

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 8, 2017, 10:50 pm, 432 E. 48th Street, Chicago, IL 60615
Date/Time of COPA Notification:	November 8, 2018, 2:26 pm
Involved Lieutenant #1:	Lieutenant Ernest Spradley / Star#627 / Employee ID# [REDACTED] / DOA: October 29, 2001 / Unit: 002 / DOB: [REDACTED], 1973 / Male / Black.
Involved Individual #1:	[REDACTED] / DOB: [REDACTED] 1984 / Male / Black.
Case Type:	Unnecessary display of weapon, improper search of a vehicle, improper detention, neglect of duty

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Lieutenant Ernest Spradley	1. Stopped Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.
	2. Pointed a firearm at Mr. [REDACTED] without necessity, in violation of Rule 38.	Exonerated.
	3. Searched Mr. [REDACTED] vehicle, without justification, in violation of Rule 1.	Exonerated.

SUMMARY OF EVIDENCE¹

While investigating reports of gunshots, Lt. Ernest Spradley stopped a white Chevrolet Blazer.² As Lt. Spradley approached the Blazer, he observed the front seat passenger ([REDACTED]) moving around in the passenger compartment and reaching under his seat.³ Lt. Spradley

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, are summarized more succinctly in a Modified Summary Report of Investigation.

² Although initially riding as a passenger, [REDACTED] was the registered vehicle owner of the Chevrolet Blazer. Att. 8.

³ The incident was captured on multiple officers’ body-worn cameras. In-car camera footage was not available. See Att. 17.

unholstered his weapon and ordered ██████ to show his hands. ██████ complied and Lt. Spradley holstered his weapon and contacted the driver, ██████. Lt. Spradley obtained identification from both ██████ and ██████ returned to his vehicle and conducted a name check. While conducting the name check, Sergeant Michael Petraski approached Lt. Spradley and inquired if he too had detected the odor of cannabis emitting from the Blazer. Lt. Spradley confirmed he had detected the odor and informed Sgt. Petraski that he would ask ██████ and ██████ to exit the Blazer. Lt. Spradley returned to the driver's door of the Blazer and asked both ██████ and ██████ to exit. ██████ complied; however, ██████ immediately moved to the driver's seat, started the Blazer and attempted to flee in reverse. While fleeing, the Blazer's open driver's door struck Lt. Spradley. The Blazer then struck two parked CPD vehicles. After striking the CPD vehicles, ██████ placed the Blazer into drive and fled down an alley. As ██████ fled he encountered a wooden fence, abandoned the Blazer, and continued his flight on foot. During a search of the area, ██████ was located hiding between overgrown vegetation and a wall. Officers Christopher Savickas and Gonzalo Escobar, with firearms drawn, ordered ██████ to exit from the vegetation. ██████ complied and laid down on the ground. Once on the ground, ██████ was handcuffed, brought to his feet, and searched. Once at the 002nd District Station, in a post-Miranda statement, ██████ told Detective Andrew Burns⁴ that he was attempting to purchase cannabis from ██████ when they were stopped by Lt. Spradley.

Initially, the Cook County Public Defender (CCPD) denied COPA's request for ██████ statement, and this case was closed No Affidavit on December 4, 2018. However, on January 24, 2019, COPA received a letter from ██████ stating that he wished to provide a statement despite the CCPD's recommendation. COPA obtained permission from CCPD to obtain ██████ statement; however, prior to speaking to ██████ he plead guilty in the related criminal case and was transferred to the Illinois Department of Corrections. On March 6, 2019, COPA obtained a statement from ██████ during which he made the below allegations. At the completion of our investigation COPA determined the allegations were **exonerated**.

LEGAL STANDARD

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

⁴ Prior to being identified by ██████ in his statement to COPA, Det. Burns retired from the Department on May 18, 2018. COPA did not conduct an investigation into the allegations made against Det. Burns because he was no longer a department member. Att. 36.

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

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

II. ANALYSIS AND CONCLUSION

COPA finds that all the allegations against Lt. Spradley are **Exonerated**. An Investigatory Stop is defined as a "temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense."⁵ Reasonable Articulate Suspicion is defined as "less than probable cause but more substantial than a hunch or general suspicion . . . [and] . . . depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience."⁶ "An officer may conduct an Investigatory Stop if it is based on specific and articulable facts, which combined with rational inferences from these facts, give rise to Reasonable Articulate Suspicion that criminal activity is afoot."⁷ Additionally, in instances in which an officer smells marijuana, the officer has probable cause to conduct a search of a vehicle, if the officer has the training and experience to detect that the odor is cannabis.⁸ Further, when a subject flees from a vehicle in an attempt to evade capture, the subject abandons the vehicle and its contents.⁹

Here, Lt. Spradley's decision to conduct an Investigatory Stop on the Blazer was reasonable and proper because it was based on: (1) proximity to the gunshots; (2) the travel speed and erratic driving of the Blazer; (3) the lack of other pedestrian and vehicular traffic; and (4) Lt. Spradley's 16 years of experience; all of which would lead a reasonable officer to believe the Blazer was possibly engaged in criminal activity – specifically the discharge of a firearm. Further, as Lt. Spradley approached the Blazer, he observed, and ██████ corroborated, ██████ moving in the passenger compartment and reaching into the glove compartment. The reason Lt. Spradley stopped the Blazer combined with ██████ actions made any decision to draw and / or aim a firearm reasonable and proper. Further, Lt. Spradley's and Sgt. Petraski's contemporaneous discussion about the odor of cannabis coming from the Blazer combined with ██████ and ██████ admissions they were engaging or had engaged in the purchase cannabis support the finding that there was an odor of cannabis emitting from the Blazer and therefore probable cause to search the

⁵ S04-13-09 (II)(A).

⁶ S04-13-09 (II)(C).

⁷ S04-13-09 (V)(A).

⁸ *Maryland v. Dyson*, 527 U.S. 465 (1999); *People v. Zayed*, 2016 IL App (3rd) 140780 (2016).

⁹ *People v. Jones*, 38 Ill.2d 108, 183 NB.E.2d (1967).

Blazer for contraband. Additionally, when [REDACTED] fled from the Blazer, he abandoned it and the contents. Therefore, Lt. Spradley's search of the Blazer was reasonable and proper.

COPA notes that the Department Members' decision to retreat to an area of safety as [REDACTED] fled in the Blazer was exemplary and demonstrated a proper response to a fleeing vehicle when there is no imminent risk of great bodily harm or death.

Approved:

A large black rectangular redaction box covering the signature of the Deputy Chief Investigator.

Angela Hearts-Glass
Deputy Chief Investigator

1-29-2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Investigator:	Garrett Schaaf
Supervising Investigator:	Sherry Daun
Deputy Chief Investigator:	Angela Hearts-Glass