

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 7, 2019
Time of Incident:	11:40 PM
Location of Incident:	5900 S. Bishop / 1428 W. 59 th Street
Date of COPA Notification:	January 16, 2019
Time of COPA Notification:	1:07 PM

██████████ alleges that the accused officers stopped his vehicle without justification, detained him, illegally searched his vehicle, planted a crack pipe and arrested him without cause.

II. INVOLVED PARTIES

Involved Officer #1:	Name: Laureto, Thomas, star #15589, employee ID# ██████████, Date of Appointment: December 14, 2012, rank: Police Officer, Unit of Assignment: 007, DOB: ██████████ 1993, gender: Male, race: white
Involved Officer #2:	Name: Ferrantella, Kerry, star #11403, employee ID# ██████████, Date of Appointment: April 25, 2016, rank: Police Officer, Unit of Assignment: 007, DOB: ██████████, gender: Male, race: white
Involved Individual #1:	██████████ DOB ██████████/1971 M/B

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Thomas Lauerto	1. Unlawfully stopped the Complainant’s vehicle without justification, in violation of Rule(s) 1, 2, and 6.	Exonerated
	2. Unlawfully detained ██████████ without justification, in violation of Rule(s) 1, 2, and 6.	Exonerated
	3. Unlawfully searched the vehicle of ██████████ in violation of rule 1, 2, 6, and 8.	Exonerated

	4. Failed to activated body worn camera during official law enforcement activity in violation of Special Order 03-14	Sustained
Officer Ferrantella, Kerry	1. Unlawfully stopped the Complainant’s vehicle without justification, in violation of Rule(s)1, 2, and 6.	Exonerated
	2. Unlawfully detained [REDACTED] without justification, in violation of Rule(s) 1, 2, and 6.	Exonerated
	3. Unlawfully searched the vehicle of [REDACTED] in violation of Rule(s) 1, 2, 6, and 8.	Exonerated
	4. Failed to activated body worn camera during official law enforcement activity in violation of Special Order 03-14	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits 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 6: Disobedience of an order or directive, whether written or oral.
4. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

General Orders

1. General Order G02-02
2. General Order G02-04
3. Special Order S03-14

Federal Laws

1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.
2. Chimel v California, 395 U.S. 752

State Laws

2.625 ILCS 5/3-413(f)¹
2.50 ILCS 706/10

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

In an interview with COPA on January 16, 2019, ██████████ ██████████ stated that on, January 7, 2019 at approximately 11:40pm he was driving alone in his maroon, 2006 Nissan Murano, when he was pulled over by Chicago Police.

██████████ was stopped westbound on 59th Street, in the second lane nearest the curb at the Loomis Blvd. traffic signal when he first observed CPD officers. The officers were inside a blue/white marked Chicago Police Department vehicle on the opposite side of the street, facing Eastbound on 59th Street, also stopped for the same traffic signal.

As the traffic signal turned green, officers immediately activated their emergency lights, and made a U-turn. As officers proceeded to drive westbound on 59th Street, they positioned behind ██████████ car and pulled it over on 59th Street between Loomis Blvd. and Bishop Street.

██████████ rolled down the driver's window and asked the Officer to explain the reason he was being pulled over. Officer Ferrantella advised him that his license plates were expired². Mr. ██████████ went back and forth with Officer Ferrantella as to how the expired plate were observed. Officer Ferrantella then advised him that he made a U-turn to investigate another vehicle when he noticed my license plates were expired on his vehicle.

Officer Ferrantella then asked for his license and insurance. ██████████ produced his Missouri driver's license and insurance. Officers Ferrantella and Laureto then went back to their squad car.

When Officer Ferrantella returned, he informed ██████████ that he was not legally able to drive in the State of Illinois. Officer Ferrantella, then opened the driver door, pulled ██████████ out and took him to the back of the Nissan, where he proceeded to search ██████████. When ██████████ asked why he was being pulled out of the vehicle, Ferrantella told him that he was not able to drive in the State of Illinois. ██████████ told Officer Ferrantella, thbt he did not understand why he was unable to drive in Illinois, as he paid his fines and his Lawyer in order to obtain his driver license in the State of Missouri.

While ██████████ was at the rear of his vehicle, Officer Ferrantella went to search the inside of the Nissan. Ferrantella then went to his police vehicle and put on a pink glove. He went to the

¹ Operating vehicle with expired registration plates or registration sticker

² Att. 13, Temporary Permit Receipt from Auto Bank of Kansas City, MO. Control # ██████████ with an expiration date of 11/10/2018.

backseat area of the Nissan, came back out with an item, and said he found drug paraphernalia. Officer Ferrantella told his partner Officer Laureto to place the cuffs on [REDACTED]

After [REDACTED] was placed in the back of the police squad car, Officer Ferrantella continued to look through the vehicle, ripping it all apart. Officer Laureto then tried to start the vehicle and it would not start. Officer Ferrantella asked if there was a trick to starting the vehicle. He then told [REDACTED] that since the vehicle would not start, he was going to have to tow the vehicle.

2. Police Officers

In an interview with COPA on January 7, 2020³, Officer Thomas Laureto stated that on, January 7, 2020 at approximately 11:40pm, he was on duty as a Chicago Police Officer, assigned to the 007th District, working as Beat 761BR. Officer Laureto related that he and his partner, Officer Ferrantella conducted a traffic stop at approximately 59th Street and Bishop Street after he and his partner observed a vehicle with an expired temporary license tag displayed. Officer Laureto approached the vehicle from the passenger side and observed no passenger was inside the vehicle. Officer Ferrantella approached from the driver side, making contact with the driver, now known as [REDACTED] obtaining his state of Missouri driver license and insurance information. Officers went back to their squad car and ran name checks to ensure Mr. [REDACTED] had a valid license. Upon running the identification, officers learned through their police computer that [REDACTED] had a suspended driver license in the State of Illinois⁴.

Officer Ferrantella then proceeded back to the driver side of the stopped vehicle, asked Mr. [REDACTED] to turn the vehicle off and step out of the vehicle⁵. Officer Ferrantella directed Mr. [REDACTED] to the back of his vehicle, where he was detained by Officer Laureto. Officer Ferrantella then proceeded to do a search of Mr. [REDACTED] vehicle, finding a pipe with suspect crack cocaine. Mr. [REDACTED] was placed in the back of the squad car, transported to the 007th District police district and charged accordingly⁶. When asked why his BWC was not activated during the transport of [REDACTED] Officer Laureto stated he must have forgotten to activate it⁷.

In an interview with COPA on January 10, 2020⁸, Officer Kerry Ferrantella stated that on, January 7, 2020 at approximately 11:40pm, he was on duty as a Chicago Police Officer, assigned to the 007th District, working as Beat 761BR. Officer Ferrantella related that he and his partner, Officer Laureto conducted a traffic stop at approximately 59th Street and Bishop Street after he and his partner observed a vehicle with an expired temporary license tag displayed. Officer Ferrantella approached from the driver side, making contact with the driver, now known as [REDACTED] obtaining his state of Missouri driver license and insurance information.

³ Att. 16 – Audio Interview of Officer Laureto

⁴ Att. 04 – IL Secretary of State Driver Abstract for [REDACTED] DL# [REDACTED]

⁵ Att. 15 – BWC of Officer Ferrantella 06:08

⁶ Att. 14 – CPD Arrest report submitted by Officer Ferrantella

⁷ Att. 16 – Audio Interview of Officer Laureto 10:52 -10:57

⁸ Att. 15 – Audio Interview of Officer Ferrantella

Officers went back to their squad car and ran name checks to ensure Mr. ██████ had a valid license. Upon running the identification, officers learned through their police computer that ██████ had a suspended driver license in the State of Illinois.

Officer Ferrantella then proceeded back to the driver side of the stopped vehicle, asked Mr. ██████ to turn the vehicle off and step out of the vehicle⁹. Officer Ferrantella directed Mr. ██████ to the back of his vehicle, where he was detained by Officer Laureto. Officer Ferrantella then proceeded to do a search of Mr. ██████ vehicle, search incident to arrest. Officer Ferrantella relayed that he knew he was arresting Mr. ██████ for driving on a suspended Illinois driver license, but did not want to relay that information for officer safety purposes until the vehicle was off and Mr. ██████ was out of the vehicle detained. During the vehicle search, Officer Ferrantella found a pipe with suspect crack cocaine on the rear passenger floor area¹⁰. Mr. ██████ was placed in the back of the squad car, transported to the 007th District police district and charged accordingly. When asked why his BWC was not activated during the transport of ██████ Officer Ferrantella could not recall why he didn't activate his BWC¹¹.

b. Digital Evidence

BWC footage from Accused Officer Ferrantella's camera shows as he performs a traffic stop on a marron Nissan Maruno. Officer Ferrantella approach the driver side of the stopped vehicle and says your plates expired back in November 2018¹². The driver now known as ██████ says "you were in front of me before you activated your lights, you remember me, don't you?"¹³ Officer Ferrantella explains he turned around to run a plate of a different vehicle, when he noticed the expired plate.

At the request of Officer Ferrantella, ██████ produces his driver's license and insurance. As Officers Ferrantella and Laureto walks back to their patrol SUV, Officer Ferrantella relays to Officer Laureto, "This guy is acting weird."¹⁴

Once the officers are in the squad vehicle, they begin to run ██████ identification. Officer Laureto receives notification through the PDT that ██████ has a warrant that is non-serviceable in Illinois, and that ██████ has a suspended driver license in the State of Illinois.

Officer Ferrantella then exits his patrol vehicle and approach the driver side of ██████ vehicle. Officer Ferrantella ask ██████ to step out of the vehicle as he explains further that ██████ does not have a valid IL driver's license. Officer Ferrantella guides ██████ to the rear of the stopped Nissan Murano and ask him if Officer Laureto can pat him down. ██████ give consent¹⁵.

⁹ BWC of Officer Ferrantella 06:08

¹⁰ BWC of Officer Ferrantella 10:01

¹¹ Audio Interview of Officer Ferrantella 20:20 – 20:24

¹² BWC of Officer Ferrantella 00:00:42

¹³ BWC of Officer Ferrantella 00:00:45

¹⁴ BWC of Officer Ferrantella 00:02:23

¹⁵ BWC of Officer Laureto 06:43

Officer Ferrantella then proceeds to the driver side of vehicle and searches through the door panel. He then proceeds to open the center consoles. He looks the back seat and observes a large black plastic bag with personal belongings.

Officer Ferrantella then proceeds to the back of the vehicle where Officer Laureto and ██████ are waiting. Officer Ferrantella then explains to ██████ that is Illinois driver's license is suspended, which makes it illegal for him to drive in the State of Illinois¹⁶. Officer Ferrantella agrees with ██████ in that he has a valid driver license in that State of Missouri.

Officer Ferrantella then returns to the rear driver side of ██████ vehicle, opens the door and begin to look inside the large, black plastic bag on the back seat. As he searches the bag he looks down on the floor and observe a small piece of metal. Officer Ferrantella then puts on a pink plastic glove and picks up the small piece of metal from the floor.

Officer Ferrantella then returns to the rear and question ██████ as to what the item is. ██████ immediately respond with "Oh wow! This some bullshit. I ain't have no pipe, it was a broad in my car. She couldn't have never left her fucking pipe in my car bro"¹⁷.

Officer Laureto then places ██████ in handcuffs, and puts him in the backseat of the patrol SUV. Officer Ferrantella returns to the rear passenger area where the pipe was recovered, continues to search, he then proceeds to the rear passenger side and looks inside the door panel and under the seat.

Officer Ferrantella then proceeds to the front passenger side of the vehicle where he reunites with his partner, Officer Laureto. Officer Ferrantella tells his partner; "He seems like he was on something. On top of that there is this burnt smell of drugs"¹⁸. Officer Ferrantella continues to search the vehicle. The officers then discuss who was going to drive the vehicle to the station and what ██████ will be charged with.¹⁹

c. Documentary Evidence

A copy of State of Missouri Driver License issued to ██████ with a Driver License number of ██████²⁰.

¹⁶ BWC of Officer Ferrantella 09:03 – 09:30

¹⁷ BWC of Officer Ferrantella 10:40 – 10:58

¹⁸ BWC of Officer Ferrantella 16:44

¹⁹ BWC of Officer Ferrantella 17:22

²⁰ Att. 08

A temporary permit receipt issued by Auto bank of Kansas City, issued on 10/13/2018 with an expiration date of 11/10/2018. Permit issued to a 2006 Nissan with a VIN of [REDACTED], Permit number [REDACTED], control # [REDACTED]²¹.

A copy of vehicle impoundment /seizure report showing a 2006 Nissan Murano was towed under RD # JC-108701 for unlawful drugs in vehicle²².

A driver abstract from the Illinois Secretary of State showing two (2) suspensions in effect for [REDACTED] Driver License [REDACTED]. First suspension went into effect on 01-29-2016, for operating a motor vehicle without a valid license or permit. The second suspension went into effect on December 12, 2017 for operating a motor vehicle without a valid license or permit²³.

Office of Emergency Management and Communications Event Query of event number 1900716423, showing that user PC0BC21, belonging to Officer Ferrantella, did a query search on [REDACTED] by name, vehicle vin number, vehicle license number and created a tow report for vehicle²⁴.

Arrest report submitted on January 8, 2019 by Officer Ferrantella²⁵ which states, A/O's curbed arrestee vehicle (2006 Nissan Murano bearing Missouri temp plate # [REDACTED]) for minor traffic violation, 9-76-160(b) expired registration/plates (10 Nov 2018). The narrative of the report is substantially similar to the statements of the two officers.

An Investigatory Stop Report ("ISR") completed by Officer Laureto²⁶ that states, R/O's observed above vehicle driving westbound on 59th street when R/O's observed an expired Missouri temp plate. R/O's curbed said vehicle and asked for a driver's license. R/O's smelled a burnt noxious emanating from the car which from training R/O's believed to be narcotics – crack cocaine. R/O's had driver exit the vehicle, pat down conducted based on consent and search of vehicle revealed drug paraphernalia inside the vehicle. R/O's placed subject in custody. ISR receipt given.

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

²¹ Att. 13

²² Att. 12

²³ Att. 04

²⁴ Att. 09

²⁵ Att. 10

²⁶ Att. 03

4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS

COPA recommends a finding of **EXONERATED** for Allegation 1 against Officers Ferrantella and Laureto in that the officers unlawfully stopped the vehicle be driven by [REDACTED] on January 07, 2019 at approximately 11:40pm. According to Illinois Compiled Statutes, No person shall operate a vehicle, nor permit the operation of a vehicle, upon which is displayed an Illinois registration plate or plates or digital registration plate or plates or registration stickers or digital registration stickers, except as provided for in subsection (b) of Section 3-701 of this Code, after the termination of the registration period for which issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of this Code.

The evidence available in this matter; the officers body worn camera, the statements of the officers and Mr. [REDACTED] and documents presented, show that the temporary tag that was affixed to Mr. [REDACTED] vehicle was expired at the time of the stop, thereby given officers legal justification required to perform a traffic stop.

Based on the foregoing, Officers Ferrantella and Laureto were within CPD policy to stop Mr. [REDACTED] for the violation. Therefore, this allegation should be **EXONERATED**.

COPA recommends a finding of **EXONERATED** for Allegation 2 against Officers Ferrantella and Laureto in that the officers unlawfully detained Mr. [REDACTED] without justification.

Reviewing the evidence in the officers' body worn camera, Mr. [REDACTED] was detained for a reasonable amount of time for officers to properly investigate the information received after running Mr. [REDACTED] identification. They were advised of a warrant, which turned to be not valid in Cook County, Illinois. Officers also found that Mr. [REDACTED] presented a Missouri ID, however, his Illinois driving privileges has been suspended by the Illinois Secretary of State.

Based on the foregoing, Officers Ferrantella and Laureto were within CPD policy when they detained Mr. [REDACTED]. Therefore, this allegation should be **EXONERATED**.

COPA recommends a finding of **EXONERATED** for Allegation 3 against Officers Ferrantella and Laureto in that the officers unlawfully searched the vehicle of [REDACTED].

In reviewing the officers body worn camera, and officers' statements, the vehicle of [REDACTED] was not searched until the determination was made that he was going to be placed under arrest for driving on a suspended license. Officer Ferrantella, reiterated during his interview that for officer safety, he advised Mr. [REDACTED] he was not under arrest because the vehicle was running, and Mr. [REDACTED] could have easily taken his foot of the brake and caused serious injury to the officers. Once Mr. [REDACTED] was detained, the vehicle was searched incident to arrest. At no time did Officer Laureto search the vehicle.

Based on the foregoing, Officers Ferrantella and Laureto were within CPD policy when the vehicle of Mr. [REDACTED] was searched by Officer Ferrantella. Therefore, this allegation should be **EXONERATED**.

COPA recommends a finding of **SUSTAINED** for Allegation 4 against Officers Ferrantella and Laureto in that the officers failed to activated body worn camera during official law enforcement activity; the transport of [REDACTED] to the 007th District Chicago Police Department in violation of Special Order 03-14.

In reviewing the evidence provided; officers body worn camera, and officers' testimony, Officers Ferrantella and Laureto both admitted they forgot to activate their body worn camera during the transport of [REDACTED].

Based on the foregoing, Officers Ferrantella and Laureto were not within CPD policy when they failed to activate their body worn cameras during the transport of [REDACTED]. Therefore, this allegation should be **SUSTAINED**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Thomas Laureto

i. Complimentary and Disciplinary History

1. Complimentary; 1 Attendance Recognition Award, 6 Emblem of Recognition – Physical Fitness, 2 Department Commendations, 18 Honorable Mentions, 3 Complimentary Letters, 1 Crime Reduction Award (2019), 1 Life Saving Award, 1 Meritorious Performance Award.

2. Discipline; None

ii. Recommended Penalty, by Allegation

1. Allegation No. 4 – Written Reprimand, Retraining on Body Worn Camera Usage/Functions and Special Order S03-14.

b. Officer Kerry Ferrantella

i. Complimentary and Disciplinary History

1. Complimentary; 1 Department Commendations, 11 Honorable Mentions, 1 Complimentary Letter, 1 Crime Reduction Award (2019), 1 Life Saving Award, 1 Meritorious Performance Award, 1 Problem Solving Award.

2. Discipline; None

ii. Recommended Penalty, by Allegation

1. Allegation No. 4 – Written Reprimand, Retraining on Body Worn Camera Usage/Functions and Special Order S03-14.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Thomas Lauerto	1. Unlawfully stopped the Complainant’s vehicle without justification, in violation of Rule(s) 1, 2, and 6.	Exonerated
	2. Unlawfully detained [REDACTED] without justification, in violation of Rule(s) 1, 2, and 6.	Exonerated
	3. Unlawfully searched the vehicle of [REDACTED] in violation of rule 1, 2, 6, and 8.	Exonerated
	4. Failed to activated body worn camera during official law enforcement activity in violation of Special Order 03-14	Sustained/Violation Noted
Officer Ferrantella, Kerry	1. Unlawfully stopped the Complainant’s vehicle without justification, in violation of Rule(s)1, 2, and 6.	Exonerated

	2. Unlawfully detained [REDACTED] without justification, in violation of Rule(s) 1, 2, and 6.	Exonerated
	3. Unlawfully searched the vehicle of [REDACTED] [REDACTED] in violation of Rule(s) 1, 2, 6, and 8.	Exonerated
	4. Failed to activated body worn camera during official law enforcement activity in violation of Special Order 03-14	Sustained/Violation Noted

Approved:

[REDACTED]

9-28-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass