

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 31, 2019
Time of Incident:	6:26 p.m.
Location of Incident:	4202 West Madison Avenue, Chicago, Illinois
Date of COPA Notification:	February 1, 2019
Time of COPA Notification:	2:33 p.m.

On January 31, 2019, [REDACTED] alleged officers stopped him without justification. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations, and determined the officers involved acted in accordance with Department procedures. Accordingly, no allegations were served on the officers. 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] 2015, PO, Unit [REDACTED] DOB: [REDACTED] 1988, Male, Black
Involved Officer #2:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2017, PO, Unit [REDACTED] DOB: [REDACTED] 1986, Female, Black
Involved Officer #3:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2013, PO, Unit [REDACTED] DOB: [REDACTED] 1981, Male, Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1979, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	It is alleged that on January 31, 2019, at approximately 6:26 p.m., in the vicinity of 4202 West Madison Avenue, you stopped [REDACTED] without justification.	Exonerated
Officer [REDACTED]	It is alleged that on January 31, 2019, at approximately 6:26 p.m., in the vicinity of 4202 West Madison Avenue, you stopped [REDACTED] without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance.
 2. Rule 6: Disobedience of an order or directive, whether written or oral.
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Special Orders

1. Special Order S04-13-09, "Investigatory Stop System"
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Federal Laws

1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.¹

V. INVESTIGATION²

a. Interviews

In his **interview** with COPA, on February 1, 2019, ██████████ (██████████ stated that on January 31, 2019, while walking home from the Family Dollar,³ two uniformed officers⁴ stopped him and asked for his identification. When ██████████ questioned why he was being detained, the officers pointed to a sign, which said, "No Loitering." ██████████ denied loitering and called 911 dispatcher for a supervisor. ██████████ went inside the Quick Mart, where he was stopped, asked the attendants if they had called the police because he had just been stopped. The attendants denied calling the police. ██████████ asked the officers for their names and badge numbers. The male officer⁵ gave ██████████ an Investigatory Stop Receipt.⁶ ██████████ believes he was detained for approximately twenty minutes. ██████████ did not see the officers stop anyone else.⁷

b. Digital Evidence

Body Worn Camera ("BWC") shows officers stopped ██████████ and detained him for approximately three minutes. Officer ██████████ asked what was in ██████████ hand, which he showed was medicine. ██████████ asked why he was stopped. Officer ██████████ explained they were conducting a street stop because it was a no loitering area.⁸ When ██████████ denied loitering, Officer ██████████

¹ "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ ██████████ provided his receipt from Family Dollar, timestamped 6:12 p.m. *See* Attachment 11.

⁴ Now known as Officer ██████████ ("Officer ██████████ and Officer ██████████ ("Officer ██████████

⁵ Now known as Officer ██████████ ("Officer ██████████

⁶ The receipt documented Officers ██████████ and ██████████ stopped ██████████ because fits description from Flash Message, proximity to the reported crime location, and other, which was not specified. *See* Attachment 10.

⁷ Attachment 7.

⁸ *See* Attachment 19.

stated, “that’s why the street stop is being conducted.”⁹ █████ continued to question why he was being stopped since he was walking home and not loitering. Sergeant █████ intervened and told █████ they were running his name because he was loitering, he was not walking. Officer █████ returned █████ identification and he left.¹⁰

At this same time, Officer █████ is conducting a street stop with █████ (█████ near the bus stop for loitering. Officer █████ explained to █████ that he was being stopped because there is a problem with individuals loitering in this area selling drugs, pretending to take the bus. He is going to check █████ name, then he can get on the bus when it comes. There are other individuals seen on video walking around and waiting at the bus stop that are not questioned by an officer.¹¹ Officer █████ BWC is turned on again while █████ returned and is arguing with officers that he had not been loitering. Officer █████ provides █████ with the Investigatory Stop receipt. When █████ asks for Officer █████ information, Officer █████ tells him it is written on the receipt.¹²

c. Documentary Evidence

Investigatory Stop Reports (“ISR”) documented officers stopping █████ and █████ for loitering at a CTA bus stop. The officers indicated neither █████ or █████ could provide officers with a lawful reason for loitering, officers advised them to relocate, and they did.¹³

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

⁹ Attachment 21 at 1:25-1:27.

¹⁰ Attachment 21

¹¹ Attachment 22.

¹² Attachment 23.

¹³ Attachments 12,13.

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

COPA finds [redacted] allegation against Officers [redacted] and [redacted] that they stopped him without justification is **Exonerated**. An officer may temporarily detain and question an individual when the officer has reasonable articulable suspicion the individual is committing, is about to commit, or has committed a criminal offense.¹⁴ The sole purpose of this temporary detention is to prove or disprove those suspicions.¹⁵ While [redacted] believed the officers stopped him without reason, video shows the officers knew narcotic-related loitering¹⁶ happened in the area, there was sign nearby that prohibited loitering, they stopped two individuals, not everyone that walked by on the sidewalk, the officers immediately told [redacted] he was stopped for loitering in an area where loitering is prohibited, and they only detained him for the length of time it took to run his name in the system.

Based on the video evidence and the brevity of the stop, it is clear the officers, in accordance with Department policy, temporarily detained [redacted] to determine whether he was engaged in narcotic-related loitering. Therefore, the allegation against Officers [redacted] and [redacted] is **Exonerated**.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer [redacted]	It is alleged that on January 31, 2019, at approximately 6:26 p.m., in the vicinity of 4202 West Madison Avenue, you stopped [redacted] without justification.	Exonerated
Officer [redacted]	It is alleged that on January 31, 2019, at approximately 6:26 p.m., in the vicinity of 4202 West Madison Avenue, you stopped [redacted] without justification.	Exonerated

Approved:

¹⁴ Special Order S04-13-09 IV.A.

¹⁵ S04-13-09 V.A.

¹⁶ Chicago Municipal Code § 8-4-017, Narcotics-related Loitering. (a) Whenever a police officer observes one or more persons engaged in narcotics-related loitering in any public place designated for the enforcement of this section under subsection (b), the police officer shall: (i) inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further narcotics-related loitering within sight or hearing of the place at which the order was issued during the next eight hours.



July 25, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Andrea Kersten