

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 3, 2019.
Time of Incident:	At about 3:30 pm.
Location of Incident:	3000 E. 83 rd St.
Date of COPA Notification:	March 18, 2019
Time of COPA Notification:	6:35 pm

On April 3, 2019, ██████████ was driving her vehicle with her friend ██████████ when they were pulled over by Officers Kristen Daniels and Robert Skrobot. Officer Skrobot approached Ms. ██████████ and informed her that she was being recorded on his Body Worn Camera (BWC)¹ and told Ms. ██████████ that her rear brake light was not operating. Officer Skrobot told Ms. ██████████ that he could smell the odor of marijuana emitting from her vehicle and asked her if she and Ms. ██████████ were smoking marijuana. Officer Skrobot asked to see their identifications, but Ms. ██████████ was hesitant with providing her identification. Officer Skrobot told Ms. ██████████ that she was not wearing a seatbelt and told Ms. ██████████ that he could search her vehicle because he could smell the odor of marijuana emitting from her vehicle. Ms. ██████████ told Officer Skrobot to go ahead and search her vehicle. At that point, Officer Skrobot told Ms. ██████████ and Ms. ██████████ to exit the vehicle. The Body Worn Camera (BWC)² of Officer Daniels captured her conducting a pat-down on Ms. ██████████ and discovering a plastic container in her pant pocket that contained approximately two grams of suspected cannabis. A LEADS³ searched revealed that Ms. ██████████ had a valid Order of Protection⁴ against Ms. ██████████ regarding an incident that occurred on May 22, 2018. A Clear search revealed an Arrest Report⁵ for Ms. ██████████ that indicated that Ms. ██████████ was the victim. The arrest report indicated that on May 22, 2018, Ms. ██████████ was charged with criminal trespassing to vehicle, criminal damage to property and simple assault. Therefore, Ms. ██████████ was placed into custody for violating the order of protection and was also issued a Cook County Civil Law Violation #717067⁶ for being in possession of a plastic container and a knotted bag that contained suspected cannabis. Ms. ██████████ believed that Ms. ██████████ did not violate the order because she and Ms. ██████████ were together and Ms. ██████████ was not causing any harm to her or to her vehicle. Ms. ██████████ was issued three citations⁷ for disregarding a stop sign, no insurance and a passenger not wearing a seat belt.

¹ Attachments #25-26, Body Worn Camera (BWC) video of Officer Robert Skrobot.

² Attachment #24, Body Worn Camera (BWC) video of Officer Daniel Kristen.

³ Attachment #17, OEMC PDT Messages Report.

⁴ Attachment #16, Order of Protection, 18DV73077.

⁵ Attachment #32, Arrest Report of ██████████ 22 May 2018.

⁶ Attachment #30, Civil Law Violation #CL717067.

⁷ Attachment #28, Traffic citations, TN758549, 550 & 551.

II. INVOLVED PARTIES

Involved Officer #1:	Kristen Daniels, Star #13675, Employee # [REDACTED], Date of Appointment: February 29, 2016, Police Officer. Unit of Assignment: 004, Date of Birth: [REDACTED], 1987, Female, White.
Involved Officer #2:	Robert Skrobot, Star #15173, Employee # [REDACTED], Date of Appointment: February 16, 2017, Police Officer. Unit of Assignment: 004, Date of Birth: [REDACTED], 1989, Male, White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED]/97, Female, Black.
Involved Individual #2:	[REDACTED] DOB: [REDACTED]97, Female, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Kristen Daniels	1. It is alleged that on April 3, 2019, Officer Kristen Daniels conducted a traffic stop on Ms. [REDACTED] and falsely issued her three citations without lawful justification, in violation of Rules 1 and 6.	Exonerated
	2. It is alleged that on April 3, 2019, Officer Kristen Daniels placed Ms. [REDACTED] under arrest without lawful justification, in violation of Rules 1 and 6.	Exonerated
Officer Robert Skrobot	1. It is alleged that on April 3, 2019, Officer Robert Skrobot conducted a traffic stop on Ms. [REDACTED] and falsely issued her three citations without lawful justification, in violation of Rules 1 and 6.	Exonerated
	2. It is alleged that on April 3, 2019, Officer Robert Skrobot placed Ms. [REDACTED] under arrest without lawful justification, in violation of Rules 1 and 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 6: Disobedience of an order or directive, whether written or oral.

General Orders

1. G01-01, Mission Statement and Core Values
2. DN-16-04, Illinois Alternative Cannabis Enforcement Program for Possession of not more than 10 grams of Cannabis.

Federal Law

Fourth Amendment, United States Constitution

V. INVESTIGATION

a. Interviews

In an **interview with COPA**⁸, on April 9, 2019, ██████████ related that on April 3, 2019, she was driving her vehicle and was accompanied by her friend, ██████████ Ms. ██████████ observed a squad car driving toward her direction and proceeded to the following stop sign. After making a complete stop, the squad car activated its emergency light and Ms. ██████████ was pulled over. Ms. ██████████ was approached by two officers, a male, now known as Officer Robert Skrobot and a female, now known as Officer Kristen Daniels. Ms. ██████████ was approached by Officer Skrobot, who told her that he could smell the odor of marijuana emitting from inside her vehicle.

Officer Skrobot asked Ms. ██████████ if she had been smoking marijuana and she said no. Officer Skrobot asked Ms. ██████████ if he could search her car and Ms. ██████████ said yes. Officer Skrobot asked Ms. ██████████ and Ms. ██████████ to exit the vehicle and requested to see their identifications. Ms. ██████████ was handcuffed behind her back and was able to reach for her cell phone that was hanging around her neck. Ms. ██████████ stated that she wanted to record the incident. The officers attempted to stop Ms. ██████████ and she began to tussle with the officers and was told by Officer Daniels to stop resisting. At that point, Ms. ██████████ stopped and allowed Officer Daniels to remove her cell phone from around her neck and searched her pockets while Officer Skrobot searched her car. Ms. ██████████ stated that she was uncuffed and Ms. ██████████ was placed inside the police car. Ms. ██████████ asked the officers why Ms. ██████████ was being arrested. Ms. ██████████ was informed that she would be told at the police station. Ms. ██████████ was issued citations for no insurance, failing to stop at a stop sign and for a passenger not wearing a seat belt. Ms. ██████████ asked for her driver's license and was told she had to go to her court date. Ms. ██████████ stated that she went to court and discovered the incident was classified as a domestic. Ms. ██████████ stated that she does have an Order of Protection against Ms. ██████████ but that the order is only about protecting her vehicle from Ms. ██████████ Ms. ██████████ also stated that the order does not preclude Ms. ██████████ from being in her vehicle while they are together.

⁸ Attachments #14-15, Audio and Video interview of ██████████

A search of Ms. [REDACTED] vehicle revealed no narcotics, but a search of Ms. [REDACTED] discovered that she was in possession of a small amount of drugs that was found in either her jacket or pant pockets. Ms. [REDACTED] stated that Ms. [REDACTED] was arrested for violating her Order of Protection. Ms. [REDACTED] explained that in her opinion, Ms. [REDACTED] did not violate the order, because, she and Ms. [REDACTED] were together and was not causing harm to her or to her car. Ms. [REDACTED] related that Ms. [REDACTED] has harmed her on multiple occasions and has called the police on her. However, Ms. [REDACTED] believes this Order of Protection did not prohibit Ms. [REDACTED] from being together in her car.

b. Digital Evidence

Body Worn Camera (BWC)⁹ video of Officer Kristen Daniels shows that on April 3, 2019, she approached the passenger, [REDACTED] and Officer Robert Skrobot approached the driver [REDACTED]. After about a minute, Officer Skrobot tells Ms. [REDACTED] to step out of the car. At that point, Officer Daniels tells Ms. [REDACTED] to exit the vehicle and proceeds to conduct a pat-down. During the pat-down, Officer Daniels felt an object in Ms. [REDACTED] pant pocket and pulled out a small plastic container. The video also showed Officer Daniels search Ms. [REDACTED] who was refusing to allow her cell phone be taken away. Officer Daniels informs Officer Skrobot to request assistant to the scene. Officer Daniels attempts to remove the cell phone away from Ms. [REDACTED] who begins to pull away and stated, “No, you’re not going to take my phone.” After completing the search of Ms. [REDACTED] Officer Skrobot turned her attention to Ms. [REDACTED]. Officer Daniels proceeded to conduct a detail search of Ms. [REDACTED] who began complaining about the handcuffs and that she wanted to go to jail. Ms. [REDACTED] is heard stating, “The rest of my weed in is my right pocket.”¹⁰ Officers Daniels and Skrobot are both observed searching the front, rear and a rear compartment. Officer Daniels is observed writing citations and issuing them to Ms. [REDACTED]

Body Worn Camera (BWC)¹¹ video of Officer Robert Skrobot shows that on April 3, 2019, he approaches the driver, [REDACTED] while Officer Kristen Daniels approached the passenger [REDACTED]. Officer Skrobot tells Ms. [REDACTED] that she is being videotaped and that her right, rear break light was not operating. Officer Skrobot tells Ms. [REDACTED] that he can smell marijuana and she did not have her seat belt on. Officer Skrobot requests to see everyone’s identification. Officer Skrobot is handed an item that belonged to Ms. [REDACTED]. Ms. [REDACTED] is reluctant to provide her identification and Officer Skrobot asks everyone to exit the vehicle. Officer Skrobot escorts Ms. [REDACTED] out of her vehicle and places her in handcuffs. Ms. [REDACTED] is heard telling Officer Skrobot to go ahead and search her car. At that same time, Officer Daniels is heard stating, “I found it.” and is observe placing an item on the top of the car. Officer Daniels is observed trying to remove a cell phone that is on a chain around Ms. [REDACTED] neck. Officer Skrobot can be seen taking hold of the cell phone while Ms. [REDACTED] continues to move around and is told by Officer Skrobot to stop. At this same time, an elbow is observed striking Officer

⁹ Attachment #24, Body Worn Camera (BWC) video of Officer Daniel Kristen.

¹⁰ Attachment #24, Body Worn Camera (BWC) video of Officer Daniel Kristen, 6.39 minute.

¹¹ Attachment #25, Body Worn Camera (BWC) video of Officer Robert Skrobot.

Skrobot's BWC and caused it to stop recording. Officer Skrobot turns on his BWC¹² again and is seen talking to Ms. [REDACTED] who is heard stating that she was unaware that Ms. [REDACTED] was in possession of marijuana.

c. Documentary Evidence

The **Arrest Report of [REDACTED] on April 3, 2019¹³**, authored by Officer Kristen Daniels, detailed the arrest of [REDACTED]. While on routine patrol, Officer Daniels and Officer Skrobot observed a vehicle disregard a stop sign at the intersection of 83rd Street and Escanaba Avenue. The officers curbed the vehicle a tan 2005 Nissan Altima and approached the driver [REDACTED] and the passenger [REDACTED]. The officers could smell the odor of cannabis emitting from the vehicle and asked Ms. [REDACTED] and Ms. [REDACTED] to exit the vehicle. Ms. [REDACTED] was searched and approximately two grams of suspected cannabis was recovered from her pant pockets. A name check revealed an active Order of Protection¹⁴ in which Ms. [REDACTED] was listed as the petitioner and Ms. [REDACTED] was listed as the respondent. Therefore, Ms. [REDACTED] was taken into custody for violating the Order of Protection 18DV73077¹⁵ and was transported to the 4th District Station for processing.

The **Arrest Report of [REDACTED] on May 22, 2018¹⁶**, authored by Officer Emilio Carrillo, detailed the arrest of [REDACTED]. Several units responded to a criminal trespassing in progress and upon arrival, Ms. [REDACTED] (ex-girlfriend) was observed inside the driver's seat of Ms. [REDACTED] 2005 Nissan without permission. Ms. [REDACTED] alleged damage to the driver's side door that was caused by Ms. [REDACTED] gaining access to vehicle without vehicle keys. During incident, Ms. [REDACTED] swung a sweat shirt in the direction of Ms. [REDACTED] in attempts to hit victim. Ms. [REDACTED] was placed in custody on signed complaints for assault, criminal damage to vehicle and criminal trespass to vehicle.

The **Original Case Incident Report¹⁷ for [REDACTED]**, authored by Officer Kristen Daniels indicated that on April 3, 2019, she and Officer Robert Skrobot were on routine patrol when they observed [REDACTED] [REDACTED] (driver) disregard a stop sign at the intersection of 83rd Street and Escanaba Avenue. Ms. [REDACTED] was driving a tan 2005 Nissan Altima and the officers proceeded to curb her vehicle. Officers Daniels and Skrobot approached the vehicle and could smell an odor of cannabis emitting from inside Ms. [REDACTED] vehicle. Ms. [REDACTED] and the passenger, [REDACTED] were both asked to exit the vehicle. A search of Ms. [REDACTED] revealed that she was in possession of approximately two grams of suspected cannabis that was recovered from her right pockets. A name check revealed an active Order of Protection¹⁸ in which Ms. [REDACTED] was listed as

¹² Attachment #26, Body Worn Camera (BWC) video of Officer Robert Skrobot.

¹³ Attachment #1, Arrest Report of [REDACTED] 03 April 2019.

¹⁴ Attachment #16, Order of Protection, 18DV73077.

¹⁵ Attachment #16, Order of Protection, 18DV73077.

¹⁶ Attachment #32, Arrest Report of [REDACTED] 22 May 2018.

¹⁷ Attachment #4, Original Case Incident Report, [REDACTED].

¹⁸ Attachment #16, Order of Protection, 18DV73077.

the petitioner and Ms. [REDACTED] was listed as the respondent. Therefore, Ms. [REDACTED] was taken into custody and transported to the 4th District Station for processing.

Cook County Civil Law Violation #717067¹⁹, authored by Officer Robert Skrobot, indicated that [REDACTED] was cited for possession of cannabis of not more than 10 grams. The report detailed that a plastic container and one clear knotted plastic baggie containing a green leafy substance of suspected cannabis was recovered.

The **Investigatory Stop Report (ISR)²⁰**, authored by Officer Robert Skrobot indicated substantially the same information as is contained in the Arrest Report and Case Report from the April 3, 2019 incident. Ms. [REDACTED] was issued three traffic citations²¹: TN758549 (Disregarding a stop sign), TN758550 (Operate Uninsured motor vehicle) and TN758551 (No seat belt on passenger).

Order of Protection 18DV73077²² listed [REDACTED] [REDACTED] as the petitioner and [REDACTED] [REDACTED] as the respondent. The order indicated that on or about May 22, 2018, Ms. [REDACTED] was sitting inside Ms. [REDACTED] vehicle without permission and was causing damage to the driver's side door. The order prohibited Ms. [REDACTED] from physical abusing, harassing, stalking and interfering with the person liberty of Ms. [REDACTED]. The order also prohibited Ms. [REDACTED] from Ms. [REDACTED] residence or interior and/or exterior of Ms. [REDACTED] tan 2005 Nissan Altima.

Department Notice, 16-04²³, Illinois Alternative Cannabis Enforcement for Possession of not more than 10 grams of cannabis. Section II, A-1, states, "720 ILCS 550/4(a) Possession of Cannabis – not more that 10 gram of any substance containing cannabis is a Cook County Civil Law Violation punishable by a minimum fine of \$100 and maximum fine of \$200.

Property Inventory # [REDACTED]²⁴, authored by Officer Robert Skrobot, indicated that a clear plastic container containing a green leafy substance of suspected marijuana was recovered and inventoried.

OEMC Event Query Report # [REDACTED]²⁵ indicated that on April 3, 2019, at about 3:30 pm, Beat 465A, (Officer Daniels and Skrobot) conducted a street stop in vicinity of 2929 E. 83rd St.

¹⁹ Attachment #30, Civil Law Violation #CL717067.

²⁰ Attachment #19, Investigatory Stop Report (ISR) ([REDACTED]) of [REDACTED]

²¹ Attachment 28, Traffic Citations, TN758549 (Disregarding a stop sign), TN758550 (Operate Uninsured motor vehicle) and TN758551 (No seat belt on passenger).

²² Attachment #16, Order of Protection, 18DV73077.

²³ Department Notice, 16-04, Illinois Alternative Cannabis Enforcement for Possession of not more than 10 grams of cannabis.

²⁴ Attachments #7, Property Inventory # [REDACTED].

²⁵ Attachment #9, OEMC Event Query # [REDACTED].

OEMC, PDT Message Reports²⁶ indicated that on April 3, 2019, Officer Kristen Daniels ran a name search on ██████████ that revealed an active Order of Protection²⁷ in which Ms. ██████████ was listed as the respondent and ██████████ ██████████ as the petitioner.

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
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 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.

VI. ANALYSIS

On April 3, 2019, Officers Kristen Daniels and Robert Skrobot were on routine patrol when they conducted a traffic stop of ██████████ (driver), who was accompanied with her friend, (passenger) ██████████. The incident was captured on the Body Worn Camera (BWC) of Officer Daniels²⁸ and Officer Skrobot.²⁹ Officer Skrobot approached Ms. ██████████ and informed her that she was being videotaped and that she had a rear brake light that was not working. Officer Skrobot told Ms. ██████████ that he could smell the odor of cannabis emitting from her vehicle and that

²⁶ Attachment 17, OEMC Message Report.

²⁷ Attachment #16, Order of Protection, 18DV73077.

²⁸ Attachment #24, Body Worn Camera (BWC) video of Officer Daniel Kristen.

²⁹ Attachments #25-26, Body Worn Camera (BWC) video of Officer Robert Skrobot.

Ms. ██████ was not wearing her seatbelt. Officer Skrobot requested to see identification, but Ms. ██████ became reluctant to provide her identification. At that point, Officer Skrobot instructed Ms. ██████ and Ms. ██████ to exit the vehicle. Officer Daniels conducted a pat-down on Ms. ██████ and recovered a small plastic container in her pocket that contained about two grams of suspected cannabis. Ms. ██████ was issued three traffic citations³⁰ for disregarding a stop sign (TN758549), operating uninsured motor vehicle (TN758550) and no seat belt on passenger (TN758551). Clearly, the officers had lawful justification to conduct the traffic stop and issue the citations. Therefore, **Allegation #1, against Officers Daniels and Skrobot, must be Exonerated.**

Ms. ██████ believed that Ms. ██████ was placed under arrest without lawful justification. Ms. ██████ admitted that she had a valid Order of Protection against Ms. ██████. The order prohibited Ms. ██████ from physical abusing, harassing, stalking and interfering with the person liberty of Ms. ██████. The order also prohibited Ms. ██████ from Ms. ██████ residence or interior and/or exterior of Ms. ██████ tan 2005 Nissan Altima. This information was obtained when Officer Kristen Daniels ran a name search on ██████ that revealed an active Order of Protection³¹ in which Ms. ██████ was listed as the respondent and ██████ as the petitioner. Furthermore, a Clear search revealed an Arrest Report³² for Ms. ██████ that indicated Ms. ██████ as being the victim. The arrest report indicated that on May 22, 2018, Ms. ██████ was charged with criminal trespassing to vehicle, criminal damage to property and simple assault. Ms. ██████ explanation, that the order does not preclude Ms. ██████ from being in her vehicle while they are together, is incorrect. The Order of Protection does not make any distinction between Ms. ██████ being in the car with Ms. ██████ or without.³³ Ms. ██████ presence, in the car, was a violation of the Order of Protection. Therefore, **Allegation #2, against Officer Daniels and Skrobot, must be Exonerated.**

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Kristen Daniels	1. It is alleged that on April 3, 2019, Officer Kristen Daniels conducted a traffic stop on Ms. ██████ and falsely issued her three citations without lawful justification, in violation of Rules 1 and 6.	Exonerated
	2. It is alleged that on April 3, 2019, Officer Kristen Daniels placed Ms. ██████ under arrest without lawful justification, in violation of Rules 1 and 6.	Exonerated

³⁰ Attachment 28, Traffic Citations, TN758549 (Disregarding a stop sign), TN758550 (Operate Uninsured motor vehicle) and TN758551 (No seat belt on passenger).

³¹ Attachment #16, Order of Protection, 18DV73077.

³² Attachment #32, Arrest Report of ██████ 22 May 2018.

³³ Attachment #16, Order of Protection, 18DV73077

