

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 28, 2019
Time of Incident:	7:15 pm
Location of Incident:	59 N. Cicero Avenue
Date of COPA Notification:	August 8, 2019
Time of COPA Notification:	9:23 am

On the date of the incident, Officers Matthew Sanchez and Juan Perez (collectively “the Officers”) conducted a traffic stop on a vehicle for failing to use a turn signal. The vehicle was driven by [REDACTED] and occupied by two passengers; [REDACTED] was the front seat passenger and [REDACTED] was the rear seat passenger (collectively “the Occupants”). After stopping the vehicle, the Officers detained the Occupants in handcuffs. Officer Sanchez conducted a protective pat-down of [REDACTED] and searched the vehicle, recovering suspect narcotics from the glove compartment. The Officers arrested [REDACTED] for the suspect narcotics and impounded the vehicle.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Matthew Sanchez, Star# 10159, Employee ID# [REDACTED], DOA: April 28, 2014, Unit: 015/189, Male, Hispanic.
Involved Officer #2:	Officer Juan Perez, Star# 19056, Employee ID# [REDACTED], DOA: November 24, 2014, Unit: 015/214, Male, Hispanic.
Involved Individual #1:	[REDACTED] Female, Hispanic.
Involved Individual #2:	[REDACTED] Male, Black.
Involved Individual #3:	[REDACTED] Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Matthew Sanchez	1. Handcuffing [REDACTED] and/or [REDACTED] without justification.	Exonerated.
	2. Failing to provide your badge number upon request.	Not Sustained.

	3. Searching [REDACTED] vehicle without justification.	Not Sustained.
	4. Searching [REDACTED] trunk without justification.	Exonerated.
	5. Stopping [REDACTED] vehicle without justification.	Not Sustained.
	6. Conducted a pat-down search of [REDACTED] [REDACTED] without justification.	Exonerated.
Officer Juan Perez	1. Handcuffing [REDACTED] [REDACTED] without justification.	Exonerated.
	2. Failing to provide your badge number upon request.	Exonerated.
	3. Stopping [REDACTED] vehicle without justification.	Not Sustained.
	4. Searching [REDACTED] [REDACTED] without justification.	Exonerated.

IV. INVESTIGATION¹

a. Interviews

[REDACTED] was interviewed by COPA on August 9, 2019.² [REDACTED] relayed that she was coming from Burbank pool driving north on N. Cicero Avenue when she observed the Officers driving an unmarked vehicle. The Officers stopped [REDACTED] and asked her for her driver’s license. The Officers then asked [REDACTED] and her two male passengers to exit the vehicle. [REDACTED] was the front seat passenger and [REDACTED] was the back seat passenger. The Officers handcuffed [REDACTED] and [REDACTED] to each other, and handcuffed [REDACTED] individually. Once detained, [REDACTED] asked Officer Perez why they were stopped. Officer Perez informed [REDACTED] that [REDACTED] failed to use a turn signal.³ Officer Perez then asked [REDACTED] why there was a grinder in her vehicle. [REDACTED] told Officer Perez there was not a grinder in her vehicle, and she asked the officer to show her where the grinder was. Officer Sanchez then conducted a protective pat-down of [REDACTED] and searched the vehicle.

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. 18.

³ [REDACTED] denied this assertion and stated the officers were not even behind her vehicle.

During the search of [REDACTED] vehicle, the Officers located and recovered pills from inside the vehicle.⁴ The Officers then attempted to search [REDACTED] trunk, but [REDACTED] closed the trunk door. [REDACTED] told one of the officers that he could not go into her trunk; however, she was informed they were conducting an inventory search that allowed the trunk to be searched. At that point, Officer Yesenia Bucio arrived at the scene, pushed [REDACTED] against a wall, and searched her person.⁵

[REDACTED] added that, during the interaction, she, and [REDACTED] both requested the Officers' star numbers, but the numbers were never provided.⁶

Officers Matthew Sanchez⁷ and Juan Perez⁸ were interviewed by COPA on February 25, 2021. During their statements the Officers explained they were working in the 015th District when they performed a traffic stop for failing to use a turn signal. The Officers exited their vehicle and approached the stopped vehicle, observing three occupants inside. Officer Sanchez approached driver's side of the vehicle and Officer Perez approached the passenger's side. Officer Sanchez asked [REDACTED] for her license and insurance, and he asked [REDACTED] for his identification. [REDACTED] provided her identification and Officer Sanchez completed a LEADS inquiry via his radio. Simultaneously, as Officer Perez approached the passenger's side of the vehicle, he heard a click and saw [REDACTED] hand moving away from the glove compartment. Additionally, Officer Perez observed what he believed to be a grinder in the cup holder.

As Officer Sanchez returned to [REDACTED] door, Officer Perez informed him there was a cannabis grinder in the vehicle and the Occupants needed to exit the vehicle. The Occupants complied with the request and exited the vehicle. Officer Sanchez handcuffed [REDACTED] and [REDACTED] to each other,⁹ and Officer Perez handcuffed [REDACTED]¹⁰ Officer Sanchez then searched the vehicle for suspected narcotics. During the search Officer Perez directed Officer Sanchez to check the front seat passenger area, as he saw [REDACTED] moving around when he was inside the vehicle. Officer Sanchez searched the front passenger seat and recovered several pills of suspected Ecstasy from the glove compartment.

After locating the suspected Ecstasy, the Officers determined it belonged to [REDACTED] and that the vehicle would be impounded. The Officers arrested [REDACTED] and informed [REDACTED] that

⁴ [REDACTED] was unsure of the areas searched because she was positioned facing away vehicle.

⁵ Officer Bucio's BWC footage shows the pat-down of [REDACTED] and refutes that she was pushed against a wall. See Att. 29. Additionally, COPA's preliminary investigation revealed that [REDACTED] was searched after the suspected Ecstasy was recovered from her vehicle; since the law permits a search of occupants in a vehicle that contains narcotics, COPA determined an allegation related to the search of [REDACTED] was not warranted. See *People v. Zayed*, 2016 IL App (3rd) 140780 (2016).

⁶ During the statement [REDACTED] remarked about the damage to the vehicle when it was retrieved by her father from the impound lot. [REDACTED] explained that her father spoke to Department members who informed him the city would assist in repairing the damage. Based on this information, COPA determined there was no need to serve an allegation related to any possible damage that might have occurred when the vehicle was impounded.

⁷ Atts. 52 & 56.

⁸ Atts. 53 & 57.

⁹ Officer Sanchez explained he handcuffed [REDACTED] and [REDACTED] because there were more occupants than police officers.

¹⁰ Officer Perez explained he handcuffed [REDACTED] because there were more occupants in the vehicle than officers present, and he was also concerned [REDACTED] might have a weapon.

her vehicle was going to be impounded. The Officers completed a protective pat-down of [REDACTED] and [REDACTED] a custodial search of [REDACTED] and searched the trunk of the vehicle because it was being impounded.

Officer Sanchez denied hearing any request for his star number but explained that it would be listed on [REDACTED] arrest report. Officer Perez admitted to hearing the request for his star number and explained that he responded by pointing at his vest.

b. Digital Evidence

Body Worn Camera (BWC)¹¹ video begins with the Officers finishing an unrelated incident and then stopping [REDACTED] vehicle.¹² The Officers exit their unmarked vehicle and approach [REDACTED] vehicle. Officer Sanchez asks [REDACTED] for her license and insurance while inquiring if there are any narcotics or weapons in the vehicle. [REDACTED] provides Officer Sanchez her identification. As this is occurring, [REDACTED] asks Officer Sanchez why they were stopped. Officer Sanchez responds that [REDACTED] failed to use her turn signal when she turned. Simultaneously, Officer Perez informs OEMC of the traffic stop and approaches [REDACTED]

Officer Sanchez steps away from the vehicle and completes a name check of [REDACTED] via his radio. As Officer Sanchez returns to [REDACTED] window, Officer Perez signals to him that the Occupants need to exit, explaining that he observed a grinder inside the vehicle. Officer Perez then asks the Occupants if there is cannabis in the vehicle, and the Officers ask the Occupants to exit. The Occupants comply, and Officer Sanchez handcuffs [REDACTED] and [REDACTED] to each other while Officer Perez handcuffs [REDACTED] individually.

Once the Occupants are secured, Officer Perez asks who the owner of the grinder is. [REDACTED] tells Officer Perez that there is no grinder in the vehicle and asserts it is an ashtray. [REDACTED] then requests Officer Perez' star number, and Officer Perez responds, "You can have my badge number. It's right there."¹³ While Officer Perez remains with the Occupants, Officer Sanchez searches the vehicle. Officer Perez tells him to search under the front passenger seat, and Officer Sanchez moves to the passenger side of the vehicle and continues his search. Officer Sanchez searches the glove compartment and recovers suspected Ecstasy pills. Officer Sanchez stops searching and asks the Occupants who the narcotics belong to; however, no one responds. Officer Sanchez then performs a pat down of [REDACTED] and asks [REDACTED] if there are any more narcotics inside the vehicle. [REDACTED] tells the officer that she does not know what is in her vehicle.

Officer Sanchez returns to the vehicle and continues his search. He informs Officer Perez they are going to arrest [REDACTED] and impound the vehicle. Officer Sanchez searches the trunk while [REDACTED] objects. Officer Sanchez informs [REDACTED] he is conducting an inventory search

¹¹ Atts. 29, 30 and 44 to 47.

¹² Att. 47.

¹³ Att. 46 at 5:23 minutes. It is unknown if Officer Perez is pointing to his star when he makes this remark. However, as the interaction continues, [REDACTED] asks about the Marine Corps emblem on Officer Perez' vest, indicating he has an unobstructed view of Officer Perez' vest. Further, once Officer Perez makes his remark, [REDACTED] does not request star numbers again.

because her vehicle is being impounded. Simultaneously, Officer Perez completes a custodial search of [REDACTED]. As this occurs, Officer Buico arrives on scene, directs [REDACTED] to step towards the Department vehicle, and completes a protective pat-down of her person. The Officers then secure [REDACTED] in a Department vehicle for transport to the station while allowing [REDACTED] and [REDACTED] to retrieve their personal belongings from the vehicle.

c. Documentary Evidence

[REDACTED] **Arrest Report**,¹⁴ the **Original Case Report**,¹⁵ and the **Investigatory Stop Reