SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	Nove	ember 3, 2018	
Time of Incident:	5:45	PM	
Location of Incident:	6400	S. Campbell Ave.	
Date of COPA Notification	n: Nove	ember 6, 2018	
Time of COPA Notification	on: 09:3	1 AM	
were working in the complainant, vicinity of 6400 S. Campbe officers that his driver's lice. Indiana. Mr.	Distraction of the control of the co	tely 5:45 PM, Officer when the dict and assigned to Beat # when the for driving his vehicle in the biaseter being curbed, Mr. was escorted out of his vehicle and handcoricer proceeded to conduct an unland in inside his vehicle.	ney stopped the cycle lane in the ediately told the from the state of uffed by Officer
II. INVOLVED PA	ARTIES		
Involved Officer #1: Involved Officer #2:	/81, Mal	Star # Employee ID # Employee ID # Employee ID # Employee ID Emplo	District, DOB: DOA:/13,
III. ALLEGATION	I		
Officer	Allegation		Finding
Officer	appro 6400 stopp mino	r traffic infraction and unlawfully hed his vehicle, in violation of Rules 1	Exonerated

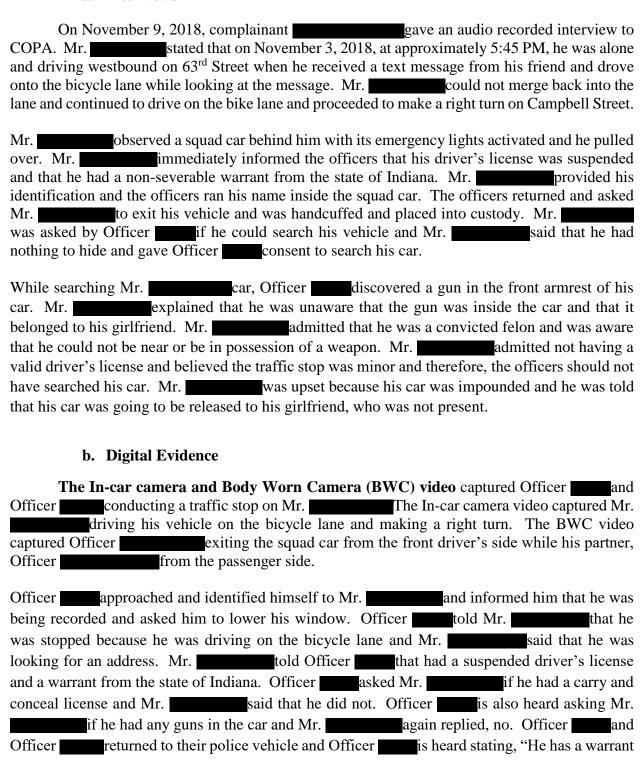
1. Municipal Code of Chicago: 9-80-240 (a)

IV. APPLICABLE	1. It is alleged that on November 3, 2018, a approximately 5:45 pm, in the vicinity of 6400 S. Campbell Ave., Officer stopped for committing a minor traffic infraction and unlawfully searched his vehicle, in violation of Rules and 2.	f ■ a y
Rules		
1. Rule 1 : Violation of an	uv law or ordinance	
2. Rule 2 : Any action or c	conduct which impedes the Department's efforts to a credit upon the Department.	chieve its policy
Special Orders		
1. S04-13-09, Investigator	ry Stop System	
2. S07-03-05, Impoundme	ent of vehicles of municipal code violations	
Federal Laws		
1. 4 th Amendment, U. S. C	Constitution	
State Laws		
1. 625 ILCS 5.0/6-303-A	1	
Municipal Code		

 $^{^{1}625}$ 5.0/6-303-A The statute reads as follows: "Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked."

V. INVESTIGATION²

a. Interviews



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

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Indiana" and a driver's license check revealed that Mr. had a suspended license from Indiana for a DUI. Mr. was asked to exit his vehicle and was handcuffed by Officer and placed into custody. Mr. was asked again if he had any weapons in the vehicle and Mr. replied, "No, It's at the crib." Officer proceeded to search the vehicle and the BWC video showed Officer recovering a revolver from the front armrest of the car. Mr. related that the revolver was not registered to him, but possibly registered to his girlfriend. Mr. vehicle was driven away by Officer to the police station.
c. Documentary Evidence
The Arrest Report of indicated that on November 3, 2018, at approximately 5:45 pm, in the vicinity of 6400 S. Campbell Ave., Officers and curbed his vehicle for committing traffic violations. Mr. was cited for driving on bike lane/fail to keep in lane, obstruction of drivers views and not wearing a seat belt. Upon approach, officers asked Mr. for DL and insurance card and provided a state ID. Mr. related that license had been suspended and that he had a warrant in Indiana. Mr. was asked if he had a CCL or FOID card, or any weapons in the car and Mr. stated no. A name check revealed that Mr. license was suspended and had an active warrant in Indiana that was not serviceable in Cook County. A custodial search of Mr. vehicle revealed an "Arminius 38 Special Titan Tiger Revolver black chrome finish with 6 live rounds (serial license) and belonged to his wife. While on BWC video, Mr. related that the revolver was not his and belonged to his wife. While on BWC video, Mr. said he would keep it 100, meaning he was going to tell the truth, that he knew that the gun was there, but it was for protection for his wife and him because he lives in a bad neighborhood. Mr. was placed in custody and transported to the District for processing where it was discovered that Mr. was a convicted gun offender and member of the Black P stone gang. Mr. vehicle was impounded, and felony charges were approved by ASA
Mr. was issued citations for Obstruction of driver's window (Failure to wear a seat belt (December 2), Operating an uninsured vehicle (December 2), Improper Traffic lane usage (December 2)
Mr. was also issued a citation for Driving on a Suspended or Revoked license between 100 which is a violation of Illinois Vehicle Code (625 ILCS 5/6-303) and Municipal Code of Chicago (MCC) 9-80-240 which is subject to impoundment under Special Order 07-03-05.
³ Att. 4, Arrest Report of ⁴ Att. 8, Property Inventory ⁵ Att. 12, Traffic citations () and ⁶ Att. 12, Traffic citations (). ⁷ Att. 29, 625 ILCS 5.0/6-303-A

⁾ and

Vehicle Impoundment/Seizure Report⁸ indicated that Mr. was observed making a minor traffic violation by failing to stay in his lane. Mr. admitted to driving with a suspended license and a LEADS search revealed that Mr. was operating his vehicle with a suspended license which is a violation of Municipal Code of Chicago 9-80-240, Driving with a Suspended or Revoked License.

Municipal Code of Chicago 9-80-240⁹, Driving with a suspended or revoked license – Impoundment. (a) The owner of record of any motor vehicle that is operated by a person with a suspended or revoked driver's license shall be liable to the city for an administrative penalty of \$1,000 plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

Special Order 07-03-05, Impoundment of Vehicle for Municipal Code violations.¹⁰ This order outlines the procedures for an impoundment of a vehicle that is in violation of MCC 9-80-240, Driving with a Revoked or Suspended License.

CPD Property Inventory 14299299¹¹ indicates that an Arminius 38 Special Titan Tiger Revolver black chrome finish with 6 live rounds (serial # was recovered and inventoried.

Chicago Police Department Event Query Report # 13 indicated that Officers and conducted a traffic stop involving Mr. A name search revealed that Mr. was driving with suspended driver's license.

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. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or

⁸ Att. 11, Vehicle Impoundment/Seizure Report.

⁹ Att. 30, Municipal Code of Chicago 9-80-240, Driving with a suspended or revoked license – Impoundment.

¹⁰ Att. 28, Special Order 07-03-05, Impoundment of Vehicles for Municipal Code Violations.

¹¹ Att. 8, Property Inventory

¹² Att. 8, Property Inventory

¹³ Att. 5, CPD Event Query Report #

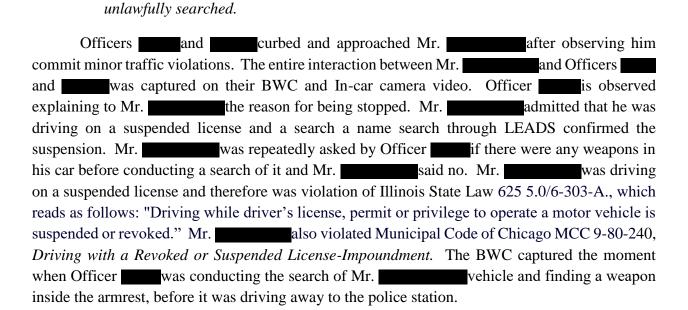
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

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 III. 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 \P 28.

1. Stopped Mr. Sto

VI. ANALYSIS



However, pursuant to South Dakota v. Opperman¹⁴, when a vehicle is impounded for any reason, an officer may conduct an inventory search of the vehicle subject if the search is accordance with a department policy that does not give discretion to the individual officer but instead requires an inventory in cases of impoundment. Mr. was in violation of Municipal Code of Chicago (MCC) 9-80-241, Driving with a Revoke or Suspended License and his vehicle was impounded and searched in accordance with Chicago Police Department policy. Specifically,

¹⁴ 428 U.S. 364 (more)96 S. Ct. 3092

Special Order 07-03-05 which outlines the procedures for impounding a vehicle in violation of certain Municipal Code of Chicago (MCC) ordinances. Based on this evidence, COPA recommends that the allegation that Mr. which was unlawfully search be EXONERATED.

Furthermore, Officers and Interacted and spoke to Mr. with professionalism, dignity and respect and were both in compliance with the Mission Statement and Core Values established by CPD.

VI. CONCLUSION

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

Officer	Allegation	Finding
Officer	It is alleged that on November 3, 2018, at approximately 5:45 pm, in the vicinity of 6400 S. Campbell Ave., Officer stopped for committing a minor traffic infraction and unlawfully searched his vehicle, in violation of Rules 1 and 2.	Exonerated
Officer	It is alleged that on November 3, 2018, at approximately 5:45 pm, in the vicinity of 6400 S. Campbell Ave., Officer stopped for committing a minor traffic infraction and unlawfully searched his vehicle, in violation of Rules 1 and 2.	Exonerated

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	1-7-2020	
Angela Hearts-Glass	Date	
Deputy Chief Administrator		

Appendix A

Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:



Angela Hearts-Glass