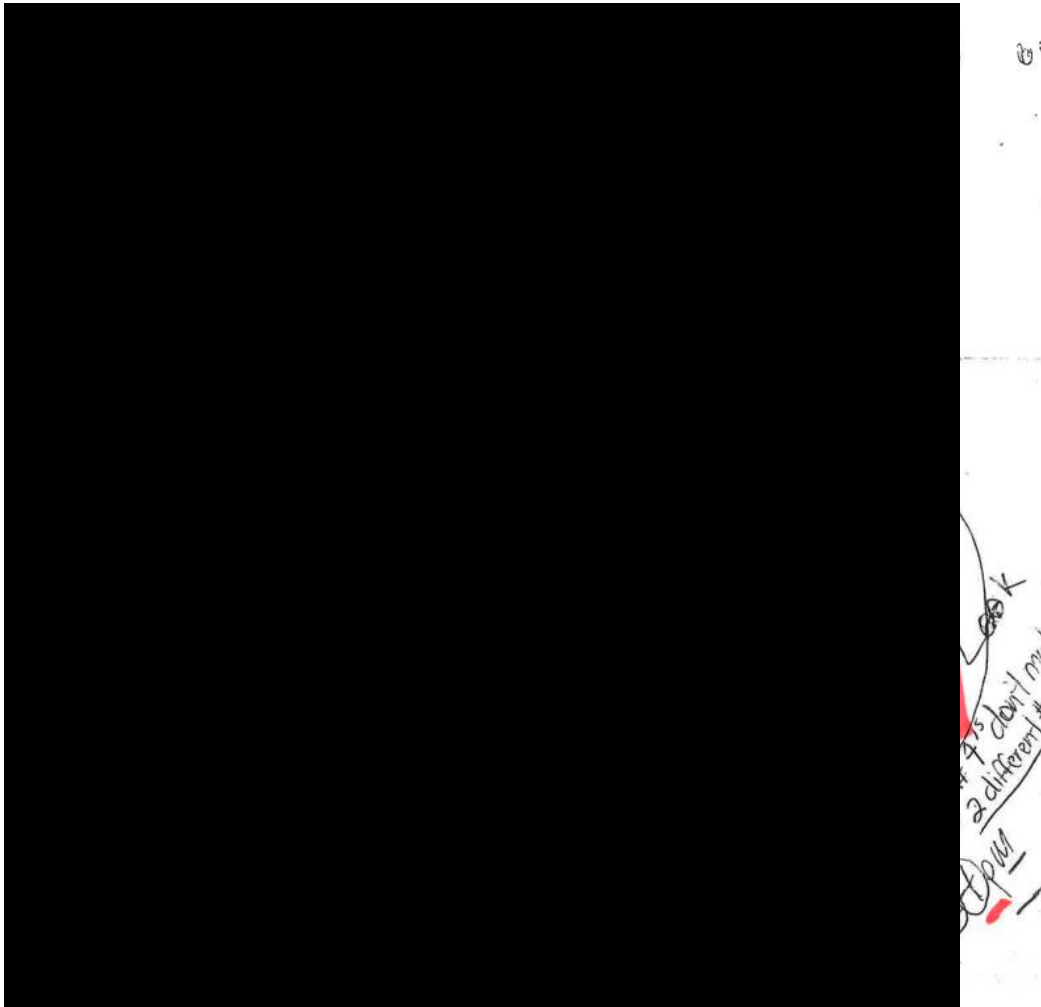


Photo 3

- On December 3, 2017, █████ accused Officer █████ of lying when the officer reported seeing █████ SUV emerge from an alley.<sup>26</sup> Per █████ there is no alley between 71<sup>st</sup> and Morgan and 71<sup>st</sup> and Sangamon.

<sup>23</sup> Atts. 9 - 19

<sup>24</sup> Att. 9

<sup>25</sup> All writings on this document were already present when █████ submitted them to COPA. What is seen above is only a portion of the entire document submitted by █████

<sup>26</sup> Att. 12



- On February 4, 2018, ██████ claimed his criminal case was invalid, unsworn, and illegal.<sup>27</sup> ██████ stated Detective ██████ signed the complaint with Officer ██████ name of the officer’s behalf.
- On March 29, 2018, ██████ drew a photo of the area of 71<sup>st</sup> and Morgan to prove there is no alley present.<sup>28</sup> This image can be seen below (photo 4).<sup>29</sup>

