

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 15, 2019
Time of Incident:	9:58 pm
Location of Incident:	1551 N. Mohawk Street.
Date of COPA Notification:	September 18, 2019
Time of COPA Notification:	11:13 am

This traffic stop incident, involving ██████████ was captured entirely on the In-car Camera of Beat 1872R¹ and the Body Worn Cameras (BWC)² of Officers Tyler Thomas and Kenneth Sunde. Mr. ██████████ admitted, in his interview to COPA, that he forgot to turn on his headlights while driving his vehicle. The In-car camera³ also captured Mr. ██████████ driving without his headlights on. Mr. ██████████ exited his vehicle and was instructed by Officer Thomas to go back inside his vehicle. Officer Thomas had his flashlight on, as he approached Mr. ██████████ and requested to see his driver's license and insurance card. Officer Thomas told the passenger, ██████████ that she was not wearing a seatbelt and asked to see her identification. While Mr. ██████████ was looking for his identification, Officer Thomas observed open containers inside the vehicle and told Mr. ██████████ to exit his vehicle. Mr. ██████████ related that the officers searched his vehicle without justification or permission. Mr. ██████████ denied having any open containers inside his vehicle and related that the narcotics found by the officers belonged to Ms. ██████████ and not him. The BWC⁴ of Officer Thomas captured him finding several small of baggies of suspected narcotics inside the open driver's side door compartment. Officer Thomas is observed asking Mr. ██████████ about the contents in the baggies and Mr. ██████████ responded that it was "Leaf"⁵ which is a common street term for tobacco soaked in liquid PCP. Mr. ██████████ is captured on Officer Thomas's BWC⁶ stating that the narcotics found belonged to him. Officer Thomas's BWC⁷ also captured open cans of "Icehouse beer" on the front rug of Mr. ██████████ vehicle. Officer Thomas is captured on his BWC⁸ parking Mr. ██████████ vehicle into a parking spot, closing the car windows and placing a seized vehicle sticker on the front driver's side window. The BWC video revealed no damage to any of the windows of Mr. ██████████ vehicle. Mr. ██████████ was sitting inside the squad car, when he

¹ Attachment #22, In-Car Camera Video for Beat #1821R.

² Attachments 21-22, Body Worn Camera (BWC) of Officer Kenneth Sunde and Officer Tyler Thomas.

³ Attachment #22, In-Car Camera Video for Beat #1821R.

⁴ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 4:32 minute.

⁵ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 7:10 minute.

⁶ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 14:16 minute.

⁷ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 7:25 minute.

⁸ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 27.50 minute.

observed one of the officers enter his vehicle and park it. Mr. [REDACTED] also related that he did not observe any damage to his vehicle. After being released from lockup, Mr. [REDACTED] went to the auto pound and discovered that his front and rear driver’s side windows were shattered. A Motor Vehicle Inventory Report⁹ that was completed by the auto pound did indicate that Mr. [REDACTED] driver’s side glass was broken.

II. INVOLVED PARTIES

Involved Officer #1:	Tyler Thomas, Star 4170, Employee ID#[REDACTED], DOA:1/16/18, Police Officer, Unit of Assignment 018, DOB:[REDACTED]92, Male, White.
Involved Officer #2:	Kenneth Sunde, Star 18633, Employee ID#[REDACTED], DOA:02/20/18, Police Officer, Unit of Assignment 018, DOB:[REDACTED]-91, Male, White.
Involved Individual #1:	[REDACTED] DOB:[REDACTED]/58, Male, White Hispanic.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Tyler Thomas	1. It is alleged that on September 15, 2019, Officer Tyler Thomas curbed [REDACTED] vehicle and conducted a traffic stop without justification, in violation of Rules 1 and 6.	Exonerated
	2) It is alleged that on September 15, 2019, Officer Tyler Thomas conducted an improper search of [REDACTED] vehicle, in violation of Rules 1 and 6.	Exonerated
	3) It is alleged that on September 15, 2019, Officer Tyler Thomas falsely charged Mr. [REDACTED] with Possession of Narcotics, in violation of Rule 1.	Exonerated
Officer Kenneth Sunde	1) It is alleged that on September 15, 2019, Officer Kenneth Sunde curbed [REDACTED] vehicle and conducted a traffic stop without justification, in violation of Rules 1 and 6.	Exonerated
	2) It is alleged that on September 15, 2019, Officer Kenneth Sunde conducted an improper search of [REDACTED] vehicle, in violation of Rules 1 and 6.	Exonerated

⁹ Attachment #23, Motor Vehicle Inventory Report

	<p>3) It is alleged that on September 15, 2019, Officer Kenneth Sunde falsely charged Mr. [REDACTED] with Possession of Narcotics, in violation of Rule 1.</p>	<p>Exonerated</p>
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. Rule 6: Disobedience of an order directive, whether written or oral.

General Orders

1. G01-01, Vision, Mission Statement, and Core Values¹⁰

Federal Laws

1. 4th Amendment, U.S. Constitution

V. INVESTIGATION

a. Interviews

In an **interview with COPA**¹¹ on September 30, 2019, [REDACTED] related that he was with his girlfriend, [REDACTED] he was stopped by two uniformed male white officers, now known as Officer Tyler Thomas and Officer Kenneth Sunde. Mr. [REDACTED] admitted that he failed to turn on his headlights while driving. Mr. [REDACTED] related that the officers had no reason to search his vehicle and failed to inform him why his vehicle was searched. Mr. [REDACTED] stated that the officers found drugs in his girlfriends’ bag and falsely charged him with possession of narcotics. Mr. [REDACTED] believes the officers should have charged his girlfriend with possession of narcotics and not him. Mr. [REDACTED] related that the officers showed him two small bags of narcotics that were found in his vehicle. Mr. [REDACTED] acknowledged to the officers it was drugs, but that it belonged to his girlfriend. Mr. [REDACTED] describe his demeanor towards the officers as being calm and respectful. Mr. [REDACTED] related that he did not give the officers permission to search his vehicle. Mr. [REDACTED] denied being intoxicated and denied having any open or closed alcohol containers in his vehicle. Mr. [REDACTED] did not recall if any of the officers were wearing Body Worn Camera (BWC). Mr. [REDACTED] related that one of the officer’s parked his vehicle and observed no damage to his vehicle. After being released from lockup, Mr. [REDACTED] went to pick up his vehicle at the auto pound and discovered that the

¹⁰ Attachment #30, General Order 01-01, Vision, Mission Statement, and Core Values.

¹¹ Attachment #2, Audio Interview of [REDACTED]

driver's side windows were broken. Mr. ██████ went back inside the auto pound and was informed that his vehicle was received with the windows already broken. Mr. ██████ related that he had tools in his vehicle and that nothing was stolen from his vehicle. Mr. ██████ was issued a citation for not having his headlights on and believes the officers had no probable cause to search his vehicle.

b. Digital Evidence

Body Worn Camera (BWC) of Officer Kenneth Sunde¹² and Officer Tyler Thomas¹³ show them conducting a traffic stop on ██████. Officer Thomas exit from the driver's side and tell Mr. ██████ to sit back inside his vehicle. Officer Thomas asks Mr. ██████ for his driver's license and insurance card and requests identification from the passenger, now known as ██████. Officer Thomas informs Mr. ██████ that he could see open beer containers and asks Mr. ██████ to exit his vehicle. Officer Thomas' BWC¹⁴ captures open containers of Icehouse beer on the front rug of the vehicle. Officer Thomas informs Mr. ██████ that he was being detained and that he is going to conduct a protective pat-down on him. Officer Thomas handcuffs Mr. ██████ and escorts him to the rear of his vehicle. Officer Thomas walks toward Mr. ██████ vehicle and reaches into the driver's side open compartment. Officer Thomas pulls out a small baggie that contains a smaller aluminum foil package. Officer Thomas asks Mr. ██████ about the contents in the foil package and Mr. ██████ said it was "Leaf"¹⁵ which is a common street term for tobacco soaked in liquid PCP. During the search of Mr. ██████ vehicle, Officer Thomas recovers several additional bags of narcotics. Mr. ██████ admits that the narcotics found belonged to him. Mr. ██████ is heard asking Officer Thomas to give him a break and Officer Thomas is observed pointing to his BWC and saying he cannot. Officer Thomas radios to the dispatcher that he has one person in custody. Officer Thomas informs Ms. ██████ that he is going to run her name and if she was free of warrants, she would be able to leave. The name check reveals that Ms. ██████ had no outstanding warrants and she is allowed to take her personal items and leave. Officer Thomas is observed parking Mr. ██████ vehicle into an open parking spot and securely closing the windows of Mr. ██████ vehicle. Officer Thomas is seen placing a "Seizure Notice"¹⁶ sticker on the driver's side window of Mr. ██████ vehicle. Officer Thomas then enters the squad car and transports Mr. ██████ to the police station. While being transported to the police station, Mr. ██████ yells profanities at the officers. Upon arrival, Mr. ██████ is escorted inside a holding cell while continuing to be verbally abusive and make threats by stating, "I'll fuck both your asses up."¹⁷ While inside the holding cell, Officer Thomas is heard counting back Mr. ██████ personal money that was in his possession, which totaled \$2,401.70 USC. Officer Thomas then removes the cuff from Mr. ██████ right wrist and places the cuff onto to a wall bar, while thanking Mr. ██████ for his cooperation.

¹² Attachment #20, Body Worn Camera (BWC) of Officer Kenneth Sunde.

¹³ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas.

¹⁴ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 7.27 minute.

¹⁵ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 7.13 minute.

¹⁶ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 31.40 minute.

¹⁷ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 38.20 minute.

The In-Car Camera Video for Beat 1821R¹⁸ (Officer Kenneth Sunde and Officer Tyler Thomas) captured [REDACTED] driving his vehicle without his headlights on. The emergency lights are activated, and Mr. [REDACTED] is pulled over. Mr. [REDACTED] is observed exiting his vehicle and is told by officers to stay inside his vehicle. Mr. [REDACTED] is observed being patted down, handcuffed and escorted toward the rear. A female passenger, now known as [REDACTED] exits out very slowly and appears to be under influence of narcotics and or alcohol. The video also captured Mr. [REDACTED] being placed inside the squad car and yelling profanities at the officers.

c. Documentary Evidence

The Arrest Report of [REDACTED]¹⁹ indicates that he was charged with Possession of a Control Substance and the incident was captured on the Body Worn Camera (BWC)²⁰ of Officer Kenneth Sunde and Officer Tyler Thomas. The arrest report reflects what is observed on the officer's BWC's. Mr. [REDACTED] is arrested for possession of controlled substances and was also cited for not having his headlights on and his vehicle was impounded. The suspect narcotics was inventoried under inventory number #14546683.

The Original Case Incident Report JC434988²¹ related that on September 15, 2019, the traffic stop of [REDACTED] was captured on the Body Worn Camera (BWC)²² of Officer Kenneth Sunde and Officer Tyler Thomas. The arrest report reflects what is observed on the officer's BWC's and contains the same information as is contained in the arrest report.

Clerk of the Circuit Court of Cook County report²³ indicated that October 15, 2019, that the charges against [REDACTED] were Nolle prosequi.

OEMC Event Query Report #1925816674²⁴ indicated that on September 15, 2019, at approximately 9:58 pm, Officer Kenneth Sunde and Officer Tyler Thomas (Beat #1821R) conducted a traffic stop in the vicinity of 1551 N. Mohawk Street. The report indicated that Mr. [REDACTED] driver's license and the name of the passenger [REDACTED] were both searched.

Traffic Citation #TU-129210²⁵ indicated that on September 15, 2019, [REDACTED] was issued a traffic citation for 9-76-050(b) for failing to have two headlights on as required. A review through the **Traffic Report Information Management System Report²⁶** indicated an Ex-Parte Judgment of conviction with a balance due of \$279.00.

¹⁸ Attachment #22, In-Car Camera Video for Beat #1821R.

¹⁹ Attachment #3, Arrest Report of [REDACTED]

²⁰ Attachments 20-21, Body Worn Camera (BWC) of Officer Kenneth Sunde and Officer Tyler Thomas.

²¹ Attachment #5, Original Case Incident Report, JC434988.

²² Attachments 21-22, Body Worn Camera (BWC) of Officer Kenneth Sunde and Officer Tyler Thomas.

²³ Attachment #15, Clerk of the Circuit Court of Cook County report. Page #3.

²⁴ Attachment #6, OEMC Event Query #1925816674.

²⁵ Attachment #13, Traffic Citation TU-129-210.

²⁶ Attachment #14, Traffic Report Information Management System Report.

Vehicle Impoundment/Seizure Report²⁷ indicated that on September 15, 2019, a 1998 black Ford Ranger that was being driven by ██████████ was impounded. The report indicated that Mr. ██████████ was taken into custody for being in Possession of a Controlled Substance and a search of the vehicle recovered about 3.75 grams of suspected narcotics, in violation Chicago Municipal Code 7-24-225 (Impoundment -Unlawful drugs in vehicle). The report also indicated that Mr. ██████████ vehicle had exterior damage.

Motor Vehicle Inventory Report²⁸ indicated that on September 16, 2019, at approximately 2:50 am, a 1998 Ford Pickup was recovered at 1554 N. Mohawk Street. The report indicated damage to the front and back bumpers and front lights, rust to the front hood and to the driver and passenger fenders. The report also indicated that the driver's side glass was broken.

A Name Search of ██████████ revealed that Officer Kenneth Sunde conducted a LEADS search that revealed no outstanding warrants for Mr. ██████████

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 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.

²⁷ Attachment#12, Vehicle Impoundment/Seizure Report.

²⁸ Attachment #23, Motor Vehicle Inventory Report

²⁹ Attachment #18, Name Search of ██████████ conducted by Officer Kenneth Sunde.

VI. ANALYSIS

On September 15, 2019, Officers Kenneth Sunde and Tyler Thomas were on routine patrol when they conducted a traffic stop on [REDACTED] (driver) who was accompanied by his girlfriend, (passenger) [REDACTED]. The traffic stop was captured entirely on the In-Car Camera of Beat 1821R³⁰ and the Body Worn Cameras (BWC)³¹ of Officers Thomas and Sunde. The In-Car Camera captured Mr. [REDACTED] driving without his headlight on. Mr. [REDACTED] admitted in his interview to COPA that he failed to turn on his headlights. Therefore, **Allegation #1, against Officers Sunde and Thomas, must be Exonerated.**

Mr. [REDACTED] alleged that the officers conducted an improper search of his vehicle and denied having any open alcoholic containers in his vehicle. Officers Thomas and Sunde approached Mr. [REDACTED] and they used their flashlights to flash inside Mr. [REDACTED] vehicle. The BWC³² of Officer Thomas captured telling Mr. [REDACTED] that he could see open beer containers inside his vehicle. Officer Thomas instructed Mr. [REDACTED] to exit his vehicle and conducted a protective pat-down and handcuffed him. While searching Mr. [REDACTED] vehicle, the BWC³³ captured open containers of Icehouse beer on the front rug of the vehicle. The In-Car Camera³⁴ and the BWC³⁵ revealed that Officers Thomas and Sunde had probable cause to stop and search Mr. [REDACTED] vehicle. Therefore, **Allegation #2, against Officers Sunde and Thomas, must be Exonerated.**

Mr. [REDACTED] related in his statement that Officers Sunde and Thomas falsely charged him with Possession of Narcotics. Mr. [REDACTED] alleged the officers found drugs in his girlfriends' bag and that his girlfriend should have been charged Possession of Narcotics and not him. Mr. [REDACTED] was showed two small bags of narcotics that were found in his vehicle and Mr. [REDACTED] told the officers the drugs belonged to his girlfriend and not him. The BWC³⁶ of Officer Thomas captured him walking toward Mr. [REDACTED] vehicle and is observed reaching into the driver's side open compartment. Officer Thomas pulled out a small baggie that contained a smaller aluminum foil package. Officer Thomas asked Mr. [REDACTED] about the contents in the foil package and Mr. [REDACTED] said it was "Leaf"³⁷ which is a common street term for tobacco soaked in liquid PCP. The BWC³⁸ of Officer Thomas captured Mr. [REDACTED] admitting that the narcotics found belonged to him. It is clear the Mr. [REDACTED] recollections of events is different than what actually occurred. The entire incident was captured on the In-Car Camera of Beat 1821R³⁹ and the Body Worn Cameras (BWC)⁴⁰ of Officers Thomas and Sunde. Therefore, **Allegation #3, against Officers Sunde and**

³⁰ Attachment #22, In-Car Camera Video for Beat #1821R.

³¹ Attachments 21-22, Body Worn Camera (BWC) of Officer Kenneth Sunde and Officer Tyler Thomas.

³² Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 7:27 minute.

³³ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 7:27 minute.

³⁴ Attachments 21-22, Body Worn Camera (BWC) of Officer Kenneth Sunde and Officer Tyler Thomas.

³⁵ Attachments 21-22, Body Worn Camera (BWC) of Officer Kenneth Sunde and Officer Tyler Thomas.

³⁶ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 4:32 minute.

³⁷ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 7:13 minute.

³⁸ Attachment #21, Body Worn Camera (BWC) of Officer Tyler Thomas, 14:16 minute.

³⁹ Attachment #22, In-Car Camera Video for Beat #1821R.

⁴⁰ Attachments 21-22, Body Worn Camera (BWC) of Officer Kenneth Sunde and Officer Tyler Thomas.

Thomas, must be Exonerated. Although, Mr. ██████ directed profanities and threats, Officers Sunde and Thomas maintained their composure and spoke to Mr. ██████ with professionalism, dignity and respect and were in compliance with General Order 01-01, “Vision, Mission Statement, and Core Values⁴¹” established by the Chicago Police Department.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Tyler Thomas	1. It is alleged that on September 15, 2019, Officer Tyler Thomas curbed ██████ vehicle and conducted a traffic stop without justification, in violation of Rules 1 and 6.	Exonerated
	2) It is alleged that on September 15, 2019, Officer Tyler Thomas conducted an improper search of ██████ vehicle, in violation of Rules 1 and 6.	Exonerated
	3) It is alleged that on September 15, 2019, Officer Tyler Thomas falsely charged Mr. ██████ with Possession of Narcotics, in violation of Rule 1.	Exonerated
Officer Kenneth Sunde	1) It is alleged that on September 15, 2019, Officer Kenneth Sunde curbed ██████ vehicle and conducted a traffic stop without justification, in violation of Rules 1 and 6.	Exonerated
	2) It is alleged that on September 15, 2019, Officer Kenneth Sunde conducted an improper search of ██████ vehicle, in violation of Rules 1 and 6.	Exonerated
	3) It is alleged that on September 15, 2019, Officer Kenneth Sunde falsely charged Mr. ██████ with Possession of Narcotics, in violation of Rule 1.	Exonerated

⁴¹ Attachment #30, General Order 01-01, Vision, Mission Statement, and Core Values.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

8-21-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator	Roberto Soto
Supervising Investigator	Andrew Dalkin
Deputy Chief	Angela Hearts-Glass