

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 06, 2019 / October 12, 2019
Time of Incident:	7:40 PM / 3:00AM
Location of Incident:	7820 S. Chappel Ave. / 2430 E. 87 th St.
Date of COPA Notification:	October 17, 2019
Time of COPA Notification:	12:11 PM

On September 6, 2019, at approximately 7:40 PM, Officer Mosquera and Officer Quach-Diego, working in the 4th district as Beat no. 414, stopped complainant [REDACTED] for a minor traffic violation; expired license plates in the vicinity of 7820 S. Chappel Avenue. Ms. [REDACTED] alleged that she was stopped without justification. She also alleges that during this traffic stop, her vehicle was towed, and she was arrested without justification.

On October 12, 2019, at approximately 3:00 AM, Officer Iovinelli and Officer Saldana, working in the 4th district as Beat 495, arrested complainant [REDACTED] (“Ms. [REDACTED]” in the vicinity of 2430 E. 87th Street. Ms. [REDACTED] alleged that she was stopped without justification, and she was arrested without any justification.

II. INVOLVED PARTIES

Involved Officer #1:	Mosquera, Sandra, star # 7587, employee ID# [REDACTED], Date of Appointment: August 16, 2017, Police Officer, Unit of Assignment: 004, DOB: [REDACTED] 1996, gender: Female, Race: White/Hispanic
Involved Officer #2:	Quach-Diego, Connie, star # 5545, employee ID# [REDACTED], Date of Appointment: May 16, 2018, Police Officer, Unit of Assignment: 004, DOB: [REDACTED], 1993, gender: Female, Race: Asian-Pacific Islander
Involved Officer #3:	Iovinelli, Anthony, star # 3528, employee ID# [REDACTED], Date of Appointment: January 16, 2018, Police Officer, Unit of Assignment: 004, DOB: [REDACTED] 1987, gender: Male, Race: White
Involved Officer #4:	Saldana, Omar, star # 2875, employee ID# [REDACTED], Date of Appointment: January 16, 2018, Police Officer, Unit of Assignment: 004, DOB: [REDACTED] 1994, gender: Male, Race: White/Hispanic

Involved Individual #1: [REDACTED] 1979, gender: Female,
Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Mosquera, Sandra	1. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you stopped the vehicle of [REDACTED] without justification. 2. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you arrested [REDACTED] without justification.	Exonerated Exonerated
Officer Quach-Diego, Connie	1. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you stopped the vehicle of [REDACTED] without justification. 2. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you arrested [REDACTED] without justification.	Exonerated Exonerated
Officer Iovinelli, Anthony	1. It is alleged that on October 12, 2019 at approximately 3:00am in the vicinity of 2430 E. 87 th St. you arrested [REDACTED] without justification.	Exonerated
Officer Saldana, Omar	1. It is alleged that on October 12, 2019 at approximately 3:00am in the vicinity of 2430 E. 87 th St. you arrested [REDACTED] without justification.	Exonerated

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 or brings discredit upon the Department.

2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

3. Rule 6: Disobedience of an order or directive, whether written or oral.

General Orders

1. G01-01 – CPD Vision Mission Statement, and Core Values

2. G02-01 – Human Rights

3. G02-04 – Prohibition Regarding Racial Profiling and Other Bias Based Policing

Federal Laws

1. Fourth Amendment, United States Constitution

State Laws

1. MCC 9-76-160 (b); Registration plates

2. MCC 9-80-240; Driving with a suspended or revoked license – impoundment

3. MCC 9-92-030 (I); Authority to impound or otherwise relocate vehicle

4. 625 ILCS 5.0/6-303(a)

V. INVESTIGATION¹

a. Interview

In an interview with COPA on September 6, 2019² ██████████ related that on September 6, 2019, at approximately 7:40 PM, she was stopped by members of the Chicago Police Department for an alleged minor violation; expired license plates, in the vicinity of 7820 S. Chappel Ave. Ms. ██████████ alleged that she was stopped without justification. She also alleges that she was arrested without any justification.

Ms. ██████████ further related that in a separate incident on October 12, 2019 she was arrested without justification by Officers Anthony Iovinelli #3528, and Omar Saldana #2875 when officers alleged, they observed her sleeping behind the wheel of her car, charging her with DUI.

b. Digital Evidence

The Body Worn Camera (BWC) footage of Accused Officer Mosquera's camera³

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 53,54, Audio Interview of ██████████

³ Attachment # 3

The BWC video shows Officer Mosquera performs a traffic stop on a dark colored Dodge Charger⁴. Officer Mosquera approaches the passenger side, her partner, Officer Quach-Diego approaches the driver side, contacting the driver, now known as [REDACTED]

Officers Mosquera and Quach-Diego return to their patrol vehicle and run the information provided [REDACTED] to confirm her identity. Officers are informed that her driver license are currently suspended. Officers discuss the options available to them and what actions they will enforce.

Officers Mosquera and Quach-Diego return to the stopped vehicle. Officer Quach-Diego directs Ms. [REDACTED] to shut the vehicle off and step out the vehicle. Officer Mosquera advises Ms. [REDACTED] that she is going to place handcuffs on her. Officer Quach-Diego advises Ms. [REDACTED] that the vehicle is going to be taken away due to her being the driver of a vehicle while her license is suspended. Officer Quach-Diego advised she should remove any personal property from the vehicle.

Officer Mosquera escorted Ms. [REDACTED] to her patrol vehicle and placed her in the back seat. While there Ms. [REDACTED] questioned what she did wrong. Officer Mosquera explained that she was driving on a suspended license. Ms. [REDACTED] further questioned what she did wrong to be stopped in the first place. Officer Mosquera explained to Ms. [REDACTED] while she was at the stop sign, she ran her license plate and they came back expired.

Officer Mosquera took possession of the vehicle to drive it into the police station. As she was leaving, a female voice in the background is yelling, “you feel good about yourself, you white predigestprejudiced bitch!”⁵

The Body Worn Camera (BWC) footage of Accused Officer Quach-Diego’s camera⁶

The BWC video shows the passenger, Officer Mosquera running a license plate on the CPD terminal, receiving an alert that the license plate it expired⁷. Moments later, the officers initiate a traffic stop on a dark colored Dodge Charger. Officer Quach-Diego approach the driver side. She informs the female driver, “Just to let you know my body camera is recording, I pulled you over because your license plates are expired.”⁸ When asked to produce a driver license and insurance the female driver advised she didn’t have anything on her. Female driver identified herself as [REDACTED] to Officer Quach-Diego. Officer Quach-Diego went back to her patrol vehicle and performed a name check with the information provided by the driver. Name check revealed that [REDACTED] has a suspended driver license.

⁴ Att. 03, Id at 7:35:55

⁵ Att. 03, Id at 7:46:01

⁶ Attachment # 2

⁷ Att. 02, Id at 7:34:07

⁸ Att. 02, Id at 7:36:02

Officers Mosquera and Quach-Diego return to the stopped vehicle, Officer Quach-Diego directs Ms. [REDACTED] to shut the vehicle off and step out of the vehicle. Officer Mosquera advises Ms. [REDACTED] that she was going to place handcuffs on her. Officer Quach-Diego advises Ms. [REDACTED] that the vehicle is going to be taken away due to her being the driver while her license is suspended. Officer Quach-Diego advised she should remove any personal property from the vehicle.

Officer Mosquera escorted Ms. [REDACTED] to her patrol vehicle and placed her in the back seat. Officer Quach-Diego observed as family members removed personal property from the vehicle. Officer Mosquera took possession of the vehicle and drove it to the police station.

The Body Worn Camera (BWC) footage of Accused Officer Iovinelli's camera⁹

The BWC shows Officer Saldana and Officer Iovinelli on routine patrol. They observe a dark colored vehicle on the street, running with the left turn signal activated. Officers exit their patrol vehicle and approach the driver side. Officers observe a female inside the vehicle who appears to be asleep behind the wheel. Officer Iovinelli knocks on the window several times attempting to awake the driver. Officer Saldana flashes his flashlight through the window, then taps on the window with his flashlight as Officer Iovinelli continues to knock.

Officer Iovinelli opens the driver door, attempts to communicate with the driver. The female driver eventually was able to wake up and partially communicate with Officer Iovinelli. He asked, "what's going on, why are you sleeping right now, are you ok?" She responds, "I'm not sleeping."¹⁰

Officer Iovinelli advised the driver that he wanted to make sure she was ok. He asked, "Can you look at me, what happened to your eyes, do you need an ambulance? Can you step out of the car for me?" The female driver was not responding verbally, she only nodded her head to officers.¹¹

Officer Iovinelli advised the driver he need her to step out of the vehicle so he could make sure she was ok to drive, she reused. Officer Iovinelli further advised that if she failed to comply with his orders, he would have to call for a Supervisor. The female driver continues to refuse, Officers requested a Supervisor to respond.

Sgt. Grissett arrived on-scene. Officer Iovinelli explained the circumstances of his concern with driver and the supervisor request.

At the request of Sergeant Grissett, the female driver exited the vehicle, without any assistance. Once outside the vehicle, Officers begin speaking with the female driver, trying to get her to produce identification. The female driver was showing signs of impairment. Her verbal

⁹ Attachment # 19

¹⁰ Att. 19, Id at 2:45:56

¹¹ Att. 19, Id at 2:46:12

responses to the officer's questions where not related to the questions asked and her speech was slurred.¹²

The female driver was finally able to be identified when she informed Officer Iovinelli that her driver license was inside her purse and gave him permission to retrieve the identification.

Officer Saldana then went to his patrol vehicle, performed a check of the driver license to ensure it was valid. Officer Iovinelli escorted the female to the sidewalk where he performed a field sobriety test.¹³

Based on his observations of the field sobriety test, Officer Iovinelli advised [REDACTED] that she is under arrest. She was transported to the 004th district for processing.

The Body Worn Camera (BWC) footage of Accused Officer Saldana's camera¹⁴

The BWC shows Officer Saldana and Officer Iovinelli on routine patrol. They observe a dark colored vehicle on the street, running with the left turn signal activated. Officers exit their patrol vehicle and approach the driver side. Officers observe a female inside the vehicle who appears to be asleep behind the wheel. Officer Iovinelli knocks on the window several times attempting to awake the driver. Officer Saldana flashes his flashlight through the window, then taps on the window with his flashlight as Officer Iovinelli continues to knock.

Officer Iovinelli opens the driver door, attempts to communicate with the driver. The female driver eventually was able to wake up and partially communicate with Officer Iovinelli. He asked, "what's going on, why are you sleeping right now, are you ok?" She responds, "I'm not sleeping."¹⁵

Officer Iovinelli advised the driver that he wanted to make sure she was ok. He asked, "Can you look at me, what happened to your eyes, do you need an ambulance? Can you step out of the car for me?" The female driver was not responding verbally, she only nodded her head refusing officers.¹⁶

Officer Iovinelli advised the driver he need her to step out of the vehicle so he could make sure she was ok to drive, she reused. Officer Iovinelli further advised that if she failed to comply with his orders, he would have to call for a Supervisor.

The female driver continues to refuse, Officers requested a Supervisor to respond.

Sgt. Grissett arrived on-scene. Officer Iovinelli explained the circumstances of his concern with driver and the supervisor request.

¹² Att. 19, Id at 2:49:50

¹³ Att. 19 Id at 2:53:26

¹⁴ Attachment #16

¹⁵ Att. 16, Id at 2:45:53

¹⁶ Att. 16, Id at 2:46:12

At the request of Sergeant Grissett, the female driver exited the vehicle, without any assistance. Once outside the vehicle, Officers begin speaking with the female driver, trying to get her to produce identification. The female driver was showing signs of impairment. Her verbal responses to the officer's questions were not related to the questions asked and her speech was slurred.¹⁷

The female driver was finally able to be identified when she informed Officer Iovinelli that her driver license was inside her purse and gave him permission to retrieve the identification.

Officer Saldana then went to his patrol vehicle, performed a check of the driver license to ensure it was valid. Officer Iovinelli escorted the female to the sidewalk where he performed a field sobriety test.

Based on his observations of the field sobriety test, Officer Iovinelli advised [REDACTED] that she was under arrest. She is transported to the 004th district for processing.

Officer Saldana drove the vehicle of [REDACTED] into the 004th district.

c. Documentary Evidence

An **Investigatory Stop Report ("ISR")**¹⁸, completed by Officer Saldana, states that [REDACTED] was observed inside her vehicle, which she appeared to be asleep at the wheel with the left-hand turn signal on. R/O's conducted a well-being check. R/O's observed glassy, bloodshot red eyes and slurred speech.

Chicago Police Department Search Results¹⁹ showing Officer Haltek, Unit 421 ran the driver license of [REDACTED] on September 11, 2019 at approximately 11:07 and found her driver license to be suspended.

Chicago Police Department Arrest²⁰ Report for [REDACTED] CB#19866341, showing arrest date of 06 September 2019 at approximately 7:40 pm.

Chicago Police Department Arrest²¹ Report for [REDACTED] CB#19882934, showing arrest date of 12 October 2019 at approximately 3:00 am.

Chicago Police Department Intox EX/IR-II Subject Test²² report given to [REDACTED] test performed by Officer Iovinelli shows no BAC due to test being refused by [REDACTED]

¹⁷ Att. 16, Id at 2:49:50

¹⁸ Attachment #41

¹⁹ Attachment #47

²⁰ Attachment #38

²¹ Attachment #40

²² Attachment #55

Chicago Police Alcohol/Drug Influence Report²³ showing field sobriety test and results that was performed on [REDACTED] Report also indicate that she refused the breath analysis test.

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 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 makes a finding of **EXONERATED** for Allegation 1 made against Officers Mosquera and Quach-Diego that the officers stopped the vehicle of [REDACTED] without justification.

Illinois Vehicle Code requires every registration plate, temporary permit or evidence of proper registration for the current period to be clearly displayed. On the date in question the vehicle of [REDACTED] had an expired sticker displayed. Further investigation of LEADS inquiry provided more evidence that the vehicle license plates were expired, As the officers ran the plate through the LEADS system and the Secretary of State, they also showed the vehicle license plate had expired. Based on the information observed and related by LEADS, Officers were justified in performing a traffic stop.

²³ Attachment #55

Based on the foregoing, Officers Mosquear and Quach-Diego were within CPD policy to perform a traffic stop. Therefore, this allegation should be **EXONERATED**.

COPA recommends a finding of **EXONERATED** for Allegation 2 made against Officers Mosquera and Quach-Diego that the officers arrested [REDACTED] without justification.

IL Statute 625 ILCS 5/6-303; Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked. (a) Except as otherwise provided in subsection (a-5) or (a-7), any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit, or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit issued prior to January 1, 2009, monitoring device driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

The Municipal Code of Chicago (MCC-9-80-240) states that the owner of record of any motor vehicle that is operated by a person with a suspended or revoked driver license shall be liable to the city for an administrative penalty plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment.

During the traffic stop, [REDACTED] who was the driver, in possession of the vehicle could not produce any identification including a driver license. When she did give officers her identifying information, she was run through LEADS and was found to have a suspended license. State of Illinois law allows officers to arrest drivers for driving on a suspended or revoked license.

Based on the foregoing, Officers Mosquear and Quach-Diego were within CPD policy to arrest [REDACTED] and seize her vehicle. Therefore, this allegation should be **EXONERATED**.

COPA makes a finding of **EXONERATED** for Allegation 1 made against Officers Iovinelli and Saldana that the officers arrested [REDACTED] without justification.

Officer Saldana and Officer Iovinelli were routine patrol. They observe a dark colored vehicle on the street with the left turn signal activated, there is no traffic preventing the vehicle from exiting the curb lane.

Officers observe a female inside the vehicle who appears to be asleep behind the wheel. Officers attempted to performed well being check, and immediately observed signs of impairment. Officers later performed a field sobriety test and determined that [REDACTED] was in possession of and operating a motor vehicle under the influence, therefore she was placed under arrest and charged with driving under the influence.

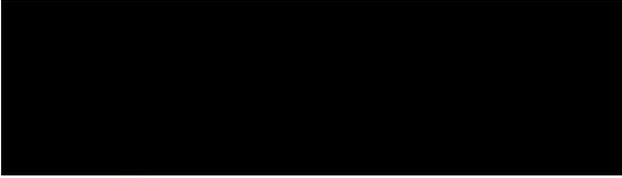
Based on the foregoing, Officers Iovinelli and Saldana were within CPD policy to arrest [REDACTED] and seize her vehicle. Therefore, this allegation should be **EXONERATED**.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Mosquera, Sandra	1. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you stopped the vehicle of [REDACTED] without justification.	Exonerated
	2. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you arrested [REDACTED] without justification.	Exonerated
Officer Quach-Diego, Connie	1. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you stopped the vehicle of [REDACTED] without justification.	Exonerated
	2. It is alleged that on September 6, 2019 at approximately 7:40pm in the vicinity of 7820 S. Chappel Ave. you arrested [REDACTED] without justification.	Exonerated
Officer Iovinelli, Anthony	1. It is alleged that on October 12, 2019 at approximately 3:00am in the vicinity of 2430 E. 87 th St. you arrested [REDACTED] without justification.	Exonerated
Officer Saldana, Omar	1. It is alleged that on October 12, 2019 at approximately 3:00am in the vicinity of 2430 E. 87 th St. you arrested [REDACTED] without justification.	Exonerated

Approved:



12-29-2020

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	John Robinson
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass