

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 21, 2017
Time of Incident:	2:32 AM
Location of Incident:	████████████████████
Date of COPA Notification:	November 21, 2017
Time of COPA Notification:	Unknown

On November 21, 2017, at around 2:32 AM, at or near ██████████ police officers investigated Mr. ██████████ for having expired temporary registration plates. Mr. ██████████ was unable to produce a valid driver’s license, but Mr. ██████████ claimed that he had one. However, after a Personal Data Terminal (PDT) check, Officer ██████████ # ██████████ informed him that he did not have a valid license. Officer ██████████ and Officer ██████████ # ██████████ told Mr. ██████████ to exit the vehicle which Mr. ██████████ refused to obey. Several officers, including at least one supervisor, came to the scene and assisted in coaxing Mr. ██████████ out of the vehicle. Mr. ██████████ who was working as an Uber driver at the time, told the supervisor that he was driving on a ticket, but did not have it with him. Mr. ██████████ was arrested, processed at the police department, and issued a court date on January 4, 2018 upon his release.

II. INVOLVED PARTIES

Involved Officer #1:	██████████ star # ██████████ employee ID# ██████████ Date of Appointment ██████████, 2016, Police Officer, Unit of Assignment ██████████, DOB ██████████, 1987, Female, White.
Involved Officer #2:	██████████ employee ID# ██████████ (Terminated from the CPD effective ██████████ 2017).
Involved Civilian #1:	██████████ DOB ██████████, 1989, male, African American.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████	1. On November 21, 2017, at approximately 2:30 AM, at or near ██████████ it is alleged that Officer ██████████ improperly	EXONERATED

	<p>arrested [REDACTED] for having a suspended driver's license in violation of Rule 2 and 725 ILCS 5/107-2 and 625 ILCS 5/6-112.</p> <p>2. On November 21, 2017, at approximately 2:30 AM, at or near [REDACTED] it is alleged that Officer [REDACTED] improperly arrested [REDACTED] for not having valid insurance in violation of Rule 2 and 725 ILCS 5/107-2 and 625 ILCS 5.0/3-707(b).</p> <p>3. On November 21, 2017, at approximately 2:30 AM, at or near [REDACTED] it is alleged that Officer [REDACTED] impounded [REDACTED] vehicle without just cause in violation of Rule 2 and 9-92-30.</p>	<p>EXONERATED</p> <p>EXONERATED</p>
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IV. APPLICABLE RULES AND LAWS

Rules

- 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.

Municipal Code of Chicago

- 1. 9-92-30 (g) Authority to impound or otherwise relocate vehicle.**
- 2. 9-76-160 (f) Registration Plates.**

State Laws

- 1. 725 ILCS 5/107-2-Arrest by Peace Officer.**
- 2. 625 ILCS 5/6-112-License and Permits to be carried and exhibited on demand.**
- 3. 625 ILCS 5.0/3-707(b)-Operation of Uninsured Motor Vehicle.**

V. INVESTIGATION¹

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

a. Interviews**██████████ Complainant²**

COPA Investigators interviewed ██████████ on November 30, 2017. During the interview, Mr. ██████████ who lived in Indiana but worked in Illinois, stated that on November 21, 2017 at 2:30 AM he was sitting alone in his parked car, on the passenger side, with the vehicle running. Mr. ██████████ was an Uber driver and had just dropped someone off around the corner and stopped to wait for the next call. He admitted he was the driver of the vehicle. Two police officers approached his car, a white female officer and a white male, and asked him for a driver's license, which he did not have in his possession. It had been stolen at some time during the first part of November.³ Mr. ██████████ claimed he showed the officers a copy of a police report showing what was stolen, but was unable to produce the police report at the interview.

The officer ran his Illinois driver's license number and obtained an address in Illinois.⁴ The officers then told him his driver's license came back suspended. Mr. ██████████ was arrested, and his vehicle impounded. Mr. ██████████ received 3 tickets, one for driving on a suspended license, one for no insurance, and one for an expired vehicle registration.

