

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 3, 2018
Time of Incident:	9:00 PM
Location of Incident:	9801 S. Cottage Grove Ave, Chicago, IL 60628
Date of COPA Notification:	June 5, 2018
Time of COPA Notification:	2:01 PM

On June 3, 2018 at approximately 9:00 PM, [REDACTED] vehicle was pulled over. Inside the vehicle was [REDACTED] and her nephew, [REDACTED]. Officer [REDACTED] approached the vehicle and asked for [REDACTED] driver’s license. Officer [REDACTED] opened the rear passenger door and asked [REDACTED] to step out of the vehicle. [REDACTED] asked why they were being stopped and why [REDACTED] was being asked to step out of the car. [REDACTED] stated that she was a police officer. Officer [REDACTED] stated that they had received information that claimed [REDACTED] had a weapon in a bag that was inside the vehicle. [REDACTED] asked to speak to the Sergeant. Sergeant [REDACTED] arrived a few moments later and spoke to [REDACTED]. He searched [REDACTED] bag and did not find a weapon.

II. INVOLVED PARTIES

Involved Officer #1:IL	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED], Date of Appointment: [REDACTED], 1998, Sergeant of Police, [REDACTED] District, Date of Birth: [REDACTED] 1972, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED]. Date of Appointment: [REDACTED] 2012, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1985, Female, White
Involved Officer #3:	[REDACTED] Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED] 2015, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1988, Male, White
Subject #1:	[REDACTED] Date of Birth: [REDACTED] 1980, Female, Black
Subject #2:	[REDACTED] Date of Birth: [REDACTED] 1968, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant [REDACTED]	1. Stopped the complainant’s vehicle without justification	Exonerated

2. Unlawfully searched a bag located in the complainant's vehicle	Exonerated
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IV. APPLICABLE RULES AND LAWS

Rules

- 1. Rule 2
- 2. Rule 6
- 3. Rule 10

General Orders

- 1. G02-02
- 2.
- 3.

Special Orders

- 1. S04-13-09
- 2. S04-14-09
- 3.

State Laws

- 1. 725 ILCS 5/107-14

V. INVESTIGATION¹

a. Interviews

COPA interviewed the complainant [REDACTED] on June 7, 2018.² [REDACTED] related she works as a patrol officer for the [REDACTED] police department. [REDACTED] stated that on June 3, 2018 at about 9:00 PM, she was going to pick up her 17-year-old nephew, [REDACTED] was not driving and her significant other, [REDACTED] was driving. About a minute before she arrived, she called her nephew to say she was close and he should come

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. 4

outside. [REDACTED] pulled into the [REDACTED] townhome complex and saw her nephew. [REDACTED] had to drive past him to make a U-turn and come back. After making the U-turn, [REDACTED] nephew got in the rear passenger's side and they drove off, making a right turn north onto Cottage Grove Ave. After making the turn, the police pulled them over. [REDACTED] pulled the car to the right and two plain clothes police officers exited their unmarked police car and approached. [REDACTED] described one officer as an approximately 6'0", thin, white male who approached the driver's side (believed to be Officer [REDACTED]). She described the other as a white or Hispanic female who approached the passenger's side. [REDACTED] was unable to see the female officer's name because the officer's shirt flap was covering the name tag. Eventually, the officer pulled the flap down and [REDACTED] saw her name was something along the lines of [REDACTED] (identified as Officer [REDACTED]). The male officer asked for [REDACTED] driver's license, [REDACTED] complied. The officers walked away with [REDACTED] license and did not say why they pulled the car over.

About one minute later, the car's back door was opened. [REDACTED] turned around and saw her nephew outside of the car. [REDACTED] did not see her nephew being pulled out of the car, nor did she hear anyone ask him to exit. [REDACTED] saw [REDACTED] against the car with the female officer searching him. [REDACTED] did not see the female officer searching inside [REDACTED] pockets but saw her performing a pat down. [REDACTED] questioned why the male officer did not conduct the search. [REDACTED] told the female officer she was also a police officer and asked why they opened the door and searched her nephew. [REDACTED] told the officer she was going into her bag to get her badge. After that, [REDACTED] left the car to see what was happening. [REDACTED] was talking to the female officer and asking why the stop occurred. The female officer told [REDACTED] it was part of a "secret mission."³ When [REDACTED] questioned what the mission was, the female officer told her she and her partner received information that [REDACTED] nephew had a gun. The female officer refused to tell [REDACTED] where the information came from. While [REDACTED] was engaged with the female officer, the male officer was standing near the rear driver's side of the car, looking at [REDACTED] and shaking his head. [REDACTED] perceived that the male officer was suggesting [REDACTED] violated a "code" of law enforcement by requesting a supervisor. When [REDACTED] asked why the vehicle was stopped, the female officer could not give an answer and told [REDACTED] she would call her supervisor. [REDACTED] agreed and the female officer got on her phone. While waiting, [REDACTED] nephew gave the officers his ID. [REDACTED] told [REDACTED] (her nephew) to wait in the car. [REDACTED] and [REDACTED] waited in the car while [REDACTED] waited outside for the sergeant. [REDACTED] believed the female officer started treating [REDACTED] differently once she learned [REDACTED] was a police officer.

The sergeant approached them with an "inappropriate" demeanor.⁴ [REDACTED] elaborated that the sergeant told [REDACTED] that since she is a police officer, she should understand the officers' actions. [REDACTED] believed the sergeant's last name was [REDACTED]. [REDACTED] described the sergeant, now known as Sergeant [REDACTED] as a white male in his mid-to-late 40s. When [REDACTED] questioned their probable cause to stop the car, enter the car, remove [REDACTED] and search [REDACTED] the sergeant got upset and stated they were engaged in a mission. Sergeant [REDACTED] told [REDACTED] that they saw [REDACTED] with a bag and wanted to know if there was a bag in the car. [REDACTED] then removed his overnight bag, which Sergeant [REDACTED] then took and searched. No contraband was not found and the Department members returned to the squad car to talk. Sergeant [REDACTED] came back, he made a comment about body worn camera (BWC). [REDACTED] was glad the officers had BWCs on. Sergeant [REDACTED] asked [REDACTED] for her name and where she works. [REDACTED] stated UIC police and he walked away. [REDACTED] described

³ Approximately 7:40 minute mark.

⁴ Approximately 10:20 minute mark.

the sergeant as intimidating and aggravating the situation. [REDACTED] elaborated that Sergeant [REDACTED] was not respectful and was rude. After Sergeant [REDACTED] walked away, the situation was over. When [REDACTED] asked the female officer for an apology, she did not receive one. [REDACTED] got back in the car and she, [REDACTED] and [REDACTED] left.

When asked about the Investigatory Stop Report (ISR) which documented that [REDACTED] was drunk and belligerent, [REDACTED] stated that prior to the stop she had a glass of wine. [REDACTED] denied being intoxicated. [REDACTED] car was not searched. [REDACTED] denied that the Department members attempted to give her an ISR receipt.

COPA interviewed [REDACTED] on June 7, 2018.⁵ According to [REDACTED] he was driving and saw [REDACTED] standing on the curb to pick him up. [REDACTED] saw an unmarked police car driving towards him. The police made a U-turn. [REDACTED] turned right onto Cottage Grove, made a complete stop at a stop sign, and was pulled over after stopping. A male and a female police officer approached [REDACTED] car. The male was on the driver's side and the female on the passenger's side. The male officer asked [REDACTED] for his license, which [REDACTED] handed over. The officer did not tell [REDACTED] why they stopped him. The male officer walked back to the police car while the female officer told [REDACTED] to exit the car. The female officer, now known as Officer [REDACTED] opened the rear passenger door, "slightly grabbed" [REDACTED] arm, and told him to stay against the vehicle.⁶ [REDACTED] elaborated that Officer [REDACTED] was not aggressive with [REDACTED] but made sure [REDACTED] got out of the car. Officer [REDACTED] did not handcuff [REDACTED] but she did search him. [REDACTED] then told the officers she is also a police officer and wanted to know why [REDACTED] was searched. Officer [REDACTED] responded that she suspected [REDACTED] had a gun in his bag. Officer [REDACTED] searched [REDACTED] exited the car and showed her badge. The male officer returned to the car, gave [REDACTED] back his license, and told [REDACTED] he was good. [REDACTED] was never told why he was stopped.

[REDACTED] asked the officers questions about the search and the suspect gun. Officer [REDACTED] responded there had been surveillance and the surveilling officer observed a gun. [REDACTED] related that the officers' demeanor changed as [REDACTED] was asking questions. Eventually, Officer [REDACTED] asked [REDACTED] if [REDACTED] wanted talk to the sergeant and Officer [REDACTED] called her sergeant. A sergeant, now known as Sergeant [REDACTED] arrived on foot and in plain clothes, approached [REDACTED] car, and told [REDACTED] that he had information there was a gun in [REDACTED] bag. [REDACTED] had already been searched at that point. Sergeant [REDACTED] asked if there was a gun in the car and [REDACTED] related, she had her service weapon. Sergeant [REDACTED] asked to see [REDACTED] bag, which [REDACTED] believed was already in the trunk. Sergeant [REDACTED] started searching the bag and found no weapons. [REDACTED] reported that Sergeant [REDACTED] was rude and compassionless towards [REDACTED] stated that Sergeant [REDACTED] seemed frustrated at having to address the situation and had an attitude. [REDACTED] related that Officer [REDACTED] told [REDACTED] that [REDACTED] should have understood what was happening. [REDACTED] denied that [REDACTED] was intoxicated but he thought she had had a glass of wine. [REDACTED] did not believe [REDACTED] was belligerent towards the officers "under the circumstances."⁷ [REDACTED] was never provided any paperwork after the incident. [REDACTED] did not believe [REDACTED] or [REDACTED] were given any paperwork either. [REDACTED] acknowledged that he and [REDACTED] were upset, but they were calm and compliant.

⁵ Att. 9

⁶ Approximately 6:51 minute mark.

⁷ Approximately 22:14 minute mark.

In an interview with COPA on December 17, 2018, Sergeant ██████████ related that on June 3, 2018 he was tactical sergeant in the ██████ District. Sergeant ██████████ stated that at roll call that day he was given information that a number of weapons had been stolen out of Bolingbrook and that the preparator of the theft lived in the London Town homes and was driving a green vehicle. Sergeant ██████████ stated that he briefed his team after roll call and went to the London Town homes to set up surveillance. While on surveillance Sergeant ██████████ saw ██████████ walk out of an apartment with a handgun in hand and place it in his backpack. Sergeant ██████████ then witnessed ██████████ walk to the curb and immediately step into a car. Sergeant ██████████ alerted tactical officers of what he just saw and ordered officers to pull the car over. Sergeant ██████████ stated that ██████████ looked to be a teenager.

When Sergeant ██████████ arrived on scene and spoke with ██████████ who identified herself as a police officer. Sergeant ██████████ noticed that ██████████ was highly intoxicated. Sergeant ██████████ stated that he explained the purpose of his stop but due to ██████████ inebriation she was unable to comprehend. Sergeant ██████████ stated that while he was standing by the car, ██████████ who was seated in the back-passenger side of the vehicle handed him the black bag. Sergeant ██████████ searched the bag and handed it back to ██████████. Sergeant ██████████ opined that he could see the gun in a red Macy's bag which was under the driver's seat. Sergeant ██████████ related that ██████████ repeated that she was a police officer and that she did not know where her handgun was located. Sergeant ██████████ then spoke with his officers and decided to let ██████████ go because although she was drunk she was not driving and because the handgun was no longer in ██████████ possession. Sergeant ██████████ stated that he was in absolute utter disbelief that an off-duty police officer would be drunk and have no idea where their weapon was and allow a young man to possess it. Sergeant ██████████ made a complaint to the police department where ██████████ was employed the next day after this incident.

b. Digital Evidence

Body Worn Camera (BWC) footage was obtained of ██████████ June 3, 2018 police encounter.⁸ No In-Car Camera footage was available.

Officer ██████████ BWC shows her and Officer ██████████ pulling up to ██████████ vehicle. Officer ██████████ approached the vehicle and asked ██████████ to step out of the car. ██████████ stated that she was a police officer and wanted to know why they were being stopped and why they were asking ██████████ to step out of the car. Officer ██████████ explained that they received information claiming that there was a weapon inside the vehicle. ██████████ continued to discuss with Officer ██████████. Once Officer ██████████ allowed ██████████ to go back inside the vehicle, ██████████ asked to step out and continued talking to Officer ██████████ asking again why they were stopped. ██████████ stated that she wanted to speak to the Sergeant. Sergeant ██████████ arrived at the scene on foot a few moments later and began talking to ██████████. Officer ██████████ BWC captured Sergeant ██████████ talking to ██████████. Sergeant ██████████ then moved past ██████████ towards ██████████ who was in the backseat and requested a black bag from ██████████. Sergeant ██████████ searched the bag and then handed it back to ██████████. He

⁸ Att. 19

then asked Officer [REDACTED] and [REDACTED] to take down [REDACTED] and [REDACTED] information. Officer [REDACTED] turned off her camera after Officer [REDACTED] handed [REDACTED] and Connors ID's back.

Officer [REDACTED] BWC shows him and Officer [REDACTED] pulling up to [REDACTED] vehicle. Officer [REDACTED] approached the driver of the vehicle, [REDACTED] and asked for his driver's license, which [REDACTED] handed over. Officer [REDACTED] went back to the police vehicle to run the driver's license and then headed back to the vehicle. Officer [REDACTED] BWC captured [REDACTED] talking to Sergeant [REDACTED]. After Sergeant [REDACTED] searched [REDACTED] black bag and handed it back, Officer [REDACTED] took [REDACTED] and [REDACTED] identification to the police car to check them. As he was doing this, Sergeant [REDACTED] went up to him and stated that the backseat passenger, [REDACTED] had [REDACTED] weapon on him when he got into the vehicle. Officer [REDACTED] turned off his camera after handing back [REDACTED] and [REDACTED] ID's.

Sergeant [REDACTED] BWC shows him walking about half a block to the scene where [REDACTED] was talking to Officer [REDACTED] outside of the vehicle. Sergeant [REDACTED] explained to [REDACTED] that they received information that her nephew, [REDACTED] got into the vehicle with a weapon in his bag. [REDACTED] who was sitting in the rear passenger seat, allowed Sergeant [REDACTED] to search his bag. Sergeant [REDACTED] did not find a weapon inside the bag. Sergeant [REDACTED] handed the bag back to [REDACTED] and then asked Officer [REDACTED] and [REDACTED] take down their information. He then told [REDACTED] that they had to document the stop. Sergeant [REDACTED] then went up to Officer [REDACTED] who was in his police vehicle and stated that the passenger, [REDACTED] had [REDACTED] gun. Sergeant [REDACTED] turned off his camera after telling [REDACTED] they could leave.

c. Documentary Evidence

ISRs were located for [REDACTED] and [REDACTED]⁹ Per [REDACTED] ISR, he was stopped on June 3, 2018 at approximately 9:46 PM. Sergeant [REDACTED] was performing surveillance and saw [REDACTED] "place an object that was consistent with the size and shape of a handgun in his black gym bag." Sergeant [REDACTED] then saw [REDACTED] entering a car so the sergeant had Beat [REDACTED] (Officers [REDACTED] and [REDACTED] perform a traffic stop. [REDACTED] let Sargent [REDACTED] search his bag and a weapon was not found. Sergeant [REDACTED] reported that he released him and did not give [REDACTED] an ISR receipt and mailed one to [REDACTED] once at the station.

According to [REDACTED] ISR, during the traffic stop, [REDACTED] "informed officers that she was an off duty [*sic*] officer, and demanded to know why they were being stopped, and requested a supervisor." Sergeant [REDACTED] spoke with [REDACTED] at the scene. [REDACTED] was described as "highly intoxicated with a strong odor of alcohol emitting from her breath. She also had blood shot eyes and was slurring her speech." [REDACTED] was described as attempting to "curb" Sergeant [REDACTED] investigation. Sergeant [REDACTED] reported explaining the reason for the stop to [REDACTED] "a couple times." [REDACTED] told the sergeant [REDACTED] is her nephew and he did not have a gun. [REDACTED] also related that she had "her weapon in a red bag in the rear drivers [*sic*] side seat, next to [REDACTED]" Sergeant [REDACTED] did not find a weapon in [REDACTED] bag and since the sergeant "couldn't be 100% certain that the suspected weapon he observed [REDACTED] place in the black gym bag was the same weapon wrapped in the red plastic bag both subjects were allowed to leave."

⁹ Att. 14

No ISR was located for ██████ from this June 3, 2018 incident.¹⁰ Neither ██████ nor ██████ ISR mentioned ██████ presence.

Attendance and Assignment Records were obtained from the 4th watch of the ██████ District on June 3, 2016.¹¹ Sergeant ██████ was assigned to Beat 0564. Officer ██████ (who was the second preparing officer of ██████ and ██████ ISRs) were assigned to Beat ██████ and Car # ██████. Also assigned to Beat ██████ and Car # ██████ were Officer ██████ and Officer ██████ ██████.

An **Office of Emergency Management and Communications Event Query Report** was identified in relation to ██████ June 3, 2018 traffic stop.¹² Beat ██████ performed a traffic stop at approximately 9:46 PM. Three different driver's licenses were searched, as was the vehicle's license plate. The incident was closed at approximately 11:38 PM.

VI. ANALYSIS

COPA recommends a finding of **Exonerated** for Sergeant ██████ who is alleged to have stopped the Complainant's vehicle without justification. A lawful traffic stop requires "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law," including traffic law. *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)). Articulable and reasonable suspicion means that the police "must be able to identify some 'particularized and objective basis' for thinking that the person to be stopped is or may be about to engage in unlawful activity," amounting to more than a hunch. *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)). Sergeant ██████ stated that he was on surveillance for an unrelated issue in the London Town homes complex when he noticed ██████ walking out of a house with a handgun in his hand. Sergeant ██████ related that he observed ██████ placing the gun in a black bag and then getting into a car. Sergeant ██████ articulated that his reasonable suspicion in ordering officers to stop the vehicle ██████ was that ██████ appeared to be a teenager in possession of a handgun. Sergeant ██████ explanation in ordering his officers to pull over the car was therefore reasonable. According to the Illinois Conceal and Carry Law, only residents 21 years or older can carry a handgun (430 ILCS 66/25). Additionally, the fact that the handgun was in plain view of Sergeant ██████ means the gun was not concealed. Moreover, Sergeant ██████ was reasonable in his belief that ██████ who was 17 at the time of the incident was not an Illinois conceal and carry licensee and thus ██████ possession of a handgun would have been unlawful. COPA finds that Sergeant ██████ had reasonable articulable suspicion to pull over the car that ██████ got into and therefore this allegation is **Exonerated**.

COPA finds the allegation that Sergeant ██████ unlawfully searched the complainant's bag is **Exonerated**. The BWC shows ██████ giving the bag to Sergeant ██████ upon his request,

¹⁰ Att. 18

¹¹ Att. 16

¹² Att. 17

therefore the search was consented to by [REDACTED] Sergeant [REDACTED] did not find a weapon in [REDACTED] bag and handed it back to [REDACTED]. Moreover, assuming *arguendo*, [REDACTED] actions do not amount to providing Sergeant [REDACTED] consent; Sergeant [REDACTED] had reasonable suspicion to search [REDACTED] bag as that was the bag in which he had observed [REDACTED] place the object that appeared to be a handgun inside.

VII. CONCLUSION

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

Officer	Allegation	Finding
Sergeant [REDACTED]	1. Stopped the complainant’s vehicle without justification 2. Unlawfully searched a bag located in the complainant’s vehicle	Exonerated Exonerated

Approved:

[REDACTED]

November 23, 2019

 Andrea Kersten
 Deputy Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator¹³:	
Supervising Investigator:	
Deputy Chief Administrator:	

¹³ If a major case specialist, change title to "Major Case Specialist".