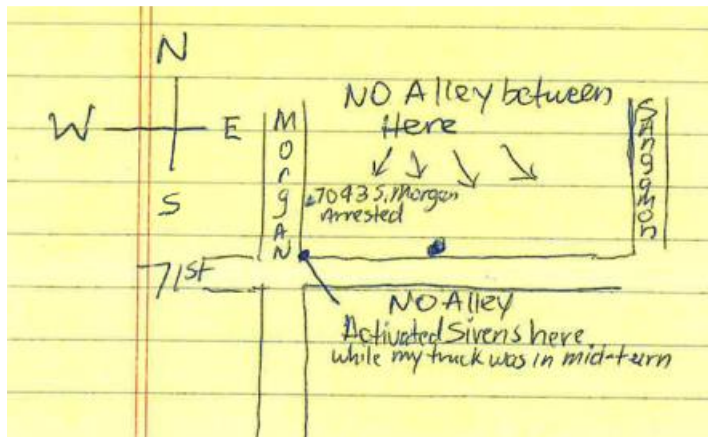


Photo 4

COPA located a **map of the area of 71st and Morgan** on Google Maps (photo 5).<sup>30</sup> Two alleys were identified off 71st St. between Morgan and Sangamon, running in an east/west direction. One is to the north of 71<sup>st</sup> St. and the other is to the south. The alleys can be seen below, encircled in red.



Photo 5

<sup>27</sup> Att. 15

<sup>28</sup> Att. 16

<sup>29</sup> All writings on this document were already present when ██████ submitted them to COPA. What is seen above is only a portion of the entire document submitted by ██████

<sup>30</sup> Att. 25

## 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.

## VII. ANALYSIS

**Allegation 1** against Officer ██████████ Officer ██████████ and Officer ██████████ that they arrested ██████████ without justification, is **Unfounded**. ██████████ made a 911 call in which he provided his name and telephone number. Mr. ██████████ reported that the driver of a black Suburban pulled a gun on him at a church at 7201 S. Carpenter St. Mr. ██████████ added that the vehicle had two occupants and temporary Illinois license plate number ██████████. Approximately 50 minute later, ██████████ vehicle was stopped by CPD roughly half a mile from the church where Mr. and Mrs. ██████████ were reportedly assaulted. According to the arrest report, ██████████ impounded vehicle was a black Suburban with temporary plate number ██████████. By ██████████ own admissions, his car had two occupants: himself and his father. Based on ██████████ vehicle meeting the exact description provided in Mr. ██████████ 911 call, the officers were justified in performing a traffic stop.

Based on the 911 call, the officers were justified in stopping the car and detaining ██████████. Additionally, ██████████ was driving while his license was suspended, which he admitted to COPA.

Therefore, the officers certainly had probable cause to arrest [REDACTED] at that moment. As such, the allegations against both officers are Unfounded.

Additionally, [REDACTED] made several allegations related to perceived misconduct by the officers. COPA investigated those claims but determined prior to serving allegations that each claim was independently without merit. We discuss those claims below.

First, [REDACTED] alleged that his arresting officers gave a false report about where [REDACTED] was first seen before his arrest. Officers reported that they saw [REDACTED] vehicle exiting an alley east of Morgan, but [REDACTED] refuted said alley existed. Per the Case Report for RD # [REDACTED] [REDACTED] vehicle was seen exiting an alley east of Morgan St. before turning north onto Morgan. [REDACTED] apparently interpreted this statement to mean there was an alley between Morgan and Sangamon, that was parallel to these two streets. Per Google Maps, there are two possible alleys both perpendicular to Morgan St.: one that is just north of 71<sup>st</sup> St. and one south. [REDACTED] allegation that there was no alley is without merit.

Next, [REDACTED] alleged the photo arrays presented to Mr. and Mrs. [REDACTED] were altered. Mr. [REDACTED] did not identify [REDACTED] in fact he identified a separate man, circled his picture and signed the document. [REDACTED] provided a photo copy of the photo array presented to Mr. [REDACTED] where there appears to be part of a drawn circle around [REDACTED] picture. [REDACTED] argued that this was evidence of tampering with the array. However, an inspection of the original photo array from CPD, which is currently in the possession of the Cook County State’s Attorney’s Office, included no circle. What [REDACTED] viewed was undoubtedly a copy and importantly, the lines do not appear on the original document.

[REDACTED] also believed Mr. and Mrs. [REDACTED] signatures and statements were forged on forms associated with the photo array. Specifically, [REDACTED] asserted that the signatures handwriting was clearly different. [REDACTED] agrees he does not know what Mr. or Mrs. [REDACTED] signatures look like and further; [REDACTED] failed to provide any evidence to compel COPA to serve allegations in good faith.

Lastly, [REDACTED] accused Detective [REDACTED] of forging Officer [REDACTED] signature on a Complaint for Preliminary Examination. Per [REDACTED] Officer [REDACTED] was the complainant but Detective [REDACTED] signed only with his own star number and no name. A review of this document by COPA appears to show that both Officer [REDACTED] and Detective [REDACTED] signed as complainants, not that the detective was forging Officer [REDACTED] signature.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding
Officer [REDACTED]	1. Arrested [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Unfounded

Officer [REDACTED]	1. Arrested [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Unfounded
Officer [REDACTED]	1. Arrested [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Unfounded

Approved:

[REDACTED]

August 30, 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>	Andrea Kersten, █