

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 7, 2019
Time of Incident:	Approximately 2:34 P.M.
Location of Incident:	8331 South Wolcott Avenue, Chicago, IL 60620
Date of COPA Notification:	September 10, 2019
Time of COPA Notification:	3:23 P.M.

██████████ alleges that on September 7, 2019, Officer ██████████ unlawfully detained him in handcuffs while at a junior league football game and searched his person without justification. Mr. ██████████ aunt, Ms. ██████████ who was also present with Mr. ██████████ at the time of the stop, also reported the same incident to COPA on her nephew’s behalf.

**II. INVOLVED PARTIES**

Involved Officer #1:	██████████ Star # ██████████ Employee ID# ██████████, Date of Appointment: ██████████, 2015, PO, Unit ██████████, DOB: ██████████ 1989, Male, White
Involved Individual #1:	██████████ DOB: ██████████ 2011, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged that on September 7, 2019 at approximately 2:34 P.M., in the vicinity of 8331 South Wolcott Avenue, Officer ██████████ handcuffed ██████████ without justification.	Exonerated
	2. It is alleged that on September 7, 2019 at approximately 2:34 P.M., in the vicinity of 8331 South Wolcott Avenue, Officer ██████████ searched ██████████ person without justification.	Exonerated

**IV. APPLICABLE RULES AND LAWS**

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**Rules**

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1. Rule 2: 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: Disobedience of an order or directive, whether written or oral.
  3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
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**General Orders**

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1. G02-01 Human Rights and Human Resources
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**Federal Laws**

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

**V. INVESTIGATION****a. Interviews****1. Civilian Interviews**

**In an interview with COPA on September 20, 2019,** [REDACTED] states that on September 7<sup>th</sup>, 2019, he attended his cousin's football game located at O'Halleran Park near S. Wolcott Avenue and West 83<sup>rd</sup> Street and was standing together with his aunt on the side of the field near the football team. Mr. [REDACTED] relates that a police officer came up from behind him and placed him in handcuffs behind his back, detaining him in their search for a person with a gun. Mr. [REDACTED] states that there were multiple police officers on the scene—three male and one female.

During his account of the stop, Mr. [REDACTED] describes two separate points at which officers examined and/or searched his person, focusing on his sweatshirt and waistband area. Mr. [REDACTED] relates that one officer searched him by unzipping his hooded sweatshirt and pulling it to the side. Mr. [REDACTED] describes another officer examining his sweatshirt and making mention of an Adidas jacket. At no point, says Mr. [REDACTED] did any officer search inside his pants or pockets. Further, at no point did any officer ask Mr. [REDACTED] his name or any other question—they simply came up from behind, placed him in handcuffs, searched his person, turned him around and began walking him toward the police car parked on the street, finally releasing him after receiving via radio an updated description of the person with a gun. Mr. [REDACTED] describes himself as having worn a plain black hooded sweatshirt with no brand on it and a white t-shirt. Although placed in handcuffs immediately and without warning, Mr. [REDACTED] states he was not injured in any way during the encounter.

**In an interview with COPA on September 20, 2019,** [REDACTED]<sup>2</sup> states that on the afternoon of September 7<sup>th</sup>, 2019, she was standing with her nephew, [REDACTED] at the sidelines of

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<sup>1</sup> Attachment 1.

<sup>2</sup> Attachment 2.

the field watching her son's football game when officers approached her nephew from behind, instantly placed him in handcuffs, and says she observed officers "pat [Mr. ██████] down for the weapon." Ms. ██████ was unsure whether the police went inside Mr. ██████ clothes or only patted him down. She states that, after the search, Mr. ██████ jeans were pulled significantly lower than prior to the officers' approach and search, appearing to indicate the officers had searched in his pants or pants pockets. Police officers apprehended Mr. ██████ and placed him in handcuffs without any greeting and without telling them anything about the reason for his detention. Ms. ██████ states that officers then informed her and ██████ they had received a report that an individual fitting her nephew's description, wearing a hoodie and blue jeans, had a gun in the area across from the fieldhouse.

Ms. ██████ relates that she is unsure which officer(s) searched her nephew. Ms. ██████ believes her nephew was singled out among at least three-hundred people present at the game, stating she observed plenty of people present at the football game wearing hoodies and jeans. As officers began walking Mr. ██████ toward the police vehicle parked on the street, one officer approached, grabbed ██████ hoodie, and said, "he's good, he's good," because it was not an Adidas jacket. The officer stated that he received an update on the description of the person with a gun.

## 2. Officer Interview

**In an interview with COPA on December 30, 2019, Officer ██████** states that on the day of the incident in question, he and his partner, Officer ██████, received a radio transmission of a person with a gun. The description was a male black wearing a black hooded sweatshirt and blue jeans, located with "a gang of people" near the fieldhouse at O'Halleran Park. Officer ██████ describes that he and his partner first patrolled near the fieldhouse in search of the subject, then continued to patrol other areas of the field in search of an individual matching the reported description. Officer ██████ states that they left the vicinity of the fieldhouse because they did not see anyone matching the reported description and because, in Officer ██████ experience, individuals in commission of a crime often do not remain in the same place for long. Officer ██████ states that as they continued their patrol and upon seeing Mr. ██████ he says matched the initially reported description—the officers exited their vehicle and approached Mr. ██████ detaining him in handcuffs.

Officer ██████ states he made the decision to immediately handcuff Mr. ██████ without warning due to the nature of the call, saying the decision was "for everybody's safety." Officer ██████ reasons that, had Mr. ██████ in fact possessed a firearm, and had the officers given Mr. ██████ warning of their presence before handcuffing him, he might have taken off on foot, fired his gun at the officers, potentially hit the officers, or potentially hit someone else at the football game.

Officer ██████ relates that, upon handcuffing Mr. ██████ he received an update that the black hoodie was a black and white Adidas jacket. Officer ██████ describes that he asked dispatch to repeat the new information in order to verify whether Mr. ██████ fit the updated description of the subject. Officer ██████ states he confirmed Mr. ██████ was not wearing an Adidas jacket and then immediately released him from handcuffs.

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<sup>3</sup> Attachment 3.

Officer ██████ states that after receiving the updated description he placed his hands on the upper and lower areas of the front of Mr. ██████ open sweatshirt to locate a logo and verify whether or not the garment was an Adidas jacket. Further, Officer ██████ states that because the officers had received two conflicting clothing descriptions of the reported person with a gun, he grabbed Mr. ██████ pocket area in order to “[make] sure one last time he doesn’t have a firearm on him.”

Officer ██████ states Mr. ██████ was then free to go and was offered an Investigatory Stop Receipt, which he declined. Officer ██████ relates that he and his fellow officers then continued to search around the area for an individual matching the reported description of a person with a gun.

### b. Digital Evidence

Eight **digital cell phone camera photographs**<sup>4</sup> submitted by ██████ aunt, ██████ depict multiple individuals present during the encounter, including Officers ██████, ██████, ██████ and ██████ as well as ██████ and others present at the football game. Collectively, the photographs document the interaction between Mr. ██████ and police, including the officers’ response to the football field at O’Hallaren Park, as well as Mr. ██████ handcuffing.

Two **digital cell phone videos**<sup>5</sup> submitted by ██████ aunt, ██████ together capture approximately 58 consecutive seconds of the encounter between the responding officers, Mr. ██████ Ms. ██████ and others present. The video footage captures Mr. ██████ initially facing the east (toward the recording cell phone camera), being turned around to the west (away from the recording cell phone camera) by Officer ██████, who states, “We’re going to go talk up by the car so we don’t aggravate anybody.” As Mr. ██████ is turned around by Officer ██████, the video captures that Mr. ██████ has a significant visible bulge in the front, lower, left-hand pocket of his hooded sweatshirt, and that a wrapper—pink in color—is externally visible, protruding approximately 1-3 inches from the pocket as he turns to the west. Eight (8) seconds into the video, the pink wrapper is captured to be an “Airheads” brand candy wrapper.

As Mr. ██████ is turned around by Officer ██████ to begin walking westbound toward the police car, Officer ██████ approaches Mr. ██████ from the westerly direction (initially located behind Mr. ██████ then, after ██████ was turned around by Officer ██████, Officer ██████ comes face-to-face with Mr. ██████. At that moment, 9-12 seconds into the video, footage captures the sides of Mr. ██████ hooded sweatshirt being opened or otherwise manipulated from the front while Mr. ██████ hands are cuffed behind his back. As Officer ██████ approaches Mr. ██████ he is overheard saying, “Adidas jacket?” As Mr. ██████ hooded sweatshirt is seen being opened or otherwise manipulated from the front, Officer ██████ is overheard saying, “It’s not Adidas? He’s good. He’s good.” Officer ██████ then states to the other officers that, “They just gave an update on the ticket that said, “an Adidas jacket.” Officer ██████ then removes Mr. ██████ handcuffs and a brief interaction occurs between Ms. ██████ and the officers. During that interaction (approximately 46 seconds into the recording), video again captures the large bulge visible in Mr.

