

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 6, 2020 / 9:30 PM / 199 W 108 th Street
Date/Time of COPA Notification:	November 6, 2020 / 11:39 PM
Involved Officer #1:	Fidel Legorreta, Star# 5902, Employee# [REDACTED], DOA: September 27, 2018, PO, Unit of Assignment: 007, DOB: [REDACTED], 1995, Male, Hispanic
Involved Officer #2	Carlos Marquina, Star# 7743, Employee# [REDACTED], DOA: August 27, 2018, PO, Unit of Assignment: 014, Age: 25, Male, Hispanic
Involved Officer #3	Ashton Mclean-Hall, Star#7370, Employee# [REDACTED], DOA: August 16, 2017, PO, Unit of Assignment: 019, DOB: [REDACTED], 1985, Male, White
Involved Individual #1:	[REDACTED] [REDACTED], 1999, Male, Black
Involved Individual #2:	[REDACTED], 2002, Male, Black
Case Type:	Improper Search / Detention

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Fidel Legoretta	It is alleged that on November 6, 2020, at approximately 9:30 pm, at or near 199 W. 108th St., Officer Legoretta:	
	1. Conducted a traffic investigation without justification.	Exonerated
	2. Detained [REDACTED] without justification.	Exonerated
	3. Searched [REDACTED] vehicle without justification.	Exonerated
	4. Took [REDACTED] wallet without returning it.	Exonerated
	5. Racially profiled [REDACTED]	Unfounded

Officer Carlos Marquina	<p>It is alleged that on November 6, 2020, at approximately 9:30 pm, at or near 199 W. 108th St., Officer Marquina:</p> <ol style="list-style-type: none"> 1. Conducted a traffic investigation without justification. 2. Detained [REDACTED] without justification. 3. Searched [REDACTED] vehicle without justification. 4. Took [REDACTED] wallet without returning it. 5. Racially profiled [REDACTED] 	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>
Officer Ashton McLean-Hall	<p>It is alleged that on November 6, 2020, at approximately 9:30 pm, at or near 199 W. 108th St., Officer Mclean-Hall:</p> <ol style="list-style-type: none"> 1. Conducted a traffic investigation without justification. 2. Detained [REDACTED] without justification. 3. Searched [REDACTED] vehicle without justification. 4. Took [REDACTED] wallet without returning it. 5. Racially profiled [REDACTED] 	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>

II. SUMMARY OF EVIDENCE¹

COPA received this complaint on November 6, 2020 and conducted a recorded telephone interview with [REDACTED] on November 10, 2020. The complainant, [REDACTED] alleges that the police initiated a traffic stop by racially profiling him, then searched him and his vehicle without justification. He also alleges that after the traffic stop was completed, officers failed to return his wallet.

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

COPA obtained and reviewed all available media and documentary evidence. Officer Legoretta's BWC² from this incident shows the accused officers initiating a traffic stop on [REDACTED]. Officer Legoretta tells [REDACTED] to roll his windows down because of the excessive tint and asks [REDACTED] for his driver's license and insurance to which [REDACTED] questions the officers for stopping him. Officer Legoretta explains that his vehicle was parked too far from the curb and could potentially block traffic flow³. Officer Legoretta also explains that [REDACTED] reverse lights are out. Officer Legoretta asks multiple times for [REDACTED] license and insurance, but [REDACTED] continues to question the legitimacy of the stop. [REDACTED] is then asked to exit the vehicle to which he again questions the officers rather than complying. [REDACTED] and [REDACTED] (passenger) were then both detained in handcuffs without force while officers searched the vehicle. Officer Legoretta's BWC shows [REDACTED] saying his license and insurance are in his wallet and to go check. During the search of the vehicle Officer Legoretta picks up the wallet but places it back on the driver's seat where [REDACTED] was previously sitting. The "search" of both [REDACTED] and [REDACTED] appeared to be a pat down rather than an extensive or invasive search. [REDACTED] was issued several tickets and ISRs for both [REDACTED] and [REDACTED] were generated.

There is BWC⁴ of the event from Sgt. Krueger on scene that shows him collecting [REDACTED] complaint information and speaking with the accused officers on scene. Sgt. Krueger questions the officers regarding [REDACTED] wallet and has them check their patrol vehicle and uniform pockets to ensure they are not in possession of the wallet. Officers appear to check their BWC and tell Sgt. Krueger that the BWC shows the wallet being placed back in the front seat.

III. ANALYSIS AND CONCLUSION

This incident is well documented from BWC entries to the ISRs⁵ for both [REDACTED] and [REDACTED]. BWC shows officers explain the reason for the stop and [REDACTED] not complying with officer requests for his license and insurance. Furthermore, the ISRs generated detail open alcohol and suspected cannabis observed in the vehicle giving the officers further justification in detaining both men and searching the vehicle for more possible narcotics. BWC of Officer Legoretta confirms [REDACTED] wallet was placed back in his front driver's seat after picking it up briefly. COPA finds **all three officers exonerated of allegations 1-4**

There were no comments heard in any BWC⁶ entries to suggest racial profiling was the reason for the stop. As mentioned before, all justification for the stop were detailed in ISRs and BWC. For **allegation 5**, COPA finds the allegation to be **unfounded** for **all three officers**.

² Att. 15

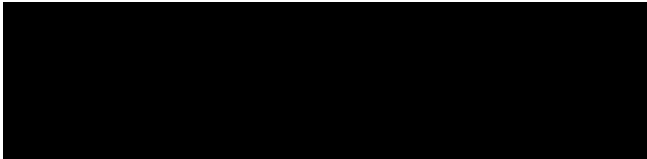
³ BWC confirms the vehicle appears to be parked in excess of 12" from the curb in violation of 625 ILCS 5/11-1304.

⁴ Att. 12 and 13

⁵ Att. 10 and 11

⁶ Att. 5, 12,13,14,15,16, 17

Approved:



10-24-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	16
Investigator:	Kyle Caldwell
Supervising Investigator:	Deborah Talbert
Deputy Chief Administrator:	Angela Hearts-Glass