

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	February 15, 2020, 9:50 p.m., 1949 W. Lake St.
Date/Time of COPA Notification:	March 04, 2020, 3:37 p.m.
Involved Officer #1:	Jonathan Carroll, Star #13397, Employee ID # [REDACTED], Date of Appointment February 16, 2017, Police Officer, Unit of Assignment 012, DOB [REDACTED], 1982, Male, White
Involved Officer #2:	Gerald Kush, Star #18956, Employee ID # [REDACTED], Date of Appointment February 6, 1995, Police Officer, Unit of Assignment 012, DOB [REDACTED] 1967, Male, White
Involved Individual #1:	[REDACTED] [REDACTED] [REDACTED], 1965, Male, Black

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Jonathon Carroll	It is alleged by [REDACTED] [REDACTED] that on or about February 15, 2020 at approximately 9:50 p.m. at or near 1949 W. Lake Street, Officer Jonathon Carroll Star No.: 13397, committed misconduct through the following acts or omissions, by:  1. Conducting a traffic stop without justification.	<b>EXONERATED</b>
Officer Gerald Kush	It is alleged by [REDACTED] [REDACTED] that on or about February 15, 2020 at approximately 9:50 p.m., at or near 1949 W. Lake Street, Officer Gerald Kush Star No.: 18956, committed misconduct through the following acts or omissions, by:  1. Conducting a traffic stop without justification.	<b>EXONERATED</b>

## II. SUMMARY OF EVIDENCE

On February 15, 2020 at approximately 9:50 p.m., Officer Jonathon Carroll and his partner Officer Gerald Kush conducted a traffic stop<sup>1</sup> at or near 1949 W. Lake Street. The officers activated their emergency lights, curbed the vehicle, and informed the driver, ██████ ██████ that he was driving in the bike lane. In his statement to COPA, ██████ denied<sup>2</sup> that he was driving in the bike lane, thereby not violating the traffic law<sup>3</sup>. ██████ stated he believed he was targeted because of the type of car<sup>4</sup> he was driving and the high crime area where he was stopped.

Body worn camera (BWC) videos from Officer Carroll and Officer Kush captured their interaction with ██████. Officers Carroll and Kush explained they were observing ██████ as he was driving in the restricted lane. Officer Carroll<sup>5</sup> stated he observed ██████ turn onto Lake Street and drive an entire block in the bike lane. Officer Kush<sup>6</sup> stated he observed ██████ car traveling in the bike lane for at least two blocks. Sergeant Morales<sup>7</sup> arrived at the scene and spoke with ██████ regarding the traffic stop. BWC video footage captured the officers stating to each other in their vehicle and to Sergeant Morales that they observed the vehicle driving in the restricted bike lane.

Officer Carroll's BWC captured ██████ stating to Officer Carroll, "I didn't see the bike lane. I don't have a problem, if you're right, you're right." ██████ further stated that he was unfamiliar with the neighborhood and was confused when driving through a roundabout located at a nearby intersection. ██████ did not refute the officers' assertion that he was driving in the bike lane. Officer Kush pointed out the clearly marked white line on the street as the bike lane. The street markings are captured in the officers' video footage. ██████ also stated on video that he didn't have a problem with the officers' assertion and complied with the officers' request for his license and insurance information. Thereafter, BWC captured officers discussing writing citations for driving in the bike lane. ██████ stated in his interview with COPA<sup>8</sup> that he received only one ticket.

██████ recorded a part of the interaction on his mobile phone.<sup>9</sup> However, it does not capture part of the discussion involving the bike lane driving violation. The Facebook audio recording includes ██████ denial of smoking or having cannabis in his vehicle and his denial of having a gun in his possession.

## III. ANALYSIS AND CONCLUSION

The complainant alleged that the officers conducted a traffic stop without proper justification. After examining the available BWC videos, the audio recording and the

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<sup>1</sup> Citation No. TU101641 as recorded during interview with COPA.

<sup>2</sup> Attachment #7 - COPA Interview.

<sup>3</sup> MCC 9-40-060 Drive/park vehicle on bicycle lane/path, marked shared lane.

<sup>4</sup> Attachment #9 - Photo of ██████ vehicle.

<sup>5</sup> Attachment #5 – BWC video of Officer Carroll

<sup>6</sup> Attachment #6 – BWC video of Officer Kush

<sup>7</sup> Attachment #4 - BWC video of Sergeant Morales

<sup>8</sup> Attachment #7 - COPA Interview.

<sup>9</sup> Attachment #11 – Block party.m4a

complainant’s interview, COPA has determined by clear and convincing evidence that the traffic stop occurred, and it was lawful and proper.

The designated bike lane and the law are devised to enhance safety and facilitate access for bike traffic. While the BWC does not capture the traffic violation as it occurred, the conversations between [REDACTED] the officers and Sergeant Morales were recorded. Both officers explained to [REDACTED] that he was observed breaking the traffic law as he drove in the bike lane. [REDACTED] did not refute the officers claim that he was driving in the bike lane while they were on scene and being recorded on BWC.

After careful consideration of all the facts, COPA finds that it is highly and substantially more probable to be true than not that [REDACTED] was driving in the bike lane and violated traffic law. Accordingly, COPA finds that the traffic stop was not unjustified and this allegation is **EXONERATED**.

Approved:

[REDACTED]

Matthew Haynam  
*Director of Investigations*

*10/30/2020*

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	14
<b>Investigator:</b>	Emmily Stokes
<b>Supervising Investigator:</b>	Jessica Ciacco
<b>Director of Investigations:</b>	Matthew Haynam