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<sup>4</sup> Attachments 4 – 11.

<sup>5</sup> Attachment 12 & 13.

front, lower, left-hand sweatshirt pocket, and approximately two inches of the pink “Airheads” brand candy wrapper protrudes from the pocket. The officers then leave the field.

**Body Worn Camera Video<sup>6</sup> (BWC)** obtained from Officers [REDACTED], [REDACTED] and [REDACTED] capture the incident. The officer BWC captures the same incident as described above from different angles. The following is a summary of the incident as a whole.

The officers are captured responding to reports of a person with a gun in the vicinity of O’Hallaren Park at a junior league football game. Officers are captured approaching an individual wearing a plain, black hooded sweatshirt and blue jeans, now known to be [REDACTED] Officer [REDACTED] makes first contact with [REDACTED] approaching him from behind, reaching around his body, grabbing his arms and pulling them around his back, instructing [REDACTED] “Hey partner, let me see your hands, let me see your hands.” As Officer [REDACTED] secures handcuffs around [REDACTED] wrists, an update to the person of interest description is received over Officer [REDACTED] radio, stating that the person with a gun was reported to be wearing a black and white Adidas jacket. Officer [REDACTED] is then heard stating aloud, “Adidas jacket.” A few seconds later, Officer [REDACTED] is again heard saying aloud, “Adidas jacket.” A few seconds later, Officer [REDACTED] is captured visually inspecting [REDACTED] person. Officer [REDACTED] then requests over the radio to dispatch, “602 Sam 2, can you read the ticket one more time for the update?” Within four seconds, dispatch responds to Officer [REDACTED] stating, “He’d be wearing a black and white Adidas jacket [and] jeans.”

While Officer [REDACTED] requests a repeat of the update, as dispatch repeats the description, and for several seconds afterward, Officer [REDACTED] is captured walking in a wide, semi-circular fashion around the scene, facing away from [REDACTED] and appearing to scan the vicinity of the field. Officer [REDACTED] next approaches [REDACTED] and is heard stating the question aloud, “Adidas jacket?” No recording captures any further response from dispatch. Officer [REDACTED] is then captured immediately reaching toward the lower side areas of [REDACTED] hooded sweatshirt, pulling his hooded sweatshirt open, visually examining [REDACTED] waist area, and reaching across [REDACTED] body with his left hand to grab with both hands [REDACTED] front, lower, left-hand sweatshirt pocket area, appearing to feel the pocket with both hands.<sup>7</sup> Officer [REDACTED] is captured saying, “It’s not Adidas? He’s good, he’s good.” Officer [REDACTED] then states aloud, “They just gave an update on the ticket that said, “an Adidas jacket.”” At that point, Officer [REDACTED] begins removing the handcuffs from [REDACTED] wrists, offers him an Investigatory Stop Receipt, which [REDACTED] declines, and the officers begin to depart the scene.

### c. Documentary Evidence

An **Investigatory Stop Report** numbered [REDACTED]<sup>8</sup> corresponding to Event Number [REDACTED] documents the stop occurring on September 7<sup>th</sup>, 2019 at approximately 1430 GMT near 8331 S. Wolcott Avenue, Chicago, IL 60620. Officer [REDACTED], Star No. [REDACTED], is

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<sup>6</sup> Attachment 14 – 17.

<sup>7</sup> That pocket is now known from digital cell phone video evidence to have had a significant visible bulge from its inner contents, which included partially protruding “Airheads” brand candy in a pink wrapper.

<sup>8</sup> Attachment 18.

listed on the ISR as First Officer. Officer [REDACTED] is listed as Second Officer, Star No. [REDACTED]. Review Supervisor is listed as [REDACTED] Star No. [REDACTED] who approved the ISR.

The ISR identifies that Reasonable Articulate Suspicion was the factor leading to the stop, specifically, that the subject of the detention (listed on the ISR as an unidentified slender, black male) “fits description of an offender as described by victim or witness, “ and that the subject of the detention was found in “proximity to the reported crime location.” The ISR goes on to report that a protective pat down was conducted and that the Reasonable Articulate Suspicion factors leading to the protective pat down were a “suspicious bulge/object” and “other reasonable suspicion of weapons.”

Finally, the Investigatory Stop Narrative reads as follows: “Event # [REDACTED]: BWC recorded event. [Responding Officers] responded to a call of person with a gun at 8300 S Wolcott. RO’s toured the area and spotted the above listed individual at 8331 S Wolcott, who matched the exact description of the offender given by dispatch. RO’s detained the subject, protective patdown for weapons conducted based on the nature of the call. Patdown yielded negative results. Information refused by the subject, subject declined ISR receipt on camera.”

**Attendance & Assignment records**<sup>9</sup> from September 7, 2019 document that Officer [REDACTED] and [REDACTED] were on duty and assigned to the same patrol car during the incident in question. Officers [REDACTED] and [REDACTED] were assigned to Beat # [REDACTED]

A **Chicago Police Department Original Case Incident Report**,<sup>10</sup> RD # [REDACTED] Event # [REDACTED] documents an incident involving an aggravated assault with a handgun occurring near 8300 S. Wolcott Avenue on September 7, 2019 at approximately 14:15 GMT. That Incident Report documents the victim of the incident as [REDACTED] and the Offender as unknown. The Incident Report Narrative describes an altercation involving several people in the park near the above address. During the altercation, an unidentified male reportedly raised his shirt and stated he had a gun, causing the reporting parties to run from the area and call the police.

**Chicago Police Department Case Supplementary Report, Sup. ID [REDACTED]**,<sup>11</sup> Case ID [REDACTED], RD # [REDACTED] provides supplementary documentation of an aggravated assault with a handgun occurring near 8300 S. Wolcott Avenue on September 7, 2019 at approximately 14:15 GMT. The Supplementary Report lists the victim of the incident as [REDACTED] and describes the offender as “Dark complexioned, low haircut, blue jeans, black Puma or Nike gym shoes. The Report goes on to describe the same incident contained in the Original Case Incident Report during which an unidentified individual “pulled his waistband, revealing a gun, and [implying] he was going to harm” victim [REDACTED]

**Office of Emergency Management and Communications Event Query Reports**<sup>12</sup> with Event Numbers [REDACTED] contain Event Chronologies corresponding to the approximate time period of September 7, 2019 from 14:24:40 GMT to

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<sup>9</sup> Attachment 19.

<sup>10</sup> Attachment 20.

<sup>11</sup> Attachment 21.

<sup>12</sup> Attachment 22.

15:56:30 GMT. The Event Query Reports reflect units responding to reports of a person with a gun in the vicinity of 1898 W 83<sup>rd</sup> Street/8299 S. Wolcott Avenue/8300 S. Wood Street/8335 S. Honore Street/O'Halleran Park. Responding officers include Unit [REDACTED]—now known to include Officers [REDACTED] and [REDACTED]—assigned to beat # [REDACTED]

#### d. Additional Evidence

Audio recordings from the Office of Emergency Management Communications capture four 911 calls made prior to or during the incident in question by witnesses/bystanders reporting a person with a gun in the vicinity of the fieldhouse at O'Halleran Park.

In the first recording, EV# [REDACTED],<sup>13</sup> recorded at Greenwich Mean Time (GMT) 14:23:17, an unidentified individual calls 911 and quickly asks for police response to O'Halleran Park before the call is ended.

In another recording, EV# [REDACTED],<sup>14</sup> logged at GMT 14:24:25, a caller remaining anonymous reports that, at O'Halleran Park near 83<sup>rd</sup> Street and Wood Avenue, a “boy had a gun by the football field right by the fieldhouse where the football game [was] going on.” The caller described the person with a gun as a male black individual wearing a black adidas sweater or black hoodie, blue jeans, and as having “a gang of boys with him and some bikes.” The reporting party claimed she had seen the gun personally because the individual “was bragging about it,” lifting up his shirt to display the weapon, which the reporting party stated was located on his waist in the front.

A third recording, EV# [REDACTED],<sup>15</sup> logged at GMT 14:30:40, contains an anonymous report that, at O'Halleran park near 83<sup>rd</sup> Street and Wolcott Avenue, a male black person with a gun was located “on the football field” wearing a black and white Adidas jacket. That individual reported the person with a gun was seen “with a group of boys,” all wearing black, and that the weapon was located in the front of the person’s pants.

Another recording, EV# [REDACTED],<sup>16</sup> logged at GMT 14:38:13 contains an anonymous report that a “boy with a gun” ran from the vicinity of 83<sup>rd</sup> Street and Wood Avenue and proceeded in the direction of 79<sup>th</sup> Street and Ashland Avenue; they were on 83<sup>rd</sup> and Wood. The reporting party related seeing two individuals, one of whom was seen wearing a black adidas jacket with no hood and jeans. During the recording, the caller informs the dispatch operator that the police were arriving on scene, and is overheard stating aloud, “The boys ran that way.” Dispatch asks the caller if she is talking to the police, and the caller states that she is. Dispatch directs the caller to go ahead and speak with the police, and the call is ended.

One audio recording from the Office of Emergency Management Communications, logged as [REDACTED]<sup>17</sup> captures radio transmissions from dispatch to police officer units in the area.

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<sup>13</sup> Attachment 23.

<sup>14</sup> Attachment 24.

<sup>15</sup> Attachment 25.

<sup>16</sup> Attachment 26.

<sup>17</sup> Attachment 27.

Approximately 38 minutes of recording [REDACTED] contain transmissions relating directly to the incident at issue, the most relevant of which are detailed as follows.

At approximately 3:00 minutes, dispatch transmits an initial description of the person with a gun, stating that he was located near 83<sup>rd</sup> Street and Wolcott Avenue, describing him as a male black with a gun in his front waistband, wearing a black hoodie and blue jeans and seen with “a gang of people” by the football field, by the fieldhouse.

At approximately 5:00 minutes, the responding officer, designated [REDACTED] in the recording,<sup>18</sup> is heard requesting dispatch repeat the description of the person with a gun. Within approximately five seconds, the dispatch operator replies that a male black wearing a black hoodie and blue jeans was seen standing “with a gang of people” near the football field by the fieldhouse.”

At approximately 8:00 minutes, the dispatch operator transmits a second, differing description of the person with a gun: a male black wearing a “black and white Adidas jacket has a gun on the football field on his person in the front, O’Hallaren Park.” At approximately 8 minutes and 40 seconds, the responding officer<sup>19</sup> asks dispatch to repeat the updated description, saying, “602 Sam 2, can you read the ticket one more time for the update?” Within approximately four seconds, the dispatch operator replies, “He’d be wearing a black and white Adidas jacket [and] jeans.”

## 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 reviewed complied with 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 conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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<sup>18</sup> Now known to be Officer [REDACTED]

<sup>19</sup> Now known to be Officer [REDACTED]



**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:

COPA finds Allegation 1 that Officer ██████ handcuffed Mr. ██████ without justification **exonerated**. Officer ██████ was reasonable in his fearing for officer and public safety based on Mr. ██████ closely matching the initially reported description of the person with a gun who had committed an aggravated assault. Generally, a Police Officer has reasonable, articulable suspicion for an investigatory or "Terry" stop of a member of the public when he can point to specific and articulable facts which, taken together with rational inferences from those facts, indicate the person has committed, is committing, or is about to commit a crime. In this stop, Officer ██████ knew of several such specific and articulable facts indicating Mr. ██████ may have been engaged in criminal activity. Mr. ██████ was that day wearing a black hooded sweatshirt, as well as blue jeans, thus matching the initial clothing description of the person with a gun who had committed an aggravated assault. Although he was not in direct proximity to the fieldhouse, nor accompanied by "a gang of people," Mr. ██████ was nonetheless standing next to the field, in the general vicinity of the reports. Mr. ██████ also shares the same sex and the same race as the individual reported to have had a gun near the football field.

At first blush, the practice of approaching a member of the public and immediately handcuffing them seems troubling and surely cause for increased scrutiny, it is nonetheless justified in certain circumstances. In this situation, the officers responded to a crowded youth football field where they reasonably believed Mr. ██████ may have been armed and was alleged to have threatened someone with his gun. Officer ██████ did not know whether Mr. ██████ did or did not possess a firearm and, therefore, he was justified in handcuffing Mr. ██████ immediately to prevent any harm the police presence could have presented. While understandable that Mr. ██████ and his family felt harmed, COPA finds by clear and convincing evidence that the officer's actions were justified.

### Allegation 2:

COPA finds Allegation 2 that Officer ██████ searched Mr. ██████ without justification **exonerated** because Officer ██████ received in quick succession two conflicting but similar clothing descriptions of the reported person with a gun. As stated above, Mr. ██████ met the initially reported description of the subject in a number of ways—the most relevant of which were his black hooded sweatshirt and blue jeans. That description, however, was updated and Officer ██████ was clearly on notice that new reports implicated an individual wearing a black and white Adidas jacket, not a black hooded sweatshirt. Indeed, dispatch made its initial update of the clothing description, Officer ██████ verbally repeated that update twice, Officer ██████ visually inspected

Mr. ██████ outer garment, and Officer ██████ asked for and received a second report of the updated description.

Officer ██████ search of Mr. ██████ person came *after* he was clearly on notice that Mr. ██████ did not fit the updated description because he was not wearing a black and white Adidas jacket. This raises some questions: (1) whether Officer ██████ in possession of new knowledge about the subject's clothing description, continued to have the reasonable suspicion necessary to prolong the investigatory stop of Mr. ██████ however briefly, to include the search of his person and (2) whether Officer ██████ search for weapons was itself lawful after having received the new information.

Absent probable cause, a police officer may conduct an investigatory stop of a person so long as he can point to specific and articulable facts which, taken together with rational inferences from those facts, indicate the person has committed, is committing, or is about to commit a crime—i.e. so long as the officer possesses “reasonable, articulable suspicion” of criminal conduct. Further, if he has a reasonable belief the person may be “armed and presently dangerous,” the officer may also conduct a carefully limited exploration of the outer surfaces of the person's clothing to check for weapons.<sup>20</sup>

In this stop, Officer ██████ continued to have the reasonable suspicion required to prolong the detention of Mr. ██████ in order to pat him down in search of a weapon. While Officer ██████ was clearly in possession of new information that the person with a gun would be wearing a black and white Adidas jacket, it is also clear that Officer ██████ had very recently received differing information that the subject's outer garment was a black hoodie. Police Officers routinely receive conflicting, imprecise, and unreliable information about the subjects of their investigations, yet are nonetheless charged with preserving public order and safety. Although Officer ██████ received the updated description, nothing on record suggests he had any indication which of the two descriptions he ought to consider most reliable. Therefore, Officer ██████ continued his brief detention of Mr. ██████ based on the first description was justified despite his recent receipt of new information.

Additionally, Officer ██████ had a reasonable belief Mr. ██████ may have been “armed and presently dangerous.” The above-stated factors contributing to Officer ██████ reasonable suspicion Mr. ██████ may have been the subject of the reports equally contributed to a reasonable belief Mr. ██████ may have been armed and dangerous, as the nature of the call was indeed that of a “person with a gun.” Additionally, digital cell phone videos of the stop, submitted by ██████ aunt, Ms. ██████ document a large bulge present in Mr. ██████ front, lower, left-hand sweatshirt pocket, certainly large enough to have contained a handgun. Although the video evidence also reveals that approximately 1-3 inches of a pink-colored “Airheads” brand candy wrapper protruded from the pocket—indicating the bulge was in part caused by Mr. ██████ possession of “Airheads” brand candy—the bulge was itself large enough to have contained both “Airheads” brand candy and a handgun. Together with Mr. ██████ location next to the football field and the descriptive characteristics of the subject of the report discussed at length above, the presence of the large bulge in Mr. ██████ sweatshirt pocket warranted a reasonable belief that Mr. ██████ may have been “armed and presently dangerous.” Therefore, Officer ██████ exploration of

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<sup>20</sup> Terry v. Ohio, 392 U.S. 1 (1968).

the outer surface of Mr. [REDACTED] sweatshirt pocket prior to releasing Mr. [REDACTED] from handcuffs—in his own words, “making sure one last time he doesn’t have a firearm on him”—was justified and the allegation is exonerated.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	1. It is alleged that on September 7, 2019 at approximately 2:34 P.M., in the vicinity of 8331 South Wolcott Avenue, Officer [REDACTED] handcuffed [REDACTED] without justification.  2. It is alleged that on September 7, 2019 at approximately 2:34 P.M., in the vicinity of 8331 South Wolcott Avenue, Officer [REDACTED] searched [REDACTED] person without justification.	Exonerated          Exonerated

Approved:

[REDACTED]

March 30, 2020

\_\_\_\_\_  
 Andrea Kersten  
 Deputy Chief Administrator

\_\_\_\_\_  
 Date

Appendix A

Assigned Investigative Staff

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**Squad#:**

**Investigator:**

**Supervising Investigator:**

**Deputy Chief Administrator:**



Andrea Kersten