Mr. ██████████ alleged he was wrongfully arrested because he did not have a suspended license and claimed he surrendered his Illinois license so he could get an Indiana license.⁶ Mr. ██████████ did not have any documentation to prove he had a valid license in Indiana at the time of his arrest, and claimed the officers did not check for his Indiana license at the scene. However, according to Mr. ██████████ they ran his Indiana license at the station, and it came back valid. He also claimed he had insurance, but did not have documentation with him at the time of his interview. Mr. ██████████ also alleged his vehicle was wrongfully impounded.

b. Digital Evidence**BWC Officer ██████████**

Mr. ██████████ sat in the front passenger seat of his vehicle as officers appeared to speak with him through the partially open window. When the sound began, a female officer NKA (Now Known As) Officer ██████████ told Mr. ██████████ he did not have a valid license.⁸ He said he did have one, and Officer ██████████ stated again he did not have a valid license.

Mr. ██████████ did not communicate anything further to the officers and Officer ██████████ asked Mr. ██████████ to exit the vehicle. Mr. ██████████ refused to comply with Officer ██████████ lawful order, and she began to open the front passenger side door. Mr. ██████████ closed it quickly, pulling the door out of her hand. Officer ██████████ asked the other officer to call for assistance. Mr. ██████████ repeatedly asked why he needed to step out of the vehicle and Officer ██████████ told him repeatedly that he was under arrest because he did not have a valid driver's license. Mr. ██████████ continued to

² Att. 6.

³ Att. 6 at 02:36-03:13.

⁴ Att. 22 at 17:50.

⁶ Att. 22 at 19:40

⁷ Att. 15. The BWC of Officers ██████████, and ██████████ were consistent with that of Officer ██████████ and did not add any additional evidence. For that reason, they were not included in this report

⁸ Att. 15 at 01:00

refuse to get out of the vehicle, and stated repeatedly that he was not doing anything, until additional officers appeared on the scene.

A male sergeant appeared on the scene and told Mr. [REDACTED] to get out of the vehicle, and he finally complied. Officers handcuffed and searched Mr. [REDACTED]. Mr. [REDACTED] told the sergeant he had a valid license and was driving on a ticket but failed to produce the ticket. The sergeant told him two other officers were going to take him to the station and run his name. Officer [REDACTED] told the supervisor and other officers that she already told Mr. [REDACTED] he was suspended in both Illinois and Indiana. She also pointed out his temporary plates expired in May of 2017.

POD Camera footage at District [REDACTED] Lockup

Video of Mr. [REDACTED] Officer [REDACTED] and Officer [REDACTED] in what appeared to be a lockup interview room. Mr. [REDACTED] is sitting on a bench and is handcuffed to the attached bar. Officer [REDACTED] asked Mr. [REDACTED] to remove his shoelaces and Mr. [REDACTED] asked for a white-shirt (supervisor). Officer [REDACTED] told Mr. [REDACTED] that he already spoke with a white-shirt and Mr. [REDACTED] replied he had not.

Mr. [REDACTED] also asked why they were going through all this and Officer [REDACTED] told him it was because he had a suspended license. Mr. [REDACTED] said his license was not suspended, and he became agitated and started struggling with his handcuff. Officer [REDACTED] appeared to pull out her taser. The officers then handcuffed his other hand to the bar and removed his shoes, the cord from his pants, and his jacket. Mr. [REDACTED] complained the handcuffs were too tight. Officer [REDACTED] said the handcuffs were not made for comfort, and Officer [REDACTED] finally said he would adjust them when they were done, and if he became compliant. Mr. [REDACTED] started yelling, "Yo."

c. Documentary Evidence

Arrest Report-[REDACTED] November 21, 2017⁹

Mr. [REDACTED] was arrested on November 21, 2017 at approximately 2:32 AM, at or near [REDACTED] [REDACTED] under 9-76-160(F) Registration Plates; 625 ILCS 5.0/3-707-A-5 Uninsured Motor Vehicle; and 625 ILCS 5.0/6-303-A Driving on Suspended License. He drove a 2003 Chevrolet Malibu that displayed a temporary license plate which had expired on May 17, 2017. Mr. [REDACTED] was transported to District [REDACTED] Lockup, processed and issued three tickets and a Recognizance Bond, # [REDACTED].

Tickets¹⁰

TN [REDACTED] Registration Plate violation
 TN [REDACTED] Uninsured Motor Vehicle
 TN [REDACTED] Driving on a Suspended or Revoked License

Clerk of the Circuit Court Website Printouts¹¹

TN [REDACTED] Registration Plate violation-Nolle Prosequi
 TN [REDACTED] Uninsured Motor Vehicle-Nolle Prosequi
 TN [REDACTED] Driving on a Suspended or Revoked License-Nolle Prosequi

⁹ Att. 7

¹⁰ Att. 14.

¹¹ Att. 27

Illinois Secretary of State Certified Driver's Abstract for [REDACTED]

This document confirmed that on November 21, 2017 Mr. [REDACTED] did not hold a valid Illinois Driver's License. Mr. [REDACTED] surrendered his Illinois Driver's License in Indiana on November 28, 2016. He was issued a new Illinois Driver's License on December 9, 2017. The pending November 27, 2018 license suspension was rescinded per the Secretary of State's office.

Indiana Driver's License¹³**Copy of Indiana Driving Privileges and Voter Registration printout.¹⁴**

This document, dated November 22, 2017, to expire December 22, 2017, does not indicate when Mr. [REDACTED] Driver's License was effective.

Indiana Official Driver Record¹⁵

This document confirmed that on November 21, 2017 Mr. [REDACTED] held a valid Indiana Driver's License. It does not reflect any open driver's license suspensions on that date.

Vehicle Impound Seizure Report¹⁶

This document confirmed that Mr. [REDACTED] vehicle was impounded for driving with a suspended or revoked driver's license on November 21, 2017.

Temporary Registration Permit (TRP Number [REDACTED])¹⁷

This document confirmed that Mr. [REDACTED] secured a temporary registration plate for a 2003 Chevrolet Malibu, effective February 1, 2018, to expire May 2, 2018.

City of Chicago Department of Streets and Sanitation Receipt Number [REDACTED]¹⁸

This document confirmed that Mr. [REDACTED] recovered his vehicle from impound, without charge, on February 22, 2018.

OEMC PDT Message Report¹⁹

On the bottom of page two of this report is an entry that stated the driver's license for Mr. [REDACTED] was invalid. At the top of page three there is an entry that suggested a suspension on November 27, 2017 and additional convictions for driving on a suspended driver's license that same year, which were confirmed using Mr. [REDACTED] driving abstracts from Illinois and Indiana.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

¹² Att. 21

¹³ Att. 12.

¹⁴ Att. 13

¹⁵ Att. 20

¹⁶ Att. 22

¹⁷ Att. 22

¹⁸ Att. 22

¹⁹ Att. 10

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 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

The burden of proof COPA must satisfy to support the findings for the allegations discussed below is clear and convincing evidence.

COPA finds that evidence firmly established Mr. [REDACTED] was driving a vehicle with an expired Temporary Registration Plate, and that he did not possess a valid driver's license or proof of insurance, on his person, when he was curbed by police officers. Based on the evidence and the relevant law, both the arrest and the vehicle impoundment were within policy.

Officer [REDACTED]

COPA finds **Allegation #1**, that on November 21, 2017, at approximately 2:30 AM, at or near [REDACTED] it is alleged that Officer [REDACTED] improperly arrested [REDACTED] for having a suspended driver's license, in violation of Rule 2 and 725 ILCS 5/107-2 and 625 ILCS 5/6-112, is not supported by the evidence and is **EXONERATED**.

On the date in question, Mr. [REDACTED] failed to produce a valid Driver's License when ordered to do so by police. Officer [REDACTED] stated on BWC that she ran his name for both Illinois and Indiana, and failed to recover evidence of a valid driver's license. It was later determined, by COPA investigators, that Mr. [REDACTED] surrendered his Illinois license to obtain an Indiana license, possibly on November 2, 2016. And, although Mr. [REDACTED] claimed that his Indiana Driver's

License was checked back at the station and found to be valid, there is no documentation to that effect.

The PDT printout for Mr. ██████ reported that his Illinois Driver's License was invalid on the date in question. It also mentioned a suspension, but the date was listed as November 27, 2017. His Illinois Driver's Abstract suggested he had a pending suspension, to be effective November 27, 2017 for a conviction on some earlier date for driving on a suspended license. An overall review of Mr. ██████ driving records, in both Illinois and Indiana, contain mention of several past and pending license suspensions. It should be noted that Mr. ██████ again changed the state of his Driver's License. At some time in December 2017, he obtained an Illinois Driver's License, apparently surrendering his Indiana License.

Based on the evidence, it is reasonable to conclude that Officer ██████ believed Mr. ██████ was driving on either a suspended or an invalid driver's license. In addition, Mr. ██████ himself admitted he was driving on a ticket, which at that point could not be used as bond for any further tickets. Mr. ██████ was arrested, taken into the station, issued three tickets, then released on an I-Bond. Therefore, under 725 ILCS 5/107-2, the arrest was proper and justified.

COPA finds **Allegation #2**, that on November 21, 2017, at approximately 2:30 AM, at or near ██████ it is alleged that Officer ██████ improperly arrested ██████ for not having valid insurance in violation of Rule 2 and 725 ILCS 5/107-2 and 625 ILCS 5.0/3-707(b), is not supported by the evidence and is **EXONERATED**.

Mr. ██████ failed to produce evidence of valid insurance based on the arrest report. The arrest, however, seemed to be predicated on the fact he did not have a valid license. Therefore, even if he had insurance at the time of the incident, the arrest was still proper based on the fact he was driving on a ticket and/or was believed to have an invalid driver's license.

COPA finds **Allegation #3**, that on November 21, 2017, at approximately 2:30 AM, at or near ██████ it is alleged that Officer ██████ impounded ██████ vehicle without just cause in violation of Rule 2 and 9-92-30, is not supported by the evidence and is **EXONERATED**. The analysis for this allegation is consistent with that of Allegation #1.

Based on the evidence, it is reasonable to conclude that Officer ██████ believed Mr. ██████ was driving on either a suspended or an invalid driver's license. Title 9, Chapter 9-92-30 of the Chicago Municipal Code, stated impoundment is authorized, "when a vehicle is in violation of any provision of the traffic code authorizing towing and impoundment for that violation." Driving without a valid Driver's License is such a violation. Therefore, Mr. ██████ vehicle was impounded with sufficient justification.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer [REDACTED]	<p>1. On November 21, 2017, at approximately 2:30 AM, at or near [REDACTED] it is alleged that Officer [REDACTED] improperly arrested [REDACTED] for having a suspended driver's license in violation of Rule 2 and 725 ILCS 5/107-2 and 625 ILCS 5/6-112.</p> <p>2. On November 21, 2017, at approximately 2:30 AM, at or near [REDACTED] it is alleged that Officer [REDACTED] improperly arrested [REDACTED] for not having valid insurance in violation of Rule 2 and 725 ILCS 5/107-2 and 625 ILCS 5.0/3-707(b).</p> <p>3. On November 21, 2017, at approximately 2:30 AM, at or near [REDACTED] it is alleged that Officer [REDACTED] impounded [REDACTED] vehicle without just cause in violation of Rule 2 and 9-92-30.</p>	<p>EXONERATED</p> <p>EXONERATED</p> <p>EXONERATED</p>

Approved:



6-16-2020

 Angela Hearts-Glass
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass