

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 7, 2017/12:00 P.M./ [REDACTED] [REDACTED], IL 60653.
Date/Time of COPA Notification:	November 9, 2017/ 12:31 P.M.
Involved Officer #1:	Raymundo Herrera, Star # 9994, Employee ID# [REDACTED], Date of Appointment: 10/17/2011, PO, Unit of Assignment: 002, DOB: [REDACTED]1983, Male, White.
Involved Officer #2:	Javed Ali, Star # 8411, Employee ID# [REDACTED] Date of Appointment: 11/27/2006, PO, Unit of Assignment: 002, DOB: [REDACTED]1983, Male, Asian or Pacific Islander.
Involved Officer #3:	Tysean Davis, Star #18224, Employee ID# [REDACTED], Date of Appointment: 4/01/2013, PO, Unit of Assignment: 189, DOB: [REDACTED]1987, Male, Black.
Involved Individual #1:	[REDACTED], DOB: [REDACTED]1990, Male, Black.
Case Type:	Traffic Stop.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Raymundo Herrera	It is alleged by [REDACTED] that on or about November 7, 2017, at approximately 12:00 P.M at or near [REDACTED] Chicago, IL 60653. Officer Herrera committed misconduct in that he;	
	1.Stopped the complainant’s vehicle without justification.	<b>Exonerated.</b>
	2.Searched the complainant’s vehicle without justification.	<b>Exonerated.</b>

Officer Javed Ali	<p>It is alleged by [REDACTED] [REDACTED] that on or about November 7, 2017, at approximately 12:00 P.M at or near [REDACTED] Chicago, IL 60653. Officer Ali committed misconduct in that he;</p> <p>1.Stopped the complainant’s vehicle without justification.</p>	<b>Exonerated.</b>
Officer Tysean Davis	<p>It is alleged by [REDACTED] [REDACTED] that on or about November 7, 2017, at approximately 12:00 P.M at or near [REDACTED] Chicago, IL 60653. Officer Ali committed misconduct in that he;</p> <p>1.Stopped the complainant’s vehicle without justification.</p> <p>2.Searched the complainant’s vehicle without justification.</p>	<b>Exonerated.</b>
		<b>Exonerated.</b>

**II. SUMMARY OF EVIDENCE**

On November 7, 2017, Officers Herrera, Ali, and Davis were conducting routine patrol in beat 261D. As the above officers approached [REDACTED], a vehicle was observed travelling westbound, not utilizing the turn signal. They initiated a traffic stop of the vehicle, which was being driven by the Complainant, [REDACTED] (“[REDACTED]”). [REDACTED] was asked for his license and insurance, which he did not provide. He was subsequently placed into custody for a Traffic Violation Bond (TVB). Through the custodial search of [REDACTED], the officers found a green tinted zip lock bag containing a white rocklike substance, which was suspected to be crack cocaine. [REDACTED] was also in possession of a white pill, suspected to be oxycodone.<sup>1</sup> [REDACTED]’s vehicle was also searched. Through a LEADS check, it was found [REDACTED]’s driver’s license had expired. He was transported to 2nd District for processing. The traffic stop was recorded on Body Worn Camera (BWC).

The **Complainant**, [REDACTED],<sup>2</sup> gave COPA an audio recorded interview on November 16, 2017. In the interview he related he drove out of the alley to go to work and turned right, at that moment he was pulled over by a CPD vehicle. Officer Ali came to his driver’s side window and said that he did not use his turn signal. He asked him to step out of the vehicle, which he complied; handcuffs were placed on him. The other two officers search his vehicle. Officer Ali searched his person and found a pill, which [REDACTED] says it is for his tooth. Officer Ali continued to search him and found a bag of crack cocaine on him, which he states is his crack.<sup>3</sup> He was arrested. When he went to get his vehicle out of the lot, it was a mess. Everything from the trunk was in

<sup>1</sup> Attachment # 4.

<sup>2</sup> Attachment #26.

<sup>3</sup> Attachment # 26 at 6:00.

the back seat and the air vent was pushed in. He really wanted to figure out how to get money back from his car being a mess when he picked it up.

It should be noted at the end of his interview, when another COPA Investigator was asking him questions, he added, last minute, that a bag with a laptop and some clothes were missing. The BWC shows the bag with the laptop in the backseat, which was left inside the vehicle. The clothes were inside his trunk and were also left inside the vehicle. [REDACTED] states those things were missing, but there is no documentation that those things were missing when [REDACTED] picked the vehicle up.

