

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 12, 2019
Time of Incident:	10:40 A.M
Location of Incident:	4058 W. Madison Street
Date of COPA Notification:	September 12, 2019
Time of COPA Notification:	12:20 P.M.

On September 12, 2019 at approximately 10:40 A.M., the #313 Gang Enforcement Unit-Area North conducted a traffic stop on [REDACTED]. Subsequently, Mr. [REDACTED] was released after he was handcuffed and detained for a short period of time. Mr. [REDACTED] filed complaint with COPA alleging he was stopped without justification, pulled out of his vehicle, and handcuffed too tightly.

II. INVOLVED PARTIES

Involved Officer #1:	Aldo Mekshi, Star #7594, Employee ID [REDACTED], Date of Appointment: June 3, 2013, Rank: Police Officer, Unit of Assignment: 313 Gang Enforcement-North, DOB: [REDACTED], 1998, Male, White.
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1987, Male, Black.

ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Aldo Mekshi	1. Conducted traffic stop without justification.	Exonerated
	2. Handcuffed [REDACTED] too tight.	Exonerated
	3. Pulled [REDACTED] from his vehicle.	Unfounded

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III. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish goals.
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General Orders

1. G03-02-02¹
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Federal Laws²

1. 4th Amendment to U.S. Constitution

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¹ Section IV Level of Force Response Options-(B) Resister: a person who is uncooperative. Resisters are further subdivided into two categories: 1. Passive Resister: a person who fails to comply (non-movement) with verbal or other direction. In addition to the response options listed in Item IV-A, the following response options are appropriate when dealing with a passive resister.: (a) Holding Techniques- Holding consists of techniques such as a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to pain compliance techniques), as well as any combination of the above. Holding may result in conforming behavior.

² Vehicle Stops- Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement. *Whren 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)) (internal citation omitted). 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)).

IV. INVESTIGATION^{3,4}

COPA obtained a statement from Mr. [REDACTED] and requested the following: Attendance Assignment Sheet, License Plate Query, Signed Affidavit, Still Photo, 3rd Party Video and a GPS report. COPA sought but was unable to obtain Body Worn Camera (BWC), In Car Camera (ICC), and POD Video.

a. Interviews

In his interview with COPA on September 12, 2019, [REDACTED], **Complainant**, stated he was headed northbound on a street east of Pulaski and was going to make a left turn onto Madison Street, and stopped at a red light. When the light turned green, he did not see any cars coming so he proceeded to make a left turn. His girlfriend said, "Oooh," as to alert him, at which time he observed a gray truck going to run the red light and almost hit them. As he continued to make the left turned, he noticed that the gray truck was an unmarked police squad car, and he was given a dirty stare by the officers.

Mr. [REDACTED] said he drove westbound on Madison Street for approximately two blocks when he saw the emergency lights activated. He did not pull over because he was already stopped at the traffic light at Madison Street and Karlov Ave. Mr. [REDACTED] said when the officer approached him, he told him to get out of the car so they can have a man to man. He said he was pulled out of the car and wasn't told why he was stopped but asked if he was on probation or parole.

When Mr. [REDACTED] was asked how the officer pulled him out of his vehicle, Mr. [REDACTED] said, "I wasn't free to leave so I feel I was forcibly removed me from the car." He also said the officer handcuffed him too tight, searched him and his car. When Mr. [REDACTED] was asked about his car being searched, he said, "Well the car was searched inadvertently." Mr. [REDACTED] went back and forth about the officers searching his vehicle, and that he was not a witness to the search. Mr. [REDACTED] said he was not told why he was stopped. He also said several times he did not run the light; the police did. When Mr. [REDACTED] was asked if told the officers the handcuffs were to tight, Mr. [REDACTED] said he did not, and that he was more worried about going to jail. He said there was no reason to be stopped and he should not have been handcuffed.

³ Digital Evidence not obtained: Attachment #1 Body Worn Camera (BWC) requested, Attachment #2 POD Video requested, Attachment # In Car Camera (ICC) requested.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis. (Attachment #4) *Traffic Stop Statistical Study Report* (Attachment #6) Attendance and Assignment Sheets, (Attachment #9) [REDACTED] COPA Statement, (Attachment #11) 3rd Party Video, (Attachment #12) 3rd Party Video, (Attachment #15) Still Photo of Officer, (Attachment #19) 3rd Party Video, (Attachment #20) 3rd Party Video, (Attachment #21) 3rd Party Video, and (Attachment #22) 3rd Party Video.

b. Digital Evidence⁵

3rd Party Video (1) on July 12, 2019 at approximately 10:40 A.M., vehicle stop of [REDACTED] in the 4200 block of West Madison Street, Chicago, Illinois: In view, (4) CPD police officers, all appear to be white males, all wearing dark blue pants, dark blue vest with light blue button down shirts with CPD/Chicago patches on the sleeves. One officer is at the driver's side front, one is at the front passenger side of a green vehicle. Both doors are open. The officer on the driver's side appears to be talking to someone inside the vehicle. A black female sitting in the front passenger side had what appears to be a pink cell phone facing the officer. The other two officers are standing at the rear of the green vehicle with a black male wearing a black t-shirt, with braids in his hair, arms behind his back, talking to them.

Due to the road noise, the person recording the incident talking and his distance, conversations captured are intermittent. At 00:08, the black male says, "You ain't got the right to pull me over, you're violating my 4th amendment." "Where is your body camera?" The officer responds but his words are indiscernible. The black male responds but it is indiscernible. The officer walks away from him and enter the front driver side of the unmarked squad car.

The camera pans on the other two officers standing at the front of the green vehicle. The black female asks the person that is recording to make sure he is recording. The black male appears to be talking to the person recording referencing his 4th amendment rights. The person recording refers to the black male being a friend for 20 years. The black male's tone becomes louder as he tells the person recording, 00:27 "Man, I'm legit, they don't have no right to pull me over." "They mad because they damn near almost ran the red light." At 00:51, the black male said, "Ya'll ran the light, I didn't do nothing wrong." The black male's tone becomes louder, "Ya'll ran the light and pull me over!" "Like I did something wrong," "Ya'll damn near ran the light, the light was green for me." "You ran the light; the light was green."

The 3 officers were now positioned at the rear of the green vehicle near the black male as he talked about his insurance being valid and he was on parole is for traffic stuff. The camera pans towards the intersection and back to the officers and the black male. The person recording appears to be talking to someone standing next to him or someone on a phone. The conversations between the black male and the officers cannot be heard. At 2:05, an officer is seen bent over behind the black male near his wrist area briefly and he stands back up. The view is partially blocked by another officer. At 2:37, the officer exits the unmarked squad car and walk over to the black male. The black male turns around to face him and they appear to be engaged in conversation. The conversation is indiscernible. The recording stops at 3:17.

3rd Party Video (2) on July 12, 2019 at approximately 10:40 A.M., vehicle stop of [REDACTED] in the 4200 block of West Madison Street, Chicago, Illinois: In view, the front interior of a vehicle, driver's side door open, pans over to a uniformed CPD Officer wearing dark blue pants, light blue button down shirt, dark blue vest w/embroidered badge, badge clip w/silver star on belt, and a weapon positioned behind the badge. The video pans back to the interior of the vehicle. A black male is seated in the front driver's seat holding a cell phone in his right hand. The driver's side door is open as a uniformed CPD officer stands in the doorway, white male dark blue pants,

⁵ Attachment #19-Video (3) Attachment #20-Video (2) & Attachment #21-Video (1)

dark blue vest, and light blue shirt. The officer said, “Just like gentleman’s and we will be on our way,” “You got your license with you Sir.” Black male, “Yea.”

The camera pans on the officer standing at the front passenger side. The officer talking to the black male said, “Let me talk to for a moment, man to man.” The camera pans back to the black male and the officer talking to him. The black male has a cell phone in his right hand and a black leather type wallet in his left hand. When the black male opens his wallet, the said again, “Let me talk to you, let me talk to you.” The black male hands the officer an item taken from his wallet. The officer said, “Let me talk to you brotha.” The black male turn sideways in the seat and step out of the vehicle with his left foot first, unassisted. When he and the officer are standing face to face, the officer asked him if he was on papers, probation, or parole. The black male said he was on parole. The recording stops at 2:58.

3rd Party Video (3) on July 12, 2019 at approximately 10:40 A.M., vehicle stop of [REDACTED] in the 4200 block of West Madison Street, Chicago, Illinois: In view are three uniformed officers standing at the rear of a green 4 door vehicle in between a gray unmarked squad car with blue lights illuminated with a black male wearing a black t-shirt with his hands behind his back. Also, in view is a black female sitting in the front passenger side of the green vehicle. The front driver’s side door is open. There is conversation between the black male and the officers but due to the person recording the incident talking, the conversation is indiscernible.

At 00:21 an officer is seen bent over behind the black male near his wrist area. The view is blocked by another officer. It appears that the black male is talking to another officer who is now standing near the front driver’s side of the green vehicle. At 00:42 the officer stands up and move away from the black male and it appears they engaged in conversation. At 1:05 an officer is observed exiting the front driver’s side of the unmarked squad car and join the officers standing with the black male. The black male turns around to face him and it appears as though they are engaged in conversation. The continue talking until 2:45 the black male says, “I ain’t got no problem man.” The officer responds, “I ain’t got no problem with you.” The officer said, “We don’t have a complaint, we are on the same page, are we good?” The black male responds, “Yeah,” and nods his head up and down. The officer tells him to turn around and he removes one handcuff at a time at 3:00. The black male is observed with papers in his hand, he folds them and then put something in his rear right pocket. He then walks away from the officers towards the front driver’s side of his vehicle, the recording stops.

c. Physical Evidence⁶

None

d. Documentary Evidence⁷

⁶ None

⁷ **Attachment #4 Traffic Stop Report** dated, September 10, 2019, Stop/Start 10:40 and Stop End at 10:50, Violator: [REDACTED], Violation 9-40-200(B) Operator Signal Required 100 ft of turn. **Attachment #6 Attendance and Assignment Sheet** shows Officer Aldo Mekshi Star #7594 EMP [REDACTED] on duty assigned to Unit #313 Beat #6732G, Car #4891 @ 0700 with officers Jimmy Krklus, #11069 and Roberto Rodriguez, #16967. **Attachment #7 GPS Report** shows CPD AVL for vehicle #4591 on Keeler, Pulaski and Madison Street between the time of 10:30 am -11:00 am September 12,2019.

Traffic Stop Statistical Study Report, Attendance and Assignment Sheet and GPS.

e. Additional Evidence⁸

None

V. LEGAL STANDARD

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

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

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct 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.

VI. ANALYSIS⁹

Allegation #1 Officer Aldo Mekshi #7494 conducted a traffic stop without justification on [REDACTED] on September 12, 2019 at approximately 10:40 a.m. 4058 W. Madison Street.

⁸ None

⁹ (Allegation #1) **Attachment #4 Traffic Stop Statistical Study Report** dated, September 10, 2019, Stop/Start 10:40 and Stop End at 10:50, Violator: [REDACTED], Violation 9-40-200(B) Operator Signal Required 100 ft of turn. (Allegation #2) **Attachment #19-Video (3) Attachment #20-Video (2) & Attachment #21-Video (1)**. (Allegation #3) **Attachment #19-Video (3) Attachment #20-Video (2) & Attachment #21-Video (1)**

Vehicle Stops- Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement. *Whren 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)) (internal citation omitted). 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)).

Was the stop justified? 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). *See also People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (“this court and many other courts have analyzed traffic stops under *Terry* principles, regardless of whether the initial stop was supported by probable cause”); *People v. Jones*, 215 Ill. 2d 261, 271 (2005) (analyzing reasonableness under *Terry* where the officer’s “initial stop of the vehicle was supported by probable cause”). 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).

In ██████████’s statement to COPA, he said when he was in the process of turning left onto Madison Street, his girlfriend said, “Oooh,” as to alert him, because a gray unmarked squad almost struck his vehicle because it ran a red light. According to the Traffic Stop Statistical Study Report (TSSSR) Mr. ██████’s vehicle was stopped for Violation 9-40-200(B) Operator Signal Required 100ft of Turn. He was not issued a citation for this violation. It is not COPA’s jurisdiction to weigh the legality of the traffic violation but to determine whether Officer Aldo Mekshi Star# 7594 had “at least [an] articulable and reasonable suspicion that Mr. ██████ broke the law by not activating his turn signal 100 feet prior to turning left. **COPA finds Officer Aldo Mekshi #7494 actions were lawful and proper and recommends, EXONERATED.**

Allegation #2 Officer Aldo Mekshi #7494, handcuffed ██████████ too tightly while detained on a traffic stop on September 12, 2019 at approximately 10:40 a.m. 4058 W. Madison Street.

In ██████████’s statement to COPA, he was asked if he told the officers’ the handcuffs were too tight, Mr. ██████ said, he did not and that he was more concerned with going to jail.

COPA was not provided with physical or documentary evidence to support the allegation. 3rd Party video does not show any signs of distress or complaints made by Mr. [REDACTED]. The 3rd Party video also does not show anything extraordinary or unlawful or improper during the traffic stop. **COPA recommends that Officer Aldo Mekshi #7494 is EXONERATED.**

Allegation #3 Officer Aldo Mekshi #7494 pulled [REDACTED] from his vehicle while detained on a traffic stop on September 12, 2019 at approximately 10:40 a.m. 4058 W. Madison Street.

In [REDACTED]'s statement to COPA, Mr. [REDACTED] was asked how the officer pulled him out of his vehicle, He said, "I wasn't free to leave so I feel I was forcibly removed me from the car." 3rd Party Video clearly shows that Mr. [REDACTED] exited his vehicle without assistance from the officers on location, which is clear and convincing that this allegation is false. **COPA recommends that this allegation is UNFOUNDED.**

VII. CONCLUSION¹⁰

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

Officer	Allegation	Finding / Recommendation
Officer Aldo Mekshi	1. Conducted traffic stop without justification.	Exonerated
	2. Handcuffed [REDACTED] too tight.	Exonerated
	3. Pulled [REDACTED] from his vehicle.	Unfounded

Approved:

[REDACTED SIGNATURE]

11-27-2020

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Darren Bowens
Supervising Investigator:	Valiza Nash
Deputy Chief Administrator:	Angela Hearts-Glass