

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	Nov. 17, 2019
Time of Incident:	10:30 am
Location of Incident:	1000 N. Laramie Ave.
Date of COPA Notification:	Nov. 19, 2019
Time of COPA Notification:	1:20 pm

On Nov. 17, 2019, at approximately 10:30 am, [REDACTED] was stopped by Department members for failing to stop at a stop sign at the intersection of Laramie Avenue and Iowa Street. Mr. [REDACTED] was detained for approximately two minutes before being released without receiving a citation. Mr. [REDACTED] filed a complaint with COPA two days later, alleging that the Accused Department members stopped him without justification, reviewed his information, and then released him with a verbal warning.

II. INVOLVED PARTIES

Involved Officer #1:	Gareth Woods #4841, Emp.# [REDACTED], Date of Appt. Rank: Police officer; Unit of Assignment 15 th M/W
Involved Officer #2:	Furqan Muneeruddin, #4147, Emp.# [REDACTED], Date of Appt. Rank: Police Officer; Unit of Assignment 15 th M/API
Involved Individual #1:	[REDACTED] DOB [REDACTED] 78, M/B

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Gareth Woods	1. That on or about Nov. 17, 2019 at approximately 10:30 am, in the vicinity of 1000 N. Laramie Ave., you stopped and detained [REDACTED] without probable cause	Exonerated
Officer Furqan Muneeruddin	1. That on or about Nov. 17, 2019 at approximately 10:30 am, in the vicinity	Exonerated

	of 1000 N. Laramie Ave., you stopped and detained [REDACTED] without probable cause.	
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals which brings discredit upon the Department
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty

General Orders

1. G02-04, “Prohibitions Regarding Racial Profiling and Other Bias Based Policing
2. G08-01-02, “Specific Responsibilities Regarding Allegations of Misconduct”

Special Orders

1. S04-14-09, “Illinois Traffic and Pedestrian Stop Statistical Study”

Federal Laws

1. The Fourth Amendment to the United States Constitution

Municipal Laws

1. MCC 9-40-030, “Obedience to police, traffic control aide and fire department orders”
2. MCC 9-40-035, “Traffic stop code of conduct”

V. INVESTIGATION

a. Interviews

Interview of Complainant ██████████ ██████████

Complainant Mr. ██████████ gave an interview to COPA on Nov. 19, 2019. In summary, Mr. ██████████ describes being detained by the Accused Officers, who he asserts were traveling the opposite direction and turned around to follow him after he had stopped at the intersection of Laramie Avenue and Iowa Street. Mr. ██████████ disputed the Officer's claim that he failed to stop at a stop sign and did not believe it was proper to have his identity checked and license run. Mr. ██████████ stated that the detention took 5 to 10 minutes and he was let go with a warning. Mr. ██████████ said he knew he made a complete stop and he always come to complete stops when he's driving.

b. Digital Evidence

Body Worn Camera (BWC) footage from Officer Gareth Wood²

The footage shows Officer Woods approach Mr. ██████████ vehicle on the driver's side door with Mr. ██████████ window already down. Mr. ██████████ states, "Why y'all messing with me?"³ to which Officer Woods replies "Pulled you over because you didn't stop at the stop sign."⁴ Officer Woods and Mr. ██████████ discuss whether Mr. ██████████ stopped, while Mr. ██████████ takes out his driver's license. Officer Woods returns to his vehicle with Officer Muneeruddin, where they discuss whether or not to give Mr. ██████████ a citation. Officer Woods changes his mind and decides not to give Mr. ██████████ a ticket, and then returns to Mr. ██████████ car. The conversation is brief, and Mr. ██████████ is let go with a warning.

Body Worn Camera (BWC) footage from Officer Furqan Muneeruddin⁵

The Department vehicle comes to a stop and the audio activates as Officer Muneeruddin exits the vehicle and walks to the passenger side of Mr. ██████████ car. Due to substantial background noise, the conversation between Officer Woods and Mr. ██████████ cannot be heard, and after a little over a minute, Officer Muneeruddin and Officer Woods return to their vehicle. At this point, Officer Muneeruddin's footage mirrors the already-described footage of Officer Woods.

¹ Att.#1

² Att.#9

³ Att.#9 at the 10:17:16 mark

⁴ Att.#9 at the 10:17:20 mark

⁵ Att.#8

In Car Camera (ICC) footage from Beat #1524⁶

Footage obtained from the In-Car Camera in Beat #1524, vehicle #7639, depicts the officers's vehicle facing east towards Laramie Avenue while stopped on Iowa Street. A vehicle later determined to belong to the [REDACTED] passes through a stop sign without stopping. Beat 1524 then heads east, turning left onto Laramie and catches up to Mr. [REDACTED] car, activating its lights. The footage continues during the duration of the stop, capturing the officers approach Mr. [REDACTED] car before returning to check his information. The officers are seen returning to Mr. [REDACTED] car to return his license and proof of insurance before letting him depart.

c. Documentary Evidence**Driver's Information Card⁷**

A driver's information card was prepared by Officer Woods per Special Order S04-14-09, documenting traffic stop # [REDACTED]. The card cites a violation of MCC 9-24-010(B), failure to stop at stop sign. The card has the Complainant's name, Mr. [REDACTED] as the driver of record.

OEMC Event Query # [REDACTED]⁸

OEMC Event Query # [REDACTED] memorializes a traffic stop occurring on Nov. 17, 2019 at 10:15 am, at 1000 N. Laramie Avenue. The license number belonging to the Complainant appears in the comment box and the activity described is a remote inquiry via PDT by user [REDACTED].

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

⁶ Att.#7

⁷ Att.#6

⁸ Att.#5

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

None of the actions the Accused Officers took towards the ██████████ appear to be outside of Department policy. The core of the dispute appears to be Mr. ██████████ believing that he did not commit a traffic infraction, and as such, the Accused Officers were stopping him and detaining him for no legitimate reason. However, the Accused Officers observed Mr. ██████████ fail to stop at the stop sign, a fact corroborated by ICC from the their vehicle⁹.

Mr. ██████████ sole point of contention appears to be his premise that he did stop for the stop sign and that the officers were mistaken in pulling him over. The ICC footage and accompanying BWC footage directly contradicts Mr. ██████████ contention that he committed no traffic infraction. His interaction with the officers, who consistently state that the reason for the stop was the traffic infraction, does not appear to be an arbitrary and malicious encounter, and, in fact, the Accused Officers chose to let Mr. ██████████ go without a citation.

Mr. ██████████ begins the encounter aggressively by stating "Why y'all messing with me,"¹⁰ and responding to Officer Woods' statement about the stop being recorded on BWC "I'm recording too!"¹¹ While Mr. ██████████ was initially argumentativeness his tone noticeably changes when he is informed that the officers were letting him go without a ticket. He even thanks the officers at the conclusion of the stop and apologizes for being so defensive.

The conduct of the officers comports with the provisions of MCC 9-040-035 which governs the expected conduct of Department members during a traffic stop. There does not appear to be a substantive departure from the code, and Mr. ██████████ assertions are not borne out by any of the video evidence of the encounter. The officers clearly had a reasonable basis to conduct a traffic stop of ██████████. Accordingly, COPA finds that the Accused officers'

⁹ Att.#7

¹⁰ Att.#9 at the 10:17:16 mark

¹¹ Att.#9 at the 10:17:29 mark

conduct is **exonerated** due to their adherence to the municipal code and the Department’s policies and procedures.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Gareth Woods	1. That on or about Nov. 17, 2019 at approximately 10:30 am, in the vicinity of 1000 N. Laramie Ave., you stopped and detained [REDACTED] without probable cause.	Exonerated
Officer Furqan Muneeruddin	1. That on or about Nov. 17, 2019 at approximately 10:30 am, in the vicinity of 1000 N. Laramie Ave., you stopped and detained [REDACTED] without probable cause.	Exonerated

Approved:

[REDACTED SIGNATURE]

5-29-2020

 Angela Hearts-Glass
 Deputy Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Michael Fleury
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass