

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 3, 2018
Time of Incident:	1:53 am
Location of Incident:	██████████ Avenue
Date of COPA Notification:	April 3, 2018
Time of COPA Notification:	3:37 am

On April 3, 2018, at approximately 1:50am, ██████████ was driving home from a grocery store with his dog in the car with him. Officer Brandon Officer Carmickle # 18796 and Probationary Police Officer Kevin Officer Bennett #18706 pulled over ██████████ (██████████) after observing him driving out of the alleyway located between Melrose and Aldine.

Officer Carmickle (Officer Carmickle) approached ██████████ vehicle and informed him of the reason for the stop and requested his driver’s license and proof of vehicle insurance. ██████████ provided his valid driver’s license to the officers but was unable to provide valid proof of vehicle insurance. After obtaining ██████████ driver’s license, Officer Carmickle returned to the police vehicle where he and his partner ran a name and vehicle license plate check. Officer Carmickle and Officer Bennett (Officer Bennett) had difficulties running the plate number on the personal data terminal (PDT) because ██████████ had a special military license plate. After calling into dispatch to request assistance to run the license plate, Officer Carmickle and Officer Bennett issued ██████████ one ticket for using an alley as a thoroughfare and another ticket for operating a motor vehicle without valid insurance. Further investigation revealed that Officer Carmickle and his extended family had a history of animus with ██████████ who lives on the same block as Officer Carmickle. Specifically, on March 26, 2018, Officer Carmickle had named ██████████ as the offender in a criminal damage to property report he filed in the 19<sup>th</sup> District in which he, Officer Carmickle, was the named victim.<sup>1</sup>

<sup>1</sup> ██████████ brought separate allegations against Officer Carmickle for his arrest on this Criminal Damage to Property case. See Log# 1089459. The criminal damage to property case is pending in the Circuit Court of Cook County as 18-1198652.

**II. INVOLVED PARTIES**

Involved Officer #1:	Brandon Carmickle, Star #18796, Employee ID# [REDACTED] Date of Appointment: December 5, 2005, Rank: Police Officer, Unit of Assignment: 19 <sup>th</sup> District, DOB: [REDACTED] 1973, Gender: Male, Race: Black
Subject #1:	[REDACTED] DOB: [REDACTED], 1970, Gender: Male Race: White

**III. ALLEGATIONS**

Officer	Allegation	Finding/ Recommendation
Officer Brandon Carmickle # 18796	1. Improperly conducted a traffic stop of [REDACTED] in violation of Rule 1.	1. Exonerated
	2. Improperly detained [REDACTED] in violation of Rule 1.	2. Exonerated
	3. Took action or displayed conduct to use his official position for personal gain or influence in violation of Rule 4.	3. Sustained / 10-day Suspension
	4. Took action or displayed conduct with impeded the Department's efforts to achieve its police and goals or brought discredit to the Department in violation of Rule 2.	4. Sustained / 10-day Suspension

**IV. APPLICABLE RULES AND LAWS**

Rules
<ol style="list-style-type: none"> <li>1. Rule 1: Prohibits the violation of any law or ordinance.</li> <li>2. Rule 2: Prohibits any action of conduct which impedes the Departments efforts to achieve its policy or goals or brings discredit upon the Department.</li> <li>3. Rule 4: Prohibits any conduct or action taken to use official position for personal gain or influence.</li> </ol>

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**General Orders**

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1. General Order G04-01: Subsection III (B) (4) Members conducting a preliminary investigation will NOT investigate or arrest an individual when the member investigating, or arresting is personally or financially involved or when the member's family member, friends, acquaintance, tenant, landlord, or other individual with personal or financial ties in involved.

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**Federal Laws**

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1. Fourth Amendment, United States Constitution.

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**State Laws**

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1. 625 ILCS 5/3-707: Operation of uninsured motor vehicle – penalty.

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**Municipal Laws**

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1. § 9-20-10: One-way streets – Through traffic prohibited on certain public ways.

**V. INVESTIGATION<sup>2</sup>****a. Interviews**

COPA interviewed ██████████ on April 12, 2018, at approximately 11:05 am at the Civilian Office of Police Accountability (COPA) Headquarters, located at 1615 West Chicago Ave, Chicago, Illinois, 60622.<sup>3</sup> ██████████ stated he has gone by the name of ██████ since he was a young boy.

On April 3, 2018, ██████████ took his service dog for a walk at approximately 1:45 am. Afterwards, ██████████ and his dog entered his car to go to the Jewel grocery store located near Broadway and Addison. ██████████ stated he drove eastbound on Aldine. As he drove down Aldine, ██████████ observed a police vehicle parked in front of ██████████ ██████████ stated that he knows a police officer lives at ██████████<sup>4</sup> ██████████ drove past the parked police car and proceeded to the grocery store. He stopped at the stop sign on Broadway and turned left to go to the Jewel grocery store which is open 7 days a week and 24 hours a day. As ██████████ traveled north on Broadway, he saw the police vehicle approach him “really fast and strong.”<sup>5</sup> He explained that as he turned into the Jewel parking lot, the police car was practically right behind him. ██████████ stated the police car did not have its lights activated, otherwise he would have pulled over and stopped. ██████████ then parked his car and went into the store and returned home

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> ██████████ audio recorded interview is incorporated as Attachment #9.

<sup>4</sup> ██████████ later stated that the police officer who lives at ██████████ is Officer Carmickle.

<sup>5</sup> See Attachment #9, timestamp 03:55.

15 minutes later. He drove southbound on Broadway to Melrose and made a right turn onto Melrose. ██████ explained that on Melrose there is an alley located before Halsted Street and he turned right again down the alley to Aldine. ██████ stated he has a disabled parking spot in front of his building. He was heading towards his parking spot when he saw a police vehicle on the other side of Ashland. ██████ believed the police car was waiting for him on Ashland. The police car activated its lights and travelled rapidly towards ██████ stated he parked and the police vehicle stopped right behind him.

██████ stated Officer Carmickle approached his driver's side window and asked for his license, registration and insurance. ██████ explained he questioned the officer about the reason for the stop and the officer informed him that the alley does not allow through-traffic. ██████ stated he told Officer Carmickle there were no signs posted and that everyone, including the officer, his father-in-law, and wife use the alley. ██████ stated Officer Carmickle, again, asked for his information at which time ██████ provided it. ██████ stated he and service dog were detained for 45 minutes before he was given a ticket.

██████ admitted he knew Officer Carmickle from a previous encounter.<sup>6</sup> ██████ stated he resides at ██████ stated Officer Carmickle resides at ██████ and Officer Carmickle's father-in-law, resides at ██████ related an incident from a few years ago when Officer Carmickle's father-in-law's dog bit him and tore a hole in his sweatpants. ██████ stated the father-in-law's family laughed and were unapologetic about the incident. ██████ stated the second time the father-in-law's dog bit him, he called animal control and that afterwards the family became extremely hostile towards him.

██████ stated a year later, as he was walking through the alley, ██████ daughter was in her SUV was driving through the alley too fast. ██████ stated he put his arm out to slow her down, but she hit him. ██████ stated she got out and started to yell and swear at him. He said he had a matter in court, so he left the scene. ██████ stated that around 9:15 pm that evening, ██████ approached and threatened him, but he didn't feel threatened because he was a small guy. ██████ stated that although he didn't feel threatened, he then went into the entryway of his building and had a panic attack. He stated he attempted to reach out to on-call services for his building, but he heard a knock on the door of the building. ██████ stated he looked up and realized it was ██████ along with two tactical officers.<sup>7</sup> He ran upstairs and grabbed his phone and wallet then ran back downstairs to the common area to call the police. ██████ stated someone had let the tactical officers into the building and he saw the two officers pounding on his door. ██████ explained that when the tactical officers saw him, they grabbed him and "beat the shit" of out him.<sup>8</sup> ██████ stated they pounded his head against the wall until he passed out. He woke up and discovered his hands and ankles had been handcuffed. ██████ stated they were walking him outside barefoot to a marked police van. He said his neighbors at ██████ were all outside and watched the officers drag him away. ██████ stated the next day he got out on bail. ██████ stated he went to court, but the complainant never showed up. ██████ stated he filed charges with IPRA (Independent Police Review Authority) against

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<sup>6</sup> See COPA Log # 1085509 in which ██████ made allegations of misconduct against Officer Carmickle.

<sup>7</sup> Based on its investigation, COPA believes that ██████ is referencing Officer Carmickle's father-in-law ██████

<sup>8</sup> Attachment # 9, timestamp 08:01.

the officers, but that the charges were unfounded.<sup>9</sup> He stated he was very disappointed and believed the IPRA report attacked him.

██████████ stated the father-in-law's name is ██████████. He stated ██████████ daughter is married to Officer Carmickle and they reside at ██████████. ██████████ stated that during the incident with the younger daughter who was driving through the alley at high rate of speed, she hit him. ██████████ stated he did not seek hospital care immediately after the incident. ██████████ stated he went to the hospital a few days later and a soft cast was put on his arm. The soft cast was for a sprain which was the result of the alley incident.

██████████ stated he reported the incident in the alley to the police a few days later as a hit and run. He explained a report was made, but nothing ever came of it. ██████████ stated the younger daughter stayed there for a minute, swore and then got back into her car and drove away. ██████████ then explained ██████████ came to his house at 9:00pm that evening along with two members of police department. ██████████ explained he didn't know they were police officers at first. He stated he heard them saying, "Good job asshole – calling the police on the police."<sup>10</sup> ██████████ stated he didn't see any CPD stars or weapons on them nor did they identify themselves as police officers other than the previous statement. He stated the officers threw a bag over his head when he was put in a marked CPD police van. He described it as a piece of cloth which made it impossible for him to see anything. ██████████ stated the officers took the bag off of him when they got to the station. He explained he was taken to the Chicago Police Department station on Addison Street, off Halsted Street, and was brought in through the back. He stated he was taken to a room and handcuffed to a wall. ██████████ stated he refused to give a statement during the times he was in that police station. He was then taken to the police station on Belmont and Western Avenue. ██████████ stated a white officer put a ten-dollar bill on the table and asked him his name, but he refused to answer. He stated ██████████ daughter said he was banging on the windshield and threatened to kill her. ██████████ explained he was charged with assault.

**COPA interviewed Officer Kevin Officer Bennett on May 17, 2018, at approximately 6:15 am** at the Civilian Office of Police Accountability Headquarters located at 1615 W. Chicago Avenue, Chicago, Illinois.<sup>11</sup>

On April 3, 2018, Officer Bennett stated he was on duty as a PPO<sup>12</sup> assigned to the 19<sup>th</sup> District, beat 1932 Robert. That evening, his hours were 10:30pm (from April 2, 2018) to 7:30 am (April 3, 2018) and his partner that evening was Officer Brandon Officer Carmickle #18796.

Officer Bennett stated at approximately 2:00 am he and Officer Carmickle conducted a traffic stop at about ██████████. Officer Bennett stated he and Officer Carmickle observed ██████████ using the alley as a through way and activated their emergency lights in order to

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<sup>9</sup> See Independent Police Review Authority (IPRA) Log# 1069851.

<sup>10</sup> See Attachment #9, timestamp 15:18.

<sup>11</sup> Officer Bennett appeared with and was represented by Attorney ██████████. The audio recorded interview of Officer Bennett is incorporated as Attachments # 21, #22, #23.

<sup>12</sup> PPO is the abbreviation for Probationary Police Officer.

curb his vehicle. Officer Bennett stated when they made their observations of [REDACTED] vehicle, they were situated a little west on Aldine.

Officer Bennett explained [REDACTED] was further east on Aldine when they saw him come out of the alley. Officer Bennett stated after [REDACTED] vehicle was curbed, he ran the vehicle's license plate. He stated it was a military license plate and explained he had a little trouble pulling up the information on his squad's computer. At this same time, Officer Carmickle exited the squad car and spoke to the driver of the car, [REDACTED]. Officer Bennett approached on passenger side. Officer Carmickle told the driver why he was being pulled over and asked the driver for a driver's license and vehicle insurance. Officer Bennett stated he believed [REDACTED] was not able to produce an insurance card. Officer Bennett believed [REDACTED] said he lived right there and could get the insurance card for them, but Officer Carmickle said that would not be possible. After getting the driver's information, Officer Bennett stated they returned to the squad car to write the tickets. While in the squad car, Officer Carmickle asked Officer Bennett to look up the vehicle violations for using the alley as a throughway and operating a vehicle without valid insurance as he started to write the tickets. Officer Bennett stated he also kept an eye on the driver.

Officer Bennett estimated it took approximately 15 minutes to write the tickets. That was inclusive of calling OEMC for assistance to run the vehicle license plate check. Officer Bennett stated they had not observed [REDACTED] vehicle that evening prior to curbing [REDACTED] vehicle for driving through the alley. Upon questioning, Officer Bennett stated that prior to curbing [REDACTED] vehicle he believes he and Officer Carmickle went to the Jewel grocery store located on Broadway and Addison. Officer Bennett confirmed that location is part of the 19<sup>th</sup> district. Officer Bennett could not recall the reason they went to Jewel that evening nor did he recall seeing [REDACTED] vehicle there. He believed they pulled into the parking lot and stopped, but he is not certain. Officer Bennett stated they did not go inside the Jewel and were there about 2-3 minutes. Officer Bennett confirmed the Jewel is not within Beat 1932. Officer Bennett stated he did not have any contact with [REDACTED] prior to that evening and is not aware of any prior contact between [REDACTED] and Officer Carmickle that evening.

Officer Bennett stated he was not sure why they chose to park further down Aldine prior to curbing [REDACTED] vehicle. Officer Bennett was asked to describe the 19<sup>th</sup> District's policy of staying within one's assigned beat, often referred to as beat integrity. Officer Bennett stated that in the 19<sup>th</sup> District some officers adhere to beat integrity, and some do not. Officer Bennett did not know the parameters of Beat 1932 but was able to confirm that Beat 1932 is within the 19<sup>th</sup> district. Officer Bennett explained his unit is allowed to go anywhere in the 19<sup>th</sup> district. Officer Bennett affirmed there are reasons for leaving the beat, for example, to eat or retrieve something.

Officer Bennett was unable to recall if he had conversations with Officer Carmickle regarding prior interactions between Officer Carmickle and [REDACTED]. Further, Officer Bennett stated he could not recall if he and Officer Carmickle ever had conversations that evening about any prior interactions or relationship between [REDACTED] and Officer Carmickle adding the night of the incident was a while ago.

When they first pulled over [REDACTED] Officer Bennett stated he tried to run the plates. Officer Bennett stated the plate had some stars around it and a military emblem. Officer Carmickle

told him it was a military plate. Officer Bennett explained they were able to run the license plate over OEMC dispatch.<sup>13</sup> Officer Bennett stated he had never run a military plate before and there was a special marking on the end. Officer Bennet explained in order to run the plate number on the personal data terminal (PDT), special letters are placed at the end of the plate number. Officer Bennett believed it was a PV or an M. Officer Bennett stated this could explain why it may have taken a little while longer to find that information.<sup>14</sup>

After running ██████████ license plate, Officer Bennett stated he exited the squad car and provided Officer Carmickle with security on the passenger side of the curbed vehicle. Officer Bennett confirmed he did not hear ██████████ and Officer Carmickle have any conversation regarding any prior contact. Officer Bennett estimated Officer Carmickle was at ██████████ door for approximately 1 minute prior to his own approach of the vehicle. Officer Bennett affirmed there was a dog in the front seat of ██████████ vehicle but did not see anything on the dog which indicated it was a service dog.

Officer Bennett estimated the entire incident lasted a little more than 15 minutes. Upon questioning, Officer Bennett stated it is possible that the trouble with running the special license plate could have caused the stop to run a little longer than usual. Officer Bennett estimated at the time of his interview, he had conducted about 30 traffic stops from the time he started as a PPO. Officer Bennett agreed that a 45-minute traffic stop, is going on the long side. However, Officer Bennett stated he does not believe there was anything unusual about this particular traffic stop. Officer Bennett stated he went back to the squad car with Officer Carmickle before the tickets were issued, though he did not recall any specific discussions with Officer Carmickle about ██████████ while they were back in the squad writing tickets.<sup>15</sup>

Officer Bennett stated after reviewing the Event Query<sup>16</sup>, he realized that stop took closer to 40 minutes. From his experience, he agreed that the stop was a little longer than usual though he could not find anything in the Event Query which could explain the prolonged traffic stop.

After Officer Carmickle spoke to ██████████ they returned to their squad car to write the tickets. Officer Carmickle provided him directions as to what to do. Officer Bennett stated Officer Carmickle was not a field training officer, but he was still providing direction. Officer Bennett explained he was told to keep an eye on ██████████ and to look up the tickets. After the tickets were written, Officer Bennett stated they got out and Officer Carmickle gave ██████████ the tickets. After the tickets were handed to the ██████████ they returned to the squad car and realized that they still had his license. Officer Carmickle handed Officer Bennett the license and asked him to return it to ██████████ Officer Bennett stated he had a body camera on and believed he activated it.<sup>17</sup> Officer Bennett returned ██████████ license and told him to drive safe.

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<sup>13</sup> Attachment #21, timestamp 06:34.

<sup>14</sup> Attachment #21, timestamp 16:30.

<sup>15</sup> At this point in the interview, a short break was requested by Attorney ██████████ and given the opportunity to review the Event Query.

<sup>16</sup> Event Query is incorporated as Attachment #4.

<sup>17</sup> COPA requested body worn camera footage for Officer Bennett for this traffic stop, however, none was found. Upon contacting the BWC unit, COPA was told either the BWC failed to activate or Officer Bennett failed to activate his camera. As COPA did not believe this was an intentional error by Officer Bennett, it did not serve allegations for failing to activate his BWC against Officer Bennett.

Officer Bennett stated Officer Carmickle mentioned that he lived on Aldine that [REDACTED] lived on the same block, though he was unsure if he learned that before or after the traffic stop. Officer Bennett was unable to recall if Officer Carmickle got into the details but did recall Officer Carmickle had mentioned they both live on the same block on Aldine.

Officer Bennett could not recall if he and Officer Carmickle discussed the stop after the tickets were issued. Officer Bennett could not recall any contact with [REDACTED] prior to or after the traffic stop. Officer Bennett stated he did not go to court for the traffic tickets on April 30, 2018. The only name on the ticket was Officer Carmickle and he does not know if Officer Carmickle went to court that day.<sup>18</sup>

After viewing the in-car camera video, Officer Bennett recalled a conversation with Officer Carmickle regarding Officer Carmickle's relationship and interactions with [REDACTED] Officer Bennett stated they had a conversation about it after they left the station following the stop of [REDACTED] Officer Bennett recalled Officer Carmickle talking about [REDACTED] not liking the police. Officer Bennett believed during the conversation, Officer Carmickle said something about [REDACTED] slashing the tires of Officer Carmickle's personal vehicle. Officer Bennett thought Officer Carmickle mentioned filing a police report and believed Officer Carmickle wanted a warrant to be issued for [REDACTED] Officer Bennett recalled Officer Carmickle saying if there was a warrant out for [REDACTED] then they would have to arrest him. Officer Bennett believed that the warrant Officer Carmickle was referring in the in-car camera video was a warrant for his case against [REDACTED] Officer Bennett stated they often drive past Officer Carmickle's house to check on it while they are on duty and Officer Carmickle usually grabs something inside.

Officer Bennett affirmed that during the traffic stop, they determined there was an order of protection against [REDACTED] on LEADS and it would have taken time to read through that. Additionally, a name search was conducted on the PDT and Officer Bennett believed they read through the results.

Asked whether he had an opinion as to whether Officer Carmickle was lying in wait for [REDACTED] Officer Bennett replied, probably at Aldine. Officer Bennett attempted to recall if they observed the car at Jewel and does not know. Officer Carmickle then clarified, they did park on Aldine, but he does not know if Officer Carmickle was lying in wait. Officer Bennett stated that it was not unusual that they were parked there, explaining they could wait by the stop sign for people to disregard the sign. Officer Bennett stated that he is "kind of iffy now that I see the video because the guy is on Aldine."<sup>19</sup> Officer Bennett stated if he knew [REDACTED] was at Jewel at the same time, he would think that would be unusual. At the time they were in the Jewel parking lot, Officer Bennett stated he did not know about [REDACTED] Officer Bennett explained that after seeing the video, he was able to recall the discussion regarding the warrant for the slashing of the tires. Officer Bennett additionally noted it seemed like [REDACTED] and Officer Carmickle, "have some personal vendetta against each other."<sup>20</sup>

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<sup>18</sup> At this point during the interview, a short break was taken to show Officer Bennett and Attorney [REDACTED] the in-car camera video which was generated during and after this incident – time stamp 47:04-50:39.

<sup>19</sup> Attachment #23, Timestamp 09:52.

<sup>20</sup> Attachment #23, Timestamp 10:40.



**COPA interviewed Sergeant Darryl Corter on June 26, 2018, at approximately 7:10 am**, at the COPA Headquarters located at 1615 W. Chicago Avenue, Chicago, Illinois<sup>21</sup>. Sergeant Corter (Corter) was asked about his familiarity with Chicago Police Department General Order G04-01. Corter interpreted the General Order to mean, an officer should conduct a thorough preliminary investigation, including the interviewing of all persons and completion of all necessary reports, if any reports are required. Sergeant Corter's attention was directed to subsection B (4) which sets forth if an officer knows a person involved in police activity or an arrest, he/she should recuse him/herself from that investigation in the event the officer displays bias. For example, the Investigator noted, in a preliminary investigation relative to a family member, the officer would probably want to stay out of it, as he/she would not want to allow to display any bias. Sergeant Corter affirmed that an officer would not want to be perceived as having bias.

Asked whether General Order 04-01 pertains to curbing a vehicle, Sergeant Corter explained that when an officer curbs a vehicle, he/she is unaware of the identity of the driver of that vehicle. Sergeant Corter was asked what action should be taken if the officer knows the driver. Sergeant Corter stated that traffic stops are discretionary and there are no orders that officers must write tickets.

Sergeant Corter stated he was not aware that General Order 04-01 covered traffic stops. He explained he knows officers who stop people they know; however, they do not know who is in the vehicle at the time they stop it. Sergeant Corter agreed that the General Order is drafted in a manner which puts the onus on the officer to "notify their supervisor when becoming aware of a personal or financial relationship and request assignment to available response unit."<sup>22</sup> Sergeant Corter explained an officer cannot issue a traffic ticket for a violation they did not observe. Sergeant Corter stated a traffic stop is not a landlord-tenant dispute. Sergeant Corter explained General Order 04-01 would take an officer out of play for handling that situation. He elaborated, that an officer could not tell the landlord, this is how you get an individual evicted or explain the situation to the tenant if there was a personal relationship between the officer and a party to the investigation. He stated General Order 04-01 was written for those types of situations. Sergeant Corter stated he had supervisors who previously had him write tickets, but when doing so he always wrote the Supervisor's name in the witness box. However, he explained, officers are not going to call other officers to come in and write tickets for them. As a supervisor, Sergeant Corter stated he could call a car to write a ticket for him, but he would prefer to write his own tickets because he saw the violation himself. Sergeant Corter questioned the need to call another officer because it would lead to the need for two officers to testify in court. Sergeant Corter stated he is not aware of G-0401 creating an affirmative duty on an officer when the officer conducts a traffic stop of an individual they know.

Upon being asked if it would be appropriate for an officer to conduct a traffic stop and issue a ticket to an individual the officer had named as the offender in a case in which the officer

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<sup>21</sup> Sergeant Corter did not appear with counsel but stated he had retained counsel. Upon questioning, Sergeant Corter stated he wished to proceed with the statement but would cease the interview and request counsel if the need arose. Sergeant Corter's waiver of counsel form was signed and incorporated as Attachment #28. Sergeant Corter's audio interview is incorporated as Attachments #32 and #33.

<sup>22</sup> General Order 04-01, III. (B)(5).

was the listed as the victim, Sergeant Corter stated he could not answer for the officer. Sergeant Corter was then asked, as a supervisor would he deem it appropriate. Sergeant Corter responded, "If the guy committed a traffic violation...traffic is a minor offense unless it is a DUI or a suspended or revoked license. Those are minor fineable offenses."<sup>23</sup> Further, the Investigator asked Sergeant Corter, "If the driver had previously brought allegations of misconduct against that officer with COPA the year prior to the traffic stop - would it be appropriate to write a ticket then?"<sup>24</sup> He responded, "Sure, if I stopped somebody in the past and they complained about me, but I arrested them with a gun and they are out on the street corner hanging with their gang members again? Yes, chances are I am going to stop them. Now they are out hanging with their buddies...that doesn't stop me from doing my job."<sup>25</sup> Upon further clarifying questions Sergeant Corter affirmed his belief that General Order 04-01 does not place an affirmative duty on the officer to notify his supervisor that he has written tickets, nor does it warrant a request that another unit be assigned to the stop. Sergeant Corter replied, "It is the officer's discretion as to whether he was going to write the tickets and he may or may not have known... who was driving the car at the time."<sup>26</sup>

Sergeant Corter was on duty in the early morning of April 3, 2018. He was working alone in a marked police car. He stated, sometimes as a sector Sergeant you hear an officer log a call and then find them in order to add them to the Supervisor's Log.<sup>27</sup> According to Supervisor's Log at approximately 2:15am, Sergeant Corter believed he made contact with Officer Carmickle and Officer Bennett. He stated he does not know the reason for the stop and explained the officers had someone pulled over. Sergeant Corter recalled pulling up and rolling down his window to check if they were alright. Sergeant Corter stated Officer Carmickle replied, "Alright" and then he drove down the street and eventually pulled over to log them. He estimated the interaction with the officers lasted approximately 5 seconds. Sergeant Corter stated he was at the scene of the traffic stop on Aldine less than a minute and that everything was normal and quiet.

Sergeant Corter stated he has supervised Officer Carmickle on and off for approximately 6 months and that they have no personal relationship outside of work. When asked if he was aware that Officer Carmickle had filed a criminal damage to property report in the 19<sup>th</sup> district, Sergeant Corter recalled something being in the Commanding Officer's (CO) book. He was unable to recall who it was for and what it was about but recalled there was something about Officer Carmickle having a complaint against someone, or Officer Carmickle having a complaint against someone in the past. It might have been a criminal damage to property case, but Sergeant Corter thought it was an assault. Sergeant Corter explained the CO book is used to put notices from the city regarding events, officer safety, and overtime. Sergeant Corter explained department notices come out and are shared during roll call. Additionally, he stated the CO book lists things like threats made against an officer and who made the threat.

Sergeant Corter stated he had no idea [REDACTED] was the named offender in a criminal damage to property complaint, nor did he have reason to know [REDACTED] was pulled over that

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<sup>23</sup> See Attachment #33, timestamp 12:15.

<sup>24</sup> See Attachment #33, timestamp 13:11.

<sup>25</sup> See Attachment #33, timestamp 13:24.

<sup>26</sup> See Attachment #33, timestamp 14:28.

<sup>27</sup> Sergeant Corter's Supervisor Log is incorporated as Attachment # 25.

night. Sergeant Corter was not aware that in regard to the criminal damage to property report, Officer Carmickle and ██████████ were neighbors. Sergeant Corter stated he does not know where Officer Carmickle lives.

When asked to describe any policy in the 19<sup>th</sup> District regarding beat assignment and staying within one's assigned beats, Sergeant Corter stated, there is no real beat integrity because sometimes the 19<sup>th</sup> District works short-handed. Sergeant Corter confirmed that officers do not have to notify the district if they are leaving their beats. Sergeant Corter stated if officers are not allowed to leave beats, the dispatcher will be told only to give them jobs within their beats. Additionally, Sergeant Corter explained there is no policy regarding how long an officer is required to stay within their assigned beats. Sergeant Corter was asked whether he was aware of any policy within the Chicago Police Department or the 19<sup>th</sup> District which prohibits officers from patrolling the area they live in. Sergeant Corter stated no such policy exists.

Sergeant Corter stated he does not know if Officer Carmickle knew ██████████ was out and was going to drive through the alley. He added ██████████ never approached him when he was on scene and affirmed he has never received any complaints on a traffic stop.

At this point in the interview, Sergeant Corter was shown a Caboodle map<sup>28</sup> comprised of GPS coordinates for Unit 1932R for April 3, 2018, covering the timeframe of 1:00 am to 3:00 am. Upon being asked whether it would be unusual for Unit 1932R to travel northeast of Lincoln, which is the dividing line between Chicago Police Department Beats 1932, 1933, and 1935, Sergeant Corter responded, "It's all in the 30 sectors, which is pretty good."<sup>29</sup> Sergeant Corter explained because the unit is still in its assigned sector, that is good. Sergeant Corter added, "Now if he was assigned to 1932 and always in 1911 and it's taking them 15-20 minutes to respond to a job, that would be another thing."<sup>30</sup> In closing, Sergeant Corter stated he is happy Officer Carmickle stayed in the 30<sup>th</sup> sector according to the Caboodle reading.

**COPA interviewed Officer Brandon Carmickle on August 3, 2018, at approximately 8:05 am,** at the COPA offices located at 1615 W. Chicago Avenue, Chicago, Illinois.<sup>31</sup> Officer Carmickle stated he resides at ██████████ Chicago, Illinois. Officer Carmickle's date of appointment to the Chicago Police Department was December 5, 2005 and he is currently assigned to the 19<sup>th</sup> District and has been there since January 5, 2014.

Officer Carmickle was presented with Chicago Police Department General Order G04-01, entitled Preliminary Investigations. The Investigator requested he read it, paying specific attention to subsection III (B).<sup>32</sup> After reviewing the General Order, Officer Carmickle, agreed the order

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<sup>28</sup> Caboodle Map incorporated as Attachment #26.

<sup>29</sup> See Attachment #33, timestamp 39:05.

<sup>30</sup> See Attachment #33, timestamp 39:15.

<sup>31</sup> Officer Brandon Carmickle's audio interview is incorporated as Attachment # 43. Officer Carmickle appeared and was represented by Attorney ██████████

<sup>32</sup> At this point in the interview, Attorney ██████████ inquired as to the existence of a sworn affidavit for this case and was informed COPA had obtained a sworn affidavit. Additionally, Attorney ██████████ stated that Officer Carmickle was afforded the opportunity to review approximately 36 minutes of bodycam video, Cook County Clerk's Office print out of the tickets issued, the OEMC Event Query, and the PDT Message Report which was generated.

prohibits the member's investigation of an individual with whom he or his family member has a personal or financial interest involvement.

Officer Carmickle stated he conducted a traffic stop on April 3, 2018 on West Aldine. Officer Carmickle was on duty and assigned to Beat 1932 Robert. That evening he was on routine patrol and worked 10:30pm to 7:30am. His partner that evening was Officer Bennett. Officer Carmickle stated on April 3, 2018, he was in a marked Chicago Police Department SUV and in uniform. Officer Carmickle explained the boundaries of his Beat 1932R included, Fullerton, Belmont, Lincoln and Ashland though pointed out that in the 19<sup>th</sup> District, officers can work between Fullerton and Lawrence. He stated wherever officers get a call, they can work. Officer Carmickle elaborated that there is beat integrity within his district, but officers do not have to stay in their assigned beat their whole tour. On that particular evening, Officer Carmickle stated he was on routine patrol.

Officer Carmickle stated that before the traffic stop of [REDACTED] he was parked eastbound just west of Halsted on Aldine, approximately 100 feet from the alley. When asked why he had chosen that location to park, Officer Carmickle explained he was observing vehicles driving north and south on Halsted. Officer Carmickle described the intersection of Halsted and Aldine as having stop signs for both northbound and southbound traffic on Halsted. Officer Carmickle was unable to recall the amount of time he and Officer Bennett were parked at the intersection prior to making observations of [REDACTED] vehicle, but does not believe it was longer than 30 minutes. Officer Carmickle stated he has previously parked at that intersection with his regular partner.

While parked at the intersection of Halsted and Aldine on April 3, 2018, Officer Carmickle observed a black Lexus driving northbound through the alley. Officer Carmickle explained to the driver that the alley cannot be utilized as a thoroughfare and it appeared that the vehicle was using the alley as a thoroughfare. Officer Carmickle did not believe it was possible the vehicle was leaving a garage located in the alley. Upon being asked if his vantage point provided an expansive view of the alley, Officer Carmickle responded he was just west of Halsted facing eastbound and he could see into the alley clearly. Officer Carmickle stated after making these observations, he activated his emergency lights and curbed the vehicle. When asked if he has ever issued tickets for other drivers using that alley which spans Melrose and Aldine as a throughway, Officer Carmickle stated he has never issued tickets for that particular alley. However, in his 13 years as an officer, Officer Carmickle was certain he has issued tickets for that offense but is not sure of the exact dates.

When Officer Carmickle approached the black Lexus, he observed the driver and one dog in the vehicle. He described the dog as a pit-bull terrier. Officer Carmickle admitted to knowing [REDACTED] was the driver of the Lexus at the time he curbed the vehicle. Officer Carmickle explained he knew it was [REDACTED] because they lived on the same block. Officer Carmickle stated he resides at [REDACTED] which is same block on which [REDACTED] resides. Officer Carmickle explained [REDACTED] lives in a halfway house located at [REDACTED] Officer Carmickle went on to explain his in-laws live at [REDACTED] and his sister-in-law lives at [REDACTED] He stated they all live on the same block. Officer Carmickle estimated approximately 6-7 properties lie between his house and [REDACTED] apartment building. Officer Carmickle stated he has been living at that location since November or December of 2016 and he has observed

██████████ driving the black Lexus numerous times. Officer Carmickle explained ██████████ has a handicap parking spot reserved in front of ██████████ and affirmed he was very familiar with the alley which spans Melrose and Aldine.

Officer Carmickle stated he saw ██████████ prior to curbing his vehicle that evening. Officer Carmickle explained not too long before the traffic stop, he stopped by his house to pick up a snack. Officer Carmickle estimated he made the stop at his house within an hour of the traffic stop. When he exited his residence, Officer Carmickle stated he observed ██████████ drive eastbound down Aldine towards Broadway. Officer Carmickle stated he did not interact with ██████████ at that time. Officer Carmickle stated he and Officer Bennett made a left turn from Aldine and proceeded northbound on Broadway at which time he observed ██████████ approximately ½ -1 block ahead. Officer Carmickle could not recall taking any unusual actions when he saw ██████████ vehicle at that time. He explained ██████████ went into the Jewel store and he and Officer Bennett continued northbound on Broadway. Officer Carmickle did not recall going to the Jewel parking lot. Aside from these two instances, Officer Carmickle did not recall any additional observations of ██████████ prior to the traffic stop that evening.

When asked if there was anything unusual during the issuing of the tickets to ██████████ Officer Carmickle recalled ██████████ vehicle had military plates. Officer Carmickle explained he did not realize it would take so much time to run the plate. Officer Carmickle explained that running plate information on his personal data terminal (PDT) ensures the vehicle and vehicle comes back clear. Officer Carmickle estimated the traffic stop took approximately 35-36 minutes. When asked if in his experience that seems unusually long for a traffic stop, Officer Carmickle responded it could be seen that way. Officer Carmickle noted it was not ordinary to run a vehicle with a military plate. When asked if the military plate requires any special signifiers while running it on the PDT, Officer Carmickle explained that a dash between the M and V needs to be used. Officer Carmickle further explained there is a list of license plates and they used the signifiers for a military license. Officer Carmickle explained they asked the dispatcher to run the plate. Officer Carmickle believed the dispatcher was able to run the plate and it came back clear.

When asked if he and Officer Bennett had come across anything additional which would have prolonged the traffic stop, Officer Carmickle recalled there was an order of protection against ██████████ but that the petitioner was not with him. Officer Carmickle added, there might have been more than one. Officer Carmickle explained that aside from using the alley as a thoroughfare, he also wrote ██████████ for his failure to produce proof of insurance. Officer Carmickle explained the vehicle insurance presented by ██████████ was invalid. Officer Carmickle explained they gave him an opportunity to produce another card, but he could not allow ██████████ to exit the vehicle to go into his residence to try to find the valid vehicle insurance. Officer Carmickle explained that is why he related to ██████████ after issuing the ticket that once he comes to court with valid insurance the ticket would be dismissed. Officer Carmickle affirmed those two tickets were the only citations issued to ██████████ that evening.

When asked if he was aware of the disposition of the two tickets, Officer Carmickle stated he did not know. Officer Carmickle stated he attended the initial court date but ██████████ requested and received a continuance because was unable to provide the judge with updated insurance

information. Officer Carmickle explained on the second court date, he was on furlough and was excused. Officer Carmickle affirmed that second court date for the tickets was June 6, 2018.

Officer Carmickle affirmed his familiarity with ██████ goes back to when he moved onto Aldine. Officer Carmickle was asked to describe any notable previous interactions with ██████ prior to the issuance of these tickets. Officer Carmickle recalled on Saturday, February 24<sup>th</sup> around 9:00am he was awakened by an officer calling from the 19<sup>th</sup> District who informed him that ██████ ex-girlfriend, ██████ from Frankfort Illinois, had come in to file a report for phone and text harassment. Officer Carmickle stated that the officer told him that Ms. ██████ informed the officer that ██████ had a problem with an officer who lives on his block. She said the officer drove a Mercedes with the license plate ██████. Additionally, Ms. ██████ informed the 19<sup>th</sup> District officer that ██████ stated he wants this "officer's head on a platter."<sup>33</sup> Officer Carmickle stated this was news to him because he had never spoken to ██████ before.<sup>34</sup> Officer Carmickle affirmed he was the individual ██████ was referring to, and stated he owns a Black Mercedes with that license plate. Officer Carmickle explained that the officer from the 19<sup>th</sup> District called to provide him with notice and indicated he would have a Supplemental Report for him.

Officer Carmickle stated around that time, a lot of quirky things were happening to his car. Officer Carmickle explained his sideview mirrors fold in when he parks his vehicle, but he noticed that when he would return to his vehicle his mirrors inverted all the way to the other side. Then on March 26, 2018, Officer Carmickle stated his father-in-law saw ██████ throw something on his black Mercedes and then observed ██████ take an object from his pocket and scratch the car. Afterwards, Officer Carmickle stated he and his wife went to the 19<sup>th</sup> District with this information and made a report for criminal damage to property. Officer Carmickle affirmed he named ██████ as the offender in this report.

Officer Carmickle was asked if he has had any additional interaction with ██████ aside from these two incidents. Officer Carmickle responded he saw ██████ in the misdemeanor court at Belmont and Western. Officer Carmickle was then asked if any of his family members who live on the block have had any previous interaction with ██████ prior to the date of April 3, 2018, when he issued the tickets. Officer Carmickle explained that his in-laws have had previous interactions with ██████ Officer Carmickle stated his in-laws have a daycare at their residence, which has been operating for approximately 26-27 years. Officer Carmickle stated he has met individuals who were watched by his wife when they were young and who return as adults to visit the family. Officer Carmickle explained he heard ██████ made accusations of a child being touched inappropriately at his in-law's daycare. Officer Carmickle explained DCFS had to investigate the claims and the family was cleared twice of wrong-doing within the last 3-4 years. Officer Carmickle stated there were two separate complaints. When asked how he knew it was ██████ who made the false accusations, Officer Carmickle explained he learned it was ██████ after talking to his wife and Mr. and Mrs. ██████ his in-laws.

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<sup>33</sup> Attachment #43, timestamp 28:00.

<sup>34</sup> Attorney ██████ noted she tendered to COPA the Supplementary Report detailing this interaction, incorporated into the file as Attachment #46.

Officer Carmickle added that there was another interaction between [REDACTED] and his sister-in-law, which took place while she was driving a vehicle coming out of the alley. Officer Carmickle explained [REDACTED] punched and broke his sister-in-law's sideview mirror with his fist. Not too long after that incident, Officer Carmickle stated he was told [REDACTED] was wearing a cast and had made false allegations that his sister-in-law had struck him with her car. Officer Carmickle explained this was after his sister-in-law had already filed a report for the criminal damage to property to her side-view mirror. Officer Carmickle estimated this incident occurred within the last 5 years. Officer Carmickle stated he was just, "trying to steer clear of this guy." He added, "In retrospect I wished I had not observed and stopped this guy driving through the alley."

Officer Carmickle was asked if this past history with [REDACTED] affected his decision to write [REDACTED] tickets on April 3, 2018. Officer Carmickle responded that as an officer you have discretion, some things you can overlook and some things you cannot. Officer Carmickle stated he observed [REDACTED] make a traffic violation and added the past history did not affect his decision. Officer Carmickle stated [REDACTED] used the alley as a thoroughfare and that constitutes a traffic violation.

Officer Carmickle was asked how often he has seen [REDACTED] since late 2016. Officer Carmickle explained he periodically observes [REDACTED] walking his dog, and estimated he sees him a few times a month. Officer Carmickle explained that when the complaint was filed by [REDACTED] ex-girlfriend, his "tree was shook," and he was concerned for his well-being and his family's well-being.<sup>35</sup> When asked his opinion as to why [REDACTED] would have a problem with him, Officer Carmickle could not think of a reason.

Officer Carmickle recalled that in June or July of 2017, he exited his residence and his partner informed him that [REDACTED] was recording him. Officer Carmickle explained he asked [REDACTED] what he was recording but could not recall his response.

Officer Carmickle stated the criminal damage to property case relating to his vehicle was pending at the time of the traffic stop. Officer Carmickle was then asked, given the pending case against [REDACTED] did he ever notify any superior that someone he had made a complaint against had just violated a municipal code or if he felt like there was any potential of conflict of interest. Officer Carmickle stated he had observed a traffic violation.

Officer Carmickle stated he notified the dispatcher when he first curbed the vehicle. Officer Carmickle affirmed a few other units drove by to see if he and his partner were ok during the traffic stop with [REDACTED] When asked if there were any Sergeants or Lieutenants who drove by, Officer Carmickle stated Sergeant Corter came by, explaining Sergeant Corter was his immediate supervisor that evening. Officer Carmickle was unable to recall if he notified Sergeant Corter at that time that he was pulling over someone against whom he had filed a complaint. When asked if he ever told Sergeant Corter about the strained relationship he and his family had with [REDACTED] Officer Carmickle stated the Sergeant might have known before or after that time, though he is not certain. At the time Sergeant Corter came by, Officer Carmickle affirmed he did not inform Sergeant Corter who he had pulled over. Officer Carmickle was unable to recall if after the traffic stop he informed Sergeant Corter he had pulled over [REDACTED]

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<sup>35</sup> See Attachment #43, timestamp 42:53.

At this point, Officer Carmickle was shown the in-car camera video from April 3, 2018. The in-car camera video was played from the 47:22-50:30 timestamp mark. Officer Carmickle explained at the beginning of the video timestamp, he and Officer Bennett were on Addison Street facing westbound. Officer Carmickle was asked if, at the time he curbed [REDACTED] vehicle, it was it to determine whether [REDACTED] had an active warrant or an investigative alert for the case in which he named him an offender. Upon questioning, Officer Carmickle stated the warrant he was referring to at the beginning of the video clip was a warrant for the criminal damage to vehicle case he filed against [REDACTED] on March 26, 2018.<sup>36</sup> Officer Carmickle explained he thought there was going to be a warrant issued, but instead there was an investigative alert made by the detective assigned to his case. Officer Carmickle explained the stop “(W)as for the traffic violations and in addition to see whatever else might come about.”<sup>37</sup> When questioned if “whatever else might come about” was a reference to whether an investigative alert or warrant had issued for [REDACTED] Officer Carmickle responded, “Correct.”

Officer Carmickle was asked to further elaborate on his statement in the dashcam video, “He has a vendetta against me.”<sup>38</sup> After affirming he was making a reference to [REDACTED] Officer Carmickle explained he was referring to the fact that on February 24, 2018, [REDACTED] ex-girlfriend filed a report and made the reference to [REDACTED] wanting the person’s head on a platter who has a black Mercedes.

The investigator noted that in the in-car camera video, Officer Carmickle stated he did not want to be the person to arrest [REDACTED] on the warrant. Officer Carmickle was asked what he would have done if when Officer Carmickle had pulled [REDACTED] over April 3, 2018 and discovered [REDACTED] had an active warrant. Officer Carmickle responded he probably would have asked for a supervisor to come on scene. When asked why he would have made the request for a supervisor, Officer Carmickle stated, he did not want to be the arresting officer on an individual against whom he has a pending case.

In conclusion, Officer Carmickle stated in retrospect, although he observed [REDACTED] commit a traffic violation, he did not know everything that would happen afterwards. He added, “Maybe I should have taken more consideration on the traffic stop.”<sup>39</sup>

## **b. Digital Evidence**

### **VIDEO**<sup>40</sup>

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<sup>36</sup> Attachment #45

<sup>37</sup> See Attachment #43, timestamp 58:00.

<sup>38</sup> See Attachment #4, timestamp 47:22.

<sup>39</sup> See Attachment #43, timestamp 1:03:30.

<sup>40</sup> COPA noted that while [REDACTED] provided COPA with a mobile phone video created and depicting him in his vehicle saying he was being followed by officers, it is not summarized herein as the video does not depict any CPD vehicles following Mr. [REDACTED] and the date and time of the video could not be validated by a mobile phone download despite numerous attempts by a forensic digital analyst.



**In-car camera<sup>41</sup>:** COPA requested, obtained and reviewed the in-car camera video from the Chicago Police Department vehicle involved in this incident. The following is a summary of the highlights of the video:

Officer Carmickle and PPO Bennett's squad car is stationary on West Aldine, west of the intersection of Halsted and Aldine, in a parking spot on the north side of the street, approximately 4 car lengths from the end of the block. A black car exits out of the alley between Melrose and Aldine and proceeds to take a right turn down Aldine. A few second later, the squad car moves out of parking space and travels eastbound on Aldine towards the black vehicle. The squad's emergency lights reflect off the buildings as squad moves down Aldine. The black car pulls over into handicapped parking space and a spotlight shines at the black car. The squad parks behind the vehicle to the left side.

Officer Carmickle exits driver's side of the squad and approaches [REDACTED] car from the driver's side. [REDACTED] dog is seen in [REDACTED] back window area. [REDACTED] moves around in the front seat and hands something to Officer Carmickle. Another squad car pulls up next to Officer Carmickle's squad. Officer Carmickle walks back to his squad and waves to the stopped unit, which pulls off shortly after travelling down Aldine.

Officer Carmickle asks Officer Bennett if he has checked various things for the traffic stop, including [REDACTED] city sticker, registration and insurance. The squad's PDT is heard running in the background. Officer Carmickle asks Officer Bennett to run the license plate for him. Officer Bennett is heard having difficulties running the plate number and Officer Carmickle assists by making suggestions as to how to run the plate. Officer Bennett ultimately calls into Dispatch to run the plate and Dispatch provides vehicle information from plate.

After another CPD SUV is observed pulling up to Officer Carmickle's squad, Carmickle is heard saying, "Thanks Sarge." Officer Carmickle and Officer Bennett discuss court scheduling and whether [REDACTED] needs to sign the tickets. Officer Bennett exits squad and approaches driver's side door of [REDACTED] vehicle and informs Carmickle, [REDACTED] insurance is probably upstairs in his apartment. Officer Carmickle assists Bennett with the traffic tickets. Officer Carmickle exits the squad and approaches [REDACTED] driver's side. He engages him in conversation and hands [REDACTED] back his driver's license and insurance. Officer Bennett separates papers on the trunk area of [REDACTED] vehicle and then hands [REDACTED] the copies of his tickets.

Officer Bennett exits squad and speaks with [REDACTED] When Officer Bennett returns to the vehicle, he informs him that [REDACTED] found his registration and the squad is observed pulling off down Aldine and drives away.

Officer [REDACTED] squad is observed parking in front of the police station and the officers exit the squad. After a short while, the officers return to the squad car and engage in discussion regarding a warrant. Officer Carmickle informs Bennett that if a warrant had come up, they would have been locking him up. However, Officer Carmickle went on to explain that he did not want to be the one locking him up on a warrant for what he did to his vehicle.<sup>42</sup> Officer Carmickle and Officer

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<sup>41</sup> In-car camera video incorporated as Attachment #4.

<sup>42</sup> See Attachment #4, In-car Camera video, timestamp 47:44.

Bennett are heard discussing how long it takes for a warrant to get into the system. Officer Carmickle informs Bennett he does not know what the Detective will do.

Officer Bennett asks Officer Carmickle how it all started. Officer Carmickle informs Officer Bennett that the individual has an issue with the police.<sup>43</sup> Officer Carmickle explains the individual tried to speak with his (Officer Carmickle's) girlfriend before he was in the picture, but she turned him down. Officer Carmickle explains he lives at [REDACTED]. Officer Carmickle states, "I don't know you, but now you want to know me, so...you shook the tree, fucking with my car and then a female who came in and got an order of protection on him, tells the desk on February 13<sup>th</sup>, he wants this officer's head on a platter that lives on this block. He drives a black Mercedes with a license plate [REDACTED]."<sup>44</sup> Officer Carmickle informs Officer Bennett that it is his license plate and that it is a memorial police plate.

**Body Worn Camera<sup>45</sup>:** COPA requested, obtained and reviewed Body-Worn Camera video from officers involved with this incident. The only available video was from the Body-Worn Camera of Officer Carmickle. The following is a summary of the highlights of the video not already reflected in the In-Car Camera summary:

Officer Carmickle is heard calling in the traffic stop to Dispatch with a location of [REDACTED]. After stopping, he approaches the stopped vehicle and introduces himself and informs [REDACTED] he cannot use the alley as a thoroughfare and asks for [REDACTED] license, insurance and registration.

[REDACTED] asks for the officer's name and Officer Carmickle responds with his name and then returns to his car. The PDT is heard operating in the background. Officer Carmickle notes an Order of Protection and Officer Carmickle asks Officer Bennett if it is municipal. Officer Carmickle directs Officer Bennett to check various details relative to the traffic stop, such as the city sticker, insurance and registration to make sure its valid. Additionally, he asks Officer Bennett to keep an eye on [REDACTED].

Officer Carmickle asks Officer Bennett to run the license plate and provides Officer Bennett with suggestions on how to find it. Officer Carmickle is then heard calling out the plate. He notes the insurance is expired and asks Officer Bennett to go and ask [REDACTED] if he has up to date insurance. Officer Carmickle exits the squad car and informs [REDACTED] that he is being issued two violations and explains that when he goes to court with proof of insurance, the insurance ticket will be kicked out. He asks [REDACTED] to sign the ticket and [REDACTED] complies. Officer Carmickle asks Officer Bennett to retrieve [REDACTED] registration in the squad car. Officer Carmickle returns to the squad car and asks Officer Bennett if [REDACTED] gave him the registration. Officer Bennett replies he did. Officer Carmickle instructs Officer Bennett to tell him it is in the pocket of the insurance. Officer Bennett exits the squad and approaches [REDACTED] car. Officer Bennett returns to the squad car and the officers pull away.

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<sup>43</sup> From the circumstances surrounding their conversation, COPA understands Officer Carmickle and Officer Bennett to be discussing [REDACTED].

<sup>44</sup> See Attachment #4, In-car Camera video, timestamp 48:52.

<sup>45</sup> Officer Carmickle's Body-Worn Camera video incorporated as Attachment #4.

**Third-Party Video**<sup>46</sup>: Video depicts the Jewel parking lot situated on 3531 N. Broadway Avenue from the north facing camera. The following is a summary of the highlights of the video:

A marked Chicago Department Police 4-door sedan parks. 2 police officers exit and enter Jewel.<sup>47</sup> [REDACTED] enters Jewel and exits Jewel a short while later. A black Lexus<sup>48</sup> exits the parking lot onto Broadway and turns left. Two police officers exit the Jewel and return to their marked 4-door sedan. The vehicle is observed exiting the parking lot and turning right onto Broadway.

A Chicago Police Department marked SUV Unit 8387 parks. The front passenger officer enters Jewel.<sup>49</sup> The same officer exits Jewel and enters the marked SUV. Marked SUV exits Jewel parking lot, turning right onto Broadway. The black Lexus returns to the Jewel parking lot. The Lexus briefly moves into a parking spot and seconds later, pulls out. The car is then observed exiting the parking and turns right onto Broadway.

## AUDIO

**OEMC Transmissions**<sup>50</sup>: COPA requested, obtained and reviewed OEMC audio relative to this incident. The following is a summary of the highlights of the audio transmissions:

**00:00-** Unit 32Robert calls into dispatch and requests to be shown at a traffic stop at the location of [REDACTED]

**08:41-** Unrelated noise disturbance call.

**14:07-** 32Robert calls dispatch to ask them to run a plate for him - [REDACTED]. Dispatch asks, "What type of plate is this?". Officer responds that it is an Illinois plate – a military plate. Dispatch asks if the car is a Lexus. Officer affirms it is a Lexus. Dispatch replies, "The vehicle belongs to a [REDACTED] [REDACTED] who resides at [REDACTED] It comes back to a 2003 Lexus convertible."

**26:50-** Unrelated vehicle information provided by Dispatch to 11Robert.

**30:25-** Unrelated call of 1915Robert.

**35:39-** 1914Robert officer calls in for a personal.

**42:18-** Unrelated call of male lying down at CTA spot.

**56:30-** 1945Robert is at 950 W. Belmont.

**Scene Photographs**<sup>51</sup>: These 58 photographs depict the location of [REDACTED] including [REDACTED] assigned handicapped parking spot. The alley spanning Melrose and Aldine are depicted, showing multiple garage doors spanning the east side of the alley, along with parking lots and a large commercial garage on the west side of the alley. The only signs posted in the alley are: No Parking in Alleys and Rat Warnings. At the mouth of the alley is a No Parking – Tow

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<sup>46</sup> Third-Party Jewel video incorporated as Attachment #37. COPA noted the officers depicted arriving at the Jewel are not Officer Carmickle and Officer Bennett.

<sup>47</sup> COPA noted neither of the officers depicted are Officer Carmickle.

<sup>48</sup> Investigator assumed this was [REDACTED] vehicle based on make, model and timing.

<sup>49</sup> COPA noted this officer was not Officer Carmickle nor Officer Bennett.

<sup>50</sup> The Office of Emergency Management Communications 911 calls and Zone transmissions were transcribed in relevant part by Investigator Weber. The audio CD is incorporated as Attachment #36.

<sup>51</sup> Photos taken by Evidence Specialist [REDACTED] of COPA are incorporated as Attachment # 38.

Zone sign. The photographs also depict a westward facing view of West Aldine, showing the intersection of Halsted and Aldine.

**c. Documentary Evidence**

**Tickets<sup>52</sup>:** Clerk of the Circuit Court of Cook County – TRIMS Case inquiry print out. The print out indicates two tickets were issued to [REDACTED] Ticket # TN 400115 for Using Alley as Through Street and Ticket # TN 400115 for operating an uninsured motor vehicle. The initial court date is noted as 04/30/2018.

**Event Query<sup>53</sup>:** The event query documents Event Number 1809300874 dated 2018-04-03 for 02:03:25.0. The address of occurrence is listed as [REDACTED] The service beat is listed as 1925 as is the occurrence beat. The event is noted as TS – for traffic stop. 02:03:25 - 1932R calls in a traffic stop. 02:03:45 0 - the location of [REDACTED] is noted. 02:06:26 - the name of [REDACTED] with a date of birth of [REDACTED] is run as a remote inquiry. 02:14:35 – 1932R attempts to run the vehicle license plate # [REDACTED] multiple ways. 02:17:48 – 1932R requests assistance to run plate [REDACTED]. 02:41:38 – 1932R is CLEAR.

**d. Additional Evidence**

**Victim Information Notice for Criminal Damage to Vehicle Case<sup>54</sup>:** The report notes that the date/time of occurrence was 26 March 2018 / 0740. Brandon Carmickle is listed as the Victim/Complainant. The record division number assigned to the incident is JB200823.

**GPS Maps and Data Sheets<sup>55</sup>:** The PMIS GPS 001 Report for Unit 1932R notes that at 01:46:12am the vehicle was stopped just west of Halsted near the alley which spans Melrose and Aldine, which was the subject of this traffic stop. Additionally, the same report notes that at 02:06:00 Unit 1932R was stopped on Aldine between Halsted and Broadway Avenue.<sup>56</sup> The report also notes that Unit 1932 twice was located near the Jewel Osco located at 3531 N. Broadway Avenue, first at approximately 01:40:46 and second at approximately 2:40:50.

**Handwritten Supplementary Report<sup>57</sup>:** The report is dated 24 February 2018. The date and time of occurrence is 17 February 2018 / 0900. The report is listed as other offense / harassment. The address of the original incident / offense is listed as [REDACTED] The report lists the victim as [REDACTED] and the offender as [REDACTED] The Event# is listed as 1805504503 and the Original Event# is listed as 1805504244. The report indicates the Victim walked into the 19<sup>th</sup> District to report that her ex-boyfriend has been harassing her by phone and text. As the officer

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<sup>52</sup> Clerk of the Circuit Court of Cook County Trims Case Inquiry is incorporated as Attachment # 29.

<sup>53</sup> OEMC Event Query is incorporated as Attachment #14.

<sup>54</sup> Victim Information Notice for Criminal Damage to Vehicle Case tendered to COPA by Officer Carmickle's attorney, [REDACTED] prior to his interview incorporated as Attachment #45.

<sup>55</sup> GPS Maps and Data Sheets incorporated as attachment #26.

<sup>56</sup> COPA noted that traffic stop of [REDACTED] occurred between these two streets.

<sup>57</sup> Handwritten Supplementary Report tendered to COPA by Officer Carmickle's attorney, [REDACTED] prior to his interview incorporated as Attachment #46.

generated the report, the victim described the offender as “anticop” and stated he wants to see the cop’s head on a platter, referring to the owner of a black Mercedes with the license plate of [REDACTED]. The report indicates the reporting officer knew the owner of the vehicle to be Officer Carmickle and sent Beats 1972 and 1920 to the scene to talk to the offender however, they were unable to make contact. The report states the victim was on scene and wanted to have the offender admitted for evaluation.

## VI. ANALYSIS

The Fourth Amendment of the U.S. Constitution protects individuals against unreasonable seizures. The facts surrounding the stop and detention of [REDACTED] establish that the traffic stop and subsequent detention to issue traffic tickets were within the bounds of the law and Chicago Police Department policy.

### **Allegations #1 and #2: Improperly conducted a traffic stop of [REDACTED] in violation of Rule 1**

Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement. *Wren v. United States*, 517 U.S. 806, 809-10 (1996). Traffic stops are analyzed under *Terry* because “the ‘usual traffic stop’ is more analogous to a so-called *Terry* stop than to a formal arrest.” *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)). The *Terry* test is: “(1) whether the officer’s action was justified at its inception, and (2) whether it was reasonably related in scope to the circumstances which justified the interference in the first place.” *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law,” including traffic law. *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)). Articulable and reasonable suspicion means that the police “must be able to identify some ‘particularized and objective basis’ for thinking that the person to be stopped is or may be about to engage in unlawful activity,” amounting to more than a hunch. *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)). Police need not meet the higher threshold of probable cause to perform a traffic stop, but if the stop *is* supported by probable cause, its lawfulness is still evaluated under *Terry*. *Rodriguez v. United States*, 135 S. Ct. 1609, 1617-18 (2015). An officer’s subjective intent does not enter into the analysis; even where officers hope to effectuate a goal unrelated to addressing a traffic violation (such as uncovering criminal activity), intent alone does not invalidate a stop that is otherwise objectively justified by reasonable articulable suspicion. *See Whren v. United States*, 517 U.S. 806, 812 (1996).

On April 3, 2018, Officer Carmickle conducted a traffic stop on [REDACTED] vehicle after observing it exit the alley between Melrose and Aldine. The facts have conclusively established Officer Carmickle and Officer Bennett observed [REDACTED] exiting the alley located between Melrose and Aldine at approximately 1:30 am. After making these observations, Officer Carmickle curbed the [REDACTED] vehicle for using the alley as a thoroughfare. During the

course of the traffic stop, Officer Carmickle discovered [REDACTED] was not in possession of valid insurance and [REDACTED] was issued two tickets.

Subsection (C) of Section 9-20-10 of the Municipal Code of Chicago, states in relevant part:

It shall be unlawful to operate any motor vehicle on an alley or any other portion of the public way on which through traffic has been prohibited by the posting of an appropriate sign, other than for the purpose of gaining access to or leaving property that is adjacent to such portion of the public way. The ***operation of a motor vehicle on an alley*** or any other such appropriately marked portion of the public way located between two streets intersecting with such portion of the public way without parking, or without stopping to load or unload passengers or goods, ***shall be prima facie evidence of a violation of this subsection***...(emphasis added)

The fact [REDACTED] used the alley as a through street is not disputed. The in-car video recorded in Officer Carmickle's patrol vehicle clearly depicts [REDACTED] black Lexus exiting the alley in a northbound direction from Melrose and turning right onto Aldine.<sup>58</sup> Almost immediately after [REDACTED] car turned onto Aldine, Officer Carmickle exited from his parked position west on Aldine and conducted a traffic stop of [REDACTED] vehicle. According to the Municipal Code, "the operation of a motor vehicle on an alley...shall be prima facie evidence of a violation of this subsection." As such, Officer Carmickle was justified in conducting a traffic stop.<sup>59</sup>

Additionally, the body worn camera and in-car camera video have established that Officer Carmickle and Officer Bennett did not unnecessarily prolong the traffic stop of [REDACTED] or his detention.<sup>60</sup> The body worn camera depicts the fact that both Officer Bennett and Officer Carmickle had a difficult time running [REDACTED] license plate on their personal data terminal (PDT).<sup>61</sup> The officers tried multiple variations of letters and numbers in order to find the plate information, and ultimately called Dispatch to ask for assistance in running the plate number. The body worn camera video is also supported by the facts elicited during the interviews of both Officer Bennett and Officer Carmickle. During his interview, Officer Carmickle stated it was not ordinary to run a vehicle that has a military plate and explained he usually runs passenger plates.<sup>62</sup> Officer Bennett affirmed in his interview he had never run a plate with special military marking on it before. Officer Bennett explained special letters had to be placed at the end of the plate number to run the plate on the PDT. Additionally, Officer Bennett's status as a PPO on the night of the incident and therefore it is reasonable that the traffic stop would take longer would certainly imply that he is still learning on the job, a process which involves instruction and trial and error.

As the facts have established that Officer Carmickle did not improperly conduct a traffic stop or detain [REDACTED] and that his actions in conducting the traffic stop and issuing the tickets

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<sup>58</sup> In Car Camera video, timestamp 00:45.

<sup>59</sup> Officer Carmickle's personal knowledge about [REDACTED] residence and parking spot also justified the traffic stop (i.e. Officer Carmickle knew that [REDACTED] did not generally park in the alley)

<sup>60</sup> See Body Worn Camera and In Car Camera Video, incorporated as Attachment # 4.

<sup>61</sup> Body worn camera video, timestamp 11:30-16:10.

<sup>62</sup> See Attachment # 43.

were within the bounds of the law and Chicago Police Department Rule, COPA recommends a finding of EXONERATED for Allegations #1 and #2.

**Allegation #3: Took action or displayed conduct to use his official position for personal gain or influence in violation of Rule 4**

By his own admission, Officer Carmickle stated he pulled [REDACTED] vehicle over the night of April 3, 2018 for two reasons. The first was because he observed [REDACTED] commit a traffic violation. The second was to see if an investigative alert or warrant had issued for [REDACTED] in the case in which Officer Carmickle had named [REDACTED] as the offender.<sup>63</sup>

Rule 4 of the Chicago Police Department Rules of Conduct, prohibits an officer from taking any action or displaying conduct which utilizes his official position for personal gain or influence. In this instance, Officer Carmickle used his position of authority to run a name check on [REDACTED] to determine if the detective assigned to his personal case had issued an investigative alert or warrant for [REDACTED] for the criminal damage to property.<sup>64</sup> As the reporting party victim in that case, Officer Carmickle has a personal stake and interest in the case and stood to gain information for his personal gain. Furthermore, General Order 04-01 expressly prohibits from investigating or arresting “an individual when the member investigating, or arresting is personally or financially involved or when the member’s family member, friend, acquaintance, tenant, landlord, or other individual with personal or financial ties is involved.”<sup>65</sup>

At the conclusion of his interview, Officer Carmickle acknowledged that perhaps he should have taken more consideration in conducting the traffic stop of [REDACTED] that evening.<sup>66</sup> Because the facts have established Officer Carmickle took action or displayed conduct which utilized his official position of authority for his own personal gain, COPA recommends a finding of SUSTAINED for Allegation #3.

**Allegation #4: Took action or displayed conduct which impeded the Department’s efforts to achieve its policy and goals or brought discredit to the Department in violation of Rule 2.**

The facts have established Officer Carmickle exploited his position as a Chicago Police Department sworn officer on April 3, 2018 to find out about the status of his own personal case in violation of Rule 4. By taking actions which are violate the Chicago Police Department’s own Rules of Conduct, Officer Carmickle brought discredit upon the Department. By conducting a

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<sup>63</sup> See Attachment #43, timestamp 58:00. Officer Carmickle’s subjective intent is irrelevant under the Fourth Amendment, but extremely relevant to evaluating Officer Carmickle’s conduct and actions under CPD rules and directives.

<sup>64</sup> Indeed, although not determinative to this finding, some evidence suggests that Officer Carmickle may have been tracking [REDACTED] whereabouts on the night of the incident in order to find a lawful basis for a traffic stop. *See, e.g.* Att. 8 GPS Maps and Data.

<sup>65</sup> This situation is not analogous to a case where an officer has multiple encounters with a civilian in their official capacity as a Chicago Police Officer. In the instant case, Officer Carmickle had a pending criminal complaint against [REDACTED] that was under active investigation by CPD and Officer Carmickle knew the Lexus belonged to [REDACTED] prior to initiating the traffic stop.

<sup>66</sup> See Attachment #43, timestamp 1:03:30. Specifically had Officer Carmickle by happenstance observed [REDACTED] violate a traffic law, he could have radioed his observations to another unit and requested that they conduct the traffic stop.

traffic stop of ██████ in order to check on the status of his own criminal damage to property case, Officer Carmickle thwarted the Department's stated objectives of maintaining itself above ethical reproach and with the highest of integrity.<sup>67</sup> Officer Carmickle's self-motivated actions in conducting the traffic stop of ██████ on April 3, 2018, impeded the Department's efforts to achieve its policy and goals and brought discredit to the Department. As such, COPA finds Allegation #4 is **SUSTAINED**.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Brandon Carmickle

#### i. Complimentary and Disciplinary History

1. **Complimentary History:** A review of Officer Carmickle's complimentary history reveals he has received: (3) Department Commendations; (18) Honorable Mentions; and (3) Complimentary Letters.
2. **Disciplinary History:** The Bureau of Internal Affairs Records Section indicates Officer Carmickle has had no disciplinary action administered within the past five years.

#### ii. Recommended Penalty, by Allegation

**Allegation No. 3** – Took action or displayed conduct to use his official position for personal gain or influence in violation of Rule 4.

Officer Carmickle used his position of authority in order to conduct a name check in an attempt to discover information regarding his own criminal damage to property case. This abuse of his official position for personal gain is made more egregious by the fact that Officer Carmickle involved a citizen by utilizing a traffic stop of that citizen as a partial rouse in order to gain information about his ongoing case. In taking these actions, Officer Carmickle placed his own personal agenda above that of the Chicago Police Department. A recommendation of a 10-day suspension serves as a testament to the severity of this allegation, and a reminder to Officer Carmickle that such actions will not be tolerated in the future.

**Allegation #4:** Took action or displayed conduct which impeded the Department's efforts to achieve its policy and goals or brought discredit to the Department in violation of Rule 2.

Officer Carmickle's actions, which violated the Chicago Police Department's own Rules of Conduct, brought discredit upon the

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<sup>67</sup> See Rules and Regulations of the Chicago Police Department, III.



Department. By conducting a traffic stop of ██████████ in order to check on the status of his own criminal damage to property case, Officer Carmickle thwarted the Department’s stated objectives of maintaining itself above ethical reproach and with the highest of integrity.<sup>68</sup> Additionally, Officer Carmickle’s self-motivated actions not only diminished the manner and light in which a single citizen views him, it diminished the manner and light in which that citizen views the entire Chicago Police Department. A recommendation of a 10-day suspension is warranted under these circumstances.

The total recommended suspension for this incident is 20 days (10-day suspensions to run consecutively). In addition to the suspension, COPA recommends a no-contact standing order between Officer Brandon Carmickle and ██████████ unless the immediate circumstances make it impossible for Officer Carmickle to call an assist unit to directly interact with ██████████ on his behalf.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding/ Recommendation
Officer Brandon Carmickle # 18796	<ol style="list-style-type: none"> <li>1. Improperly conducted a traffic stop of ██████████ in violation of Rule 1.</li> <li>2. Improperly detained ██████████ in violation of Rule 1.</li> <li>3. Took action or displayed conduct to use his official position for personal gain or influence in violation of Rule 4.</li> <li>4. Took action or displayed conduct which impeded the Department’s efforts to achieve its policy and goals or brought discredit to the Department in violation of Rule 2.</li> </ol>	<ol style="list-style-type: none"> <li>1. Exonerated</li> <li>2. Exonerated</li> <li>3. Sustained / 10-day Suspension</li> <li>4. Sustained/ 10-day Suspension</li> </ol>

<sup>68</sup> See Rules and Regulations of the Chicago Police Department, III.

Approved:



8-21-2020

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Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	<b>12</b>
<b>Investigator:</b>	<b>Heather Weber</b>
<b>Supervising Investigator:</b>	<b>Andrew Dalkin</b>
<b>Attorney:</b>	<b>David Berland</b>
<b>Deputy Chief Administrator:</b>	<b>Angela Hearts-Glass</b>