The **Body Worn Cameras**<sup>4</sup> of Officer Herrera, Officer Ali, and Officer Davis all depict the following: They conduct a stop of a vehicle and walk towards the vehicle and ask the driver for license. They tell the driver the reason for the stop, that he did not use his turn signal and almost ran a stop sign. The male, in the driver seat, now known as [REDACTED], did not give his license. They tell him to get out of the vehicle, which he does. The officers conduct a pat down and find a baggie with a white substance and a white pill. Officers Herrera and Davis search the vehicle. while [REDACTED] is in placed in handcuffs and asks for a cigarette, which Officer Ali gives him. Assisting officers arrive and [REDACTED] and an assisting officer walk to a Chicago Police Department (CPD) vehicle.

There is no **In Car Camera** for this incident since the CPD vehicle is unmarked.<sup>5</sup>

The **Arrest Report**,<sup>6</sup> **Case Report**,<sup>7</sup> **Investigatory Stop Report (ISR)**,<sup>8</sup> and the **Vehicle Impoundment/Seizure Report**<sup>9</sup>; all describe the events of the traffic stop that occurred on November 7, 2017, which were explained in the above paragraphs.

### III. 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.

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<sup>4</sup> Attachment #22, the CD of BWC.

<sup>5</sup> Attachment #23.

<sup>6</sup> Attachment #4.

<sup>7</sup> Attachment #5.

<sup>8</sup> Attachment #27.

<sup>9</sup> Attachment #18.

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.

**IV. ANALYSIS**

*1. The Officers’ stopped the complainant’s vehicle without justification.*

Officers Ali, Herrera and Davis stopped the vehicle due to [REDACTED] not utilizing his turn signal. In Illinois it is lawful for a police officer to initiate a traffic stop for multiple reasons and one is not turning on a turn signal before turning, “In a business or residential area you must give a continuous turn signal for at least 100 feet before turning. In other areas, the signal must be given at least 200 feet before turning.”<sup>10</sup> The Officers were within Department Rules and Regulations since the stop was lawful, which leads the allegation that the Officers’ stopped the complainant without justification is **EXONERATED**.

*2. The Officers’ searched the complainant’s vehicle without justification.*

Officers Ali, Herrera and Davis conducted a pat down of [REDACTED]. A baggie that contained a white substance, suspected to be crack cocaine and a white pill that was suspected to be oxycodone, were found from the pat down. Both are illegal substances. As a result of finding suspected illegal drugs on [REDACTED], he was arrested. Therefore, the officers are authorized to search the vehicle, incident to arrest. The search of the vehicle that was performed by Officer Ali and Officer Herrera is within Department Rules and Regulations. Thus, the allegation that Officers Ali and Herrera searched the vehicle without justification is **EXONERATED**.

**V. CONCLUSION**

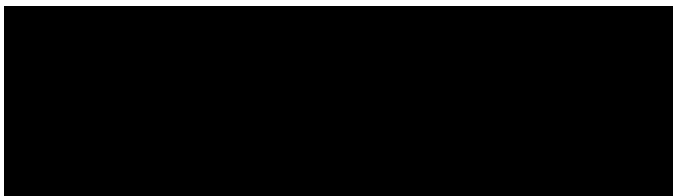
Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Raymundo Herrera	It is alleged by [REDACTED] that on or about November 7, 2017, at approximately 12:00 P.M at	

<sup>10</sup> Illinois Rules of the Road, Signaling.

	<p>or near ██████████ Chicago, IL 60653. Officer Herrera committed misconduct in that he;</p> <p>1.Stopped the complainant’s vehicle without justification.</p> <p>2.Searched the complainant’s vehicle without justification.</p>	<p><b>Exonerated.</b></p> <p><b>Exonerated.</b></p>
<p>Officer Javed Ali</p>	<p>It is alleged by ██████████ that on or about November 7, 2017, at approximately 12:00 P.M at or near ██████████ Chicago, IL 60653. Officer Ali committed misconduct in that he;</p> <p>1.Stopped the complainant’s vehicle without justification.</p>	<p><b>Exonerated.</b></p>
<p>Officer Tysean Davis</p>	<p>It is alleged by ██████████ that on or about November 7, 2017, at approximately 12:00 P.M at or near ██████████ Chicago, IL 60653. Officer Ali committed misconduct in that he;</p> <p>1.Stopped the complainant’s vehicle without justification.</p> <p>2.Searched the complainant’s vehicle without justification.</p>	<p><b>Exonerated.</b></p> <p><b>Exonerated.</b></p>

Approved:



10-29-2021

\_\_\_\_\_  
 Angela Hearts-Glass  
 Deputy Chief Investigator

\_\_\_\_\_  
 Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	12
<b>Investigator:</b>	Madilyn Kohs
<b>Supervising Investigator:</b>	Andrew Dalkin
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass