

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 22, 2018
Time of Incident:	7:21 p.m.
Location of Incident:	6457 South Yates Boulevard, Chicago, Illinois
Date of COPA Notification:	February 4, 2019
Time of COPA Notification:	2:11 p.m.

On September 22, 2018, officers pulled [REDACTED] (" [REDACTED] ") and his nephew over for a traffic stop. [REDACTED] alleged, during the stop, he and his vehicle were searched, and he was arrested without justification.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED], 2016, PO, Unit [REDACTED], DOB: [REDACTED], 1991, Male, White
Involved Officer #2:	[REDACTED] star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED], 2014, PO, Unit [REDACTED], DOB: [REDACTED], 1988, Male, Hispanic
Involved Officer #3:	[REDACTED] star # [REDACTED], employee ID# [REDACTED], Date of Appointment: [REDACTED], 2013, PO, Unit [REDACTED], DOB: [REDACTED], 1982, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1990, Male, Black
Involved Individual #2:	[REDACTED], DOB: [REDACTED], 2000, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	It is alleged that on September 22, 2018, at approximately 7:21 p.m., in the vicinity of 6457 South Yates Boulevard, Chicago, Illinois, you: 1. stopped [REDACTED] without justification; 2. searched [REDACTED] vehicle without justification; and 3. searched [REDACTED] without justification.	Not Sustained Exonerated Exonerated

Officer [REDACTED]	It is alleged that on September 22, 2018, at approximately 7:21 p.m., in the vicinity of 6457 South Yates Boulevard, Chicago, Illinois, you: 1. stopped [REDACTED] without justification; and 2. searched [REDACTED] vehicle without justification.	Not Sustained Exonerated
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IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 1: Violation of any law or ordinance. 2. Rule 6: Disobedience of an order or directive, whether written or oral.
Special Orders
1. Special Order S04-13-09, "Investigatory Stop System"
Federal Laws
1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause. ¹

V. INVESTIGATION²

a. Interviews

In an interview with COPA, on February 4, 2019, [REDACTED] (" [REDACTED] ") stated, on September 22, 2018, he was on his way to a bon fire at the beach. His nephew, [REDACTED], was driving his vehicle while [REDACTED] rode in the front passenger seat. After stopping to get gas, [REDACTED] saw police and out of respect he turned down the vehicle's music. [REDACTED] made a proper left turn. Officers stopped the vehicle.

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.

██████████ told officers he had a license, but it was not physically on his person. The officers told ██████████ and ██████████ to exit the vehicle, which they did without incident. The officers immediately did a full search of the vehicle. The officers asked why the vehicle smelled like detergent. ██████████ explained a detergent bottle busted in the trunk. The officers never said why they pulled his vehicle over. ██████████ stated his headlights were both working.

After searching the vehicle, officers asked ██████████ why the vehicle smelled like marijuana. ██████████ was confused because neither her nor his nephew smokes marijuana, and the officers just said the car smelled like detergent. An officer, now known as Officer ██████████ patted him down and searched his pockets. Officer ██████████ found a crystal-like substance, another individual's ID,³ and a bottle containing Lorazepam and Xanax.⁴ He was arrested and transported to the police station.

At the police station, a white officer from the scene told ██████████ the crystal-like substance was Meth. The officer told ██████████ there was not much he could do because cameras were rolling, but if ██████████ provided him with information to obtain a search warrant, then the officer would have ██████████ case dismissed. ██████████ also provided COPA with text messages he stated were between him and the officer. ██████████ told COPA he was not sure how the officer got his phone number because ██████████ did not provide it to him.^{5,6}

In an interview with COPA, on June 5, 2019, ██████████ (Officer ██████████) stated, on September 22, 2018, while on patrol with his partners, Officers ██████████ and ██████████ observed a vehicle with one headlight unlit. The officers pulled the vehicle over. On approach, Officer ██████████ observed a red cup in the center console, which he believed may contain alcohol. Officer ██████████ asked the driver, now known as ██████████ for his license. ██████████ did not provide a license. At this time, Officer ██████████ could smell the odor of cannabis. Officer ██████████ asked ██████████ out of the vehicle. The officers searched the vehicle due to the smell of cannabis. Additionally, the officers smelled bleach in the rear of the vehicle. Officer ██████████ stated sometimes individuals will spray or spill items in the trunk to cover the smell of cannabis. Officer Brackin went to the police vehicle to run ██████████ name in the system. Officer ██████████ believes the name came back with a valid license and no warrant.

Other officers showed up on scene. ██████████ was arrested for possession of suspect Meth and Xanax pills without prescription. ██████████ was transported by a marked police vehicle to the police station for processing. Officer ██████████ did not recall himself or any other officer speaking to ██████████ at the station about providing information of drug sales or having ██████████ make any

³ ██████████ stated he found the ID and crystal-like substance he was a freelance driver, and he believed the ID and crystal-like substance belonged to the individual he drove earlier that day.

⁴ ██████████ had a prescription for Lorazepam, but not for Xanax.

⁵ Attachment 5.

⁶ While ██████████ believed he was being coerced, or an officer put undue or excessive pressure on ██████████ to cooperate with the officer, COPA did not provide the allegation to any officer because the allegation, as alleged by ██████████ did not rise to the level of undue pressure. ██████████ stated he never provided his phone number. While ██████████ believed the officer did get his number and texted him, he could not have felt undue pressure to cooperate because ██████████ did not respond for several months and his response was not to cooperate. Additionally, ██████████ did not allege the officer made any further contact beyond the text nor did ██████████ allege suffering any negative consequence for not cooperating with the officer.

future drug purchases. Officer ██████████ stated requesting an individual to make future buys would be outside the scope of his job. Officer ██████████ denied all allegations.⁷

In an interview with COPA, on June 19, 2019, ██████████ ("Officer ██████████) provided a consistent statement as Officer ██████████ with the following additional details. Officer ██████████ stated he could smell both cannabis and bleach emanating from the vehicle. He shined his flashlight through the back window and saw an unopened alcohol container and blanket. Officer ██████████ did not recall himself or any other officer speaking to ██████████ at the station about providing information of drug sales or having ██████████ make any future drug purchases. Officer ██████████ denied all allegations.⁸

In an interview with COPA, on July 16, 2019, ██████████ ("Officer ██████████) provided a consistent statement as Officers ██████████ and ██████████ with the following additional details. On approach, Officer ██████████ observed ██████████ in the passenger seat and a strong odor of burnt cannabis. Officer ██████████ asked ██████████ to step out of the vehicle. Officer ██████████ searched the vehicle and ██████████ person due to the smell of cannabis. Officer ██████████ initially, patted ██████████ down and felt an object in ██████████ pants pocket that prompted Officer ██████████ to ask if ██████████ had a bag of marijuana. ██████████ replied no. Officer ██████████ retrieved the object and believed it to be suspect Meth. Officer ██████████ continued to search ██████████ and recovered Xanax pills. Officer ██████████ placed ██████████ into custody and requested a cage car to transport ██████████ to the station. Officer ██████████ did not recall himself or any other officer speaking to ██████████ at the station about providing information of drug sales or having ██████████ make any future drug purchases. Officer ██████████ denied all allegations.⁹

b. Digital Evidence

Body Worn Camera Video ("BWC") shows Officers ██████████ and ██████████ stop ██████████ vehicle, where ██████████ is sitting in the passenger seat. Officers ██████████ and ██████████ approach the vehicle of ██████████ the driver side, while Officer ██████████ approaches on the passenger side. Officer ██████████ asks the driver, ██████████, for his license. ██████████ stated he has a license, but he did not have it physically on his person. Officer ██████████ requests ██████████ to exit the vehicle.¹⁰ Officer ██████████ asks if they were drinking in the car and what was in the cup. ██████████ denied drinking and ██████████ responded nothing was in the cup. As ██████████ moves to the rear of the vehicle, Officer ██████████ asks about a smell, indicating it smells like bleach. Officer ██████████ confirms he smells it too. Officer ██████████ writes down the driver's personal information, returns to his police vehicle and runs a name check.¹¹

Officer ██████████ after ██████████ exited the vehicle, tells ██████████ to exit the vehicle. ██████████ exits the vehicle and places his hands in his pants pockets. Officer ██████████ tells ██████████ to put his hands on the trunk. Officer ██████████ pats down ██████████ right side, jacket and pants pocket. Officer ██████████ asks ██████████ if he has a small bag of weed on him. ██████████ denies having weed,

⁷ Attachment 22.

⁸ Attachment 27.

⁹ Attachment 32.

¹⁰ Attachment 15.

¹¹ Attachments 15, 16.

but acknowledges he has an unknown item he found.¹² Officer [REDACTED] recovers a plastic bag with white substance. [REDACTED] denies the bag is his and knowledge of what is inside the bag. Officer [REDACTED] requests a cage car and walks back to the police vehicle. At the police vehicle, Officer [REDACTED] asks Officer [REDACTED] if the driver had weed on him because the car wrecks. Officer [REDACTED] said no, but he smelled a strong odor of bleach on his side.¹³

Officer [REDACTED] searches the vehicle in the driver’s compartment, door, center console, and backseat.¹⁴ Officer [REDACTED] searches the front compartment of the vehicle and asks about what type of alcohol was inside the cups, which were located in the vehicle’s center console cupholders. [REDACTED] admitted there had been wine in the cups.¹⁵ Officer [REDACTED] searches [REDACTED], then searches [REDACTED] vehicle looking in the front passenger door, passenger compartment, glove compartment, and backseat.¹⁶ Officer [REDACTED] looks inside the trunk. [REDACTED] is arrested and placed inside a marked police vehicle. Officer [REDACTED] says [REDACTED] can take [REDACTED] vehicle and wallet.¹⁷

c. Documentary Evidence

According to **Department Reports**, officers stopped [REDACTED] vehicle for having only one operating headlight. On approach, officers smelled a strong odor of burnt cannabis emitting from the vehicle. Officer [REDACTED] observed [REDACTED] making furtive movements with his right hand to his right pocket. Officers ordered everyone out of the vehicle to conduct a narcotics investigation. [REDACTED] exited the vehicle and placed his right hand back into his pocket. Officer Budz told [REDACTED] to place his hands on the trunk of [REDACTED] vehicle. Officer [REDACTED] searched [REDACTED] right pocket and recovered a bag of suspect Meth. [REDACTED] also had a pill bottle containing five pills that he admitted were unprescribed Xanax. [REDACTED] was arrested and transported to District [REDACTED] for processing.¹⁸

VI. ANALYSIS

COPA finds the allegation that Officers [REDACTED] and [REDACTED] stopped [REDACTED] [REDACTED] without justification is **Not Sustained**. Chicago Municipal Code requires all motor vehicles, when on the roadway, to have at least two lighted head lamps showing.¹⁹ [REDACTED], contrary to the officers’ statements and Department Reports, stated he had two working or lighted head lamps when he was stopped. Because there are no independent witnesses or video to confirm whether [REDACTED] vehicle had two lighted head lamps at the time of this incident, this allegation is **Not Sustained**.

COPA finds the allegation that Officers [REDACTED] and [REDACTED] searched [REDACTED] [REDACTED] vehicle without justification is **Exonerated**. “After an officer is in possession of facts sufficient to support probable cause to believe that a vehicle contains contraband, the vehicle may

¹² Attachment 14 at 1:30-1:47.
¹³ Attachment 14.
¹⁴ Attachments 14, 16.
¹⁵ Attachment 15.
¹⁶ Attachment 14.
¹⁷ Attachments 14-17.
¹⁸ Attachments 8-9.
¹⁹ MCC 9-76-050(B).

be searched without a warrant and the search area includes any interior compartment of the vehicle that might reasonably contain the contraband.”²⁰ In *United States v. McCoy*, the court concluded the officer had probable cause to search vehicle for marijuana after the officer observed the odor of burnt cannabis on the occupant and a strong odor of air freshener, a potential masking agent, in the vehicle.²¹ The officers stated they searched the vehicle after smelling cannabis emanating from the vehicle. Officers [REDACTED] and [REDACTED] added they smelled bleach in the vehicle, and Officer [REDACTED] believed it may have been used to cover the cannabis smell. BWC corroborates the officers’ statements. It is clear from the evidence, that the officers smelled cannabis and bleach prior to searching [REDACTED] vehicle and [REDACTED] admitted there had been alcohol in the cup. Therefore, it was reasonable for officers to believe the vehicle may contain contraband, and the officers were able to search the vehicle for marijuana and alcohol. Thus, this allegation is **Exonerated**.

COPA finds the allegation that Officer [REDACTED] searched [REDACTED] without justification is **Exonerated**. As discussed above, when an officer smells the odor of burnt cannabis, probable cause exists to search the vehicle. Illinois courts have extended this warrant exception to the search of the driver and all passengers.²² Officer [REDACTED] stated he smelled a strong odor of burnt cannabis when he approached the vehicle, and he observed [REDACTED] quickly move his right hand to his right pocket. Officer [REDACTED] asked [REDACTED] if he had a bag of cannabis, to which [REDACTED] replied no but admitted to having an unknown substance he picked up. Officer [REDACTED] went inside [REDACTED] right pocket and retrieved suspect Meth. [REDACTED] was arrested for possession of Meth and a custodial search revealed he, also, possessed Xanax without a prescription. Officer statements and video corroborates Officer [REDACTED] account of events. Based on the evidence, Officer [REDACTED] searched [REDACTED] according to Department policy and the law. Therefore, this allegation is **Exonerated**.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	It is alleged that on September 22, 2018, at approximately 7:21 p.m., in the vicinity of 6457 South Yates Boulevard, Chicago, Illinois, you: 1. stopped [REDACTED] without justification; 2. searched [REDACTED] vehicle without justification; and 3. searched [REDACTED] without justification.	Not Sustained Exonerated Exonerated

²⁰ *People v. Contreras*, 2014 IL App (1st) 131889, ¶ 28.
²¹ *US v. McCoy*, 200 F. 3d 582, 584 (8th Cir. 2000). see *United States v. Wimbush*, 337 F.3d 947, 950-51 (7th Cir. 2003) (smell of marijuana gave rise to probable cause for warrantless search of vehicle revealing marijuana in passenger compartment); *United States v. McGuire*, 957 F.2d 310, 314 (7th Cir. 1992) (presence of contraband in passenger compartment is probable cause to search entire vehicle, including trunk, for additional contraband).
²² *People v. Boyd*, 298 Ill. App. 3d 1118, 1127 (1998).

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG#1092585

Officer [REDACTED]	It is alleged that on September 22, 2018, at approximately 7:21 p.m., in the vicinity of 6457 South Yates Boulevard, Chicago, Illinois, you: 1. stopped [REDACTED] without justification; and 2. searched [REDACTED] vehicle without justification.	Not Sustained Exonerated
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Approved:

[REDACTED]

3-30-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Appendix A

Assigned Investigative

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:

[REDACTED]

Angela