

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 5, 2020
Time of Incident:	10:00 AM
Location of Incident:	4 E. 111th Street
Date of COPA Notification:	March 5, 2020
Time of COPA Notification:	5:00 PM

On March 5, 2020 at approximately 10:00 AM, Officers Martin and Roberson, working in the 5th District/Beat 562B, stopped complainant, [REDACTED], for a traffic violation in the vicinity of 4 E. 111th Street. [REDACTED] alleged that she was stopped without justification.

II. INVOLVED PARTIES

Involved Officer #1:	Martin, Kenhasa, star #19088, employee ID# [REDACTED], Date of Appointment: December 02, 2013, Police Officer, Unit of Assignment: 005, DOB: [REDACTED], 1977, gender: Male, Race: Black
Involved Officer #2:	Roberson, Divale, star #16993, employee ID# [REDACTED], Date of Appointment: October 31, 2016, Police Officer, Unit of Assignment: 005, DOB: [REDACTED], 1990, gender: Male, Race: Black
Involved Individual #1:	[REDACTED], [REDACTED], 1994, gender: Female, Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Martin, Kenhasa	1. It is alleged that on March 5, 2020 at approximately 10:00am in the vicinity of 4 E. 111 th St. you stopped the vehicle of [REDACTED] without justification.	Exonerated
Officer Roberson, Divale	1. It is alleged that on March 5, 2020 at approximately 10:00am in the vicinity of 4 E.	Exonerated

	111 th St. you stopped the vehicle of [REDACTED] without justification.	
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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 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.

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 (d); Registration Plates¹
2. 625 ILCS 5/12-603.1; Driver and Passenger required to use safety belts²

V. INVESTIGATION

a. Interviews

In an interview with COPA³ on March 5, 2020, [REDACTED] related that on March 5, 2020, at approximately 10:00 AM, she was stopped by Chicago Police Officers Martin and Roberson, for an alleged traffic violation, in the vicinity of 4 E 111th Street. [REDACTED] alleges that she was stopped without justification and when officers approached her vehicle, they immediately asked the passenger, [REDACTED], if his seatbelt worked properly. The

¹ Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible..

² Each driver and passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt.

³ Attachment #2, Audio Interview of [REDACTED]

officers asked Ms. [REDACTED] to produce a driver license and insurance. [REDACTED] stated, in her interview she told the officers, “the screws for my license plate, I don’t have them so they aren’t in the back or the front so I have them in the windows, but you can see them.”⁴

b. Digital Evidence

The Body Worn Camera (BWC) footage of Accused Officer Martin’s camera⁵

The BWC video shows Officer Martin as he exits his patrol vehicle from the passenger side. Officer Martin’s camera captures that there is no license plate affixed to the rear of the stopped vehicle⁶ Officer Roberson asks the driver, now known as [REDACTED], “Do you have license and insurance?”⁷ He then asks the passenger, now known as [REDACTED], “Do you have an ID?”⁸, which Mr. [REDACTED] responds, “Why do you need my ID?”⁹ Officer Roberson responds “Because you’re not wearing your seatbelt.”¹⁰ While [REDACTED] is gathering her information, Mr. [REDACTED] asks, “y’all got probable cause to be pulling us over?”¹¹ Officer Martin responds “Yes, we actually do.”¹² Mr. [REDACTED] says “I just took my seatbelt off.”¹³

Officer Martin then comments, “You all don’t have either one of your license plates affixed to the car.”¹⁴ Mr. [REDACTED] responds “We got license plates on the car. They always told us as long as they are visible.”¹⁵ Officer Martin then explains “I can’t see your back-license plate. I can’t read your back-license plate, I can’t read not one number on there from that car.”¹⁶

Mr. [REDACTED] comments “This is crazy as hell, give them your damn ID so they can run that shit, I’m tired of that shit”¹⁷

Officers Roberson and Martin return to their patrol vehicle. They run the information provided by the occupants and have a discussion about what was observed. Officer Roberson said to Officer Martin, “He wasn’t wearing his seatbelt I was looking directly into the car.”¹⁸ “Officer Martin responds “I was looking at his shoulders. He had his head all the way down like he was looking into his phone.”¹⁹ After verifying that the driver and passenger are clear and, neither had active warrants, the officers return to [REDACTED]’s car.

⁴ Attachment # 2, Id at 17:29

⁵ Attachment # 3

⁶ Attachment #3, Id at 9:53:11

⁷ Attachment #3, Id at 9:53:30

⁸ Attachment # 3, Id at 9:53:31

⁹ Attachment # 3, Id at 9:53:33

¹⁰ Attachment # 3, Id at 9:53:34

¹¹ Attachment # 3, Id at 9:53:44

¹² Attachment # 3, Id at 9:53:46

¹³ Attachment # 3, Id at 9:53:50

¹⁴ Attachment # 3, Id at 9:54:01

¹⁵ Attachment # 3, Id at 9:54:02

¹⁶ Attachment # 3, Id at 9:54:05

¹⁷ Attachment # 3, Id at 9:54:40

¹⁸ Attachment # 3, Id at 9:55:11

¹⁹ Attachment # 3, Id at 9:55:26

Officer Martin approaches from the passenger side, Officer Roberson approaches the driver side. There is a conversation between [REDACTED] and Officer Roberson. Officer Roberson stated “We’re trying to give you a break, but if you all want to go back and forth then we will just issue tickets.”²⁰ Mr. [REDACTED] responds “How is y’all giving me a break?”²¹ Officer Roberson responds “Bro just be honest, you wasn’t wearing your seatbelt, it’s not a big deal.”²² Mr. [REDACTED] raises his voice level and responds “You right, it’s not a big deal, but y’all like literally pulling us over wanting to make extra stuff like we ain’t got insurance and all this other stuff.” Officer Martin advises Officer Roberson that he is going to write the citations.

Both Officers, Martin and Roberson again return to their patrol vehicle. While inside the patrol vehicle, Officers discuss what citations should be issued. Officer Martin issued citations TU-250-310 for Failure to wear seatbelt, passenger²³ and TU-250-311 for failure to have license plate affixed to vehicle.²⁴

Officers return to [REDACTED]’s car and Officer Roberson provides the driver with the citations, an explanation of what they are and the court date assigned. Officers return to their patrol vehicle and [REDACTED] leaves in her vehicle without further incident.

The Body Worn Camera (BWC) footage of Accused Officer Roberson’s camera²⁵

The BWC video shows Officer Roberson as he exits his patrol vehicle from the driver side and approaches the driver side of the stopped vehicle. Officer Roberson speaks with the [REDACTED] stating, “Hi, how you doing, are you doing ok?”²⁶ He asks the passenger, [REDACTED], “Does your seatbelt work?”²⁷ Mr. [REDACTED] does not give a response. Officer Roberson then asks [REDACTED], “Do you have license and insurance?”²⁸ He also asks [REDACTED], “Do you have an ID?”²⁹, which Mr. [REDACTED] responds, “Why do you need my ID?”³⁰ Officer Roberson states “Because you’re not wearing your seatbelt.”³¹ While [REDACTED] is gathering her information, Mr. [REDACTED] asks, “y’all got probable cause to be pulling us over?”³² Officer Roberson responds “You don’t have your seatbelt on. That’s why we stopped you.”³³ Mr. [REDACTED] says, “I just took my seatbelt off.”³⁴

²⁰ Attachment # 3, Id at 9:57:38

²¹ Attachment # 3, Id at 9:57:41

²² Attachment # 3, Id at 9:57:44

²³ Attachment # 3

²⁴ Attachment # 3

²⁵ Attachment # 4

²⁶ Attachment # 4, Id at 9:53:15

²⁷ Attachment # 4, Id at 9:53:23

²⁸ Attachment 4, Id at 9:53:28

²⁹ Attachment # 4, Id at 9:53:32

³⁰ Attachment # 4, Id at 9:53:34

³¹ Attachment # 4, Id at 9:53:35

³² Attachment # 4, Id at 9:53:44

³³ Attachment # 4, Id at 9:53:46

³⁴ Attachment # 4, Id at 9:53:48

Officer Roberson responds “We drove on the side of you. I looked in the car you didn’t have your seatbelt on. I’m not going to go back forth about it.”³⁵

Officer Martin comments, “You all don’t have either one of your license plates affixed to the car.”³⁶ Mr. ██████ responds “We got license plates on the car, they always told us as long as they are visible.”³⁷ Officer Martin then explains “I can’t see your back-license plate. I can’t read your back-license plate. I can’t read not one number on there from that car.”³⁸

Mr. ██████ comments “This is crazy as hell. Give them your damn ID so they can run that shit. I’m tired of that shit”³⁹

Officers Roberson and Martin return to their patrol vehicle. They run the information provided by the occupants and have a discussion about what they observed. Officer Roberson said to Officer Martin, “He wasn’t wearing his seatbelt I was looking directly into the car.”⁴⁰ “Officer Martin responds “I was looking at his shoulders, he had his head all the way down like he was looking into his phone.”⁴¹ After verifying that the driver and passenger are clear, no active warrants, or anything. Officers return to the vehicle of ██████.

Officer Martin approaches from the passenger side, Officer Roberson approaches the driver side. Officer Roberson asks Mr. ██████ again, “So your seatbelt does work correct?”⁴² Officer Roberson tells him “We’re trying to give you a break, but if you all want to go back and forth, then we will just issue tickets.”⁴³ Mr. ██████ interject and responds “How is yall giving me a break?”⁴⁴ Officer Roberson responds “Bro just be honest, you wasn’t wearing your seatbelt, it’s not a big deal.”⁴⁵ Mr. ██████ raises his voice and responds “You right, it’s not a big deal, but y’all like literally pulling us over wanting to make extra stuff like we ain’t got insurance and all this other stuff.” Officer Martin advises Officer Roberson that he is going to write the citations.

The Officers return to their patrol vehicle again. While inside the patrol vehicle, Officers discuss what citations should be issued. Officer Martin issued citations TU-250-310 for Failure to wear seatbelt, passenger⁴⁶ and TU-250-311 for failure to have license plate affixed to vehicle.⁴⁷

Officers return to the vehicle of ██████, Officer Roberson provides the driver with the citations, an explanation of what they are, and the court date assigned. Officers return to their patrol vehicle; ██████ leave in her vehicle without further incident.

³⁵ Attachment # 4, Id at 9:53:50

³⁶ Attachment # 4, Id at 9:54:01

³⁷ Attachment # 4, Id at 9:54:02

³⁸ Attachment # 4, Id at 9:54:05

³⁹ Attachment # 4, Id at 9:54:40

⁴⁰ Attachment # 4, Id at 9:55:13

⁴¹ Attachment # 4, Id at 9:55:24

⁴² Attachment # 4, Id at 9:57:31

⁴³ Attachment # 4, Id at 9:57:38

⁴⁴ Attachment # 4, Id at 9:57:40

⁴⁵ Attachment # 4, Id at 9:57:44

⁴⁶ Attachment # 4

⁴⁷ Attachment # 4

c. Documentary Evidence

Assignment and Attendance Records⁴⁸ showing that beat 613 and vehicle 9323 were assigned to Officer Mohammad on November 20, 2019.

Traffic Citation [REDACTED]⁴⁹ issued for failure to wear seatbelt (p), **Traffic Citation #** [REDACTED]⁵⁰ issued for license plates improperly affixed to vehicle, both issued to [REDACTED] on March 5, 2020 by Officer Martin.

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 Martin and Roberson, that they stopped the vehicle of [REDACTED] without justification.

⁴⁸ Attachment # 7

⁴⁹ Attachment #12

⁵⁰ Attachment #12

625 ILCS 5/12-603.1 dictates, each driver and passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt. In this case, Officer Roberson observed the passenger, Mr. [REDACTED], not wearing a seatbelt in accordance with the Illinois Compiled Statute Laws, thus providing justification to initiate a traffic stop and further justification to issue a traffic citation.

The body worn camera of Officer Martin supports this allegation as it shows Mr. [REDACTED] was not wearing a seatbelt when officers approached the vehicle. Mr. [REDACTED]'s attempt to rebut the officers claim, in that he removed the seatbelt upon the traffic stop, fails. There is no evidence to support this claim. In fact, when questioned by Officer Roberson if his seatbelt works, Mr. [REDACTED] was unable to identify the location of the seatbelt; Furthermore, at the time of the stop the driver, [REDACTED] still had her seatbelt attached.

Based on the foregoing, Officers Martin and Roberson were within CPD policy to perform a traffic stop. 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 Martin, Kenhasa	1. It is alleged that on March 5, 2020 at approximately 10:00am in the vicinity of 4 E. 111th St. you stopped the vehicle of [REDACTED] without justification.	Exonerated
Officer Roberson, Divale	1. It is alleged that on March 5, 2020 at approximately 10:00am in the vicinity of 4 E. 111th St. you stopped the vehicle of [REDACTED] without justification.	Exonerated

Approved:

[REDACTED]

2-25-21

Angela Hearts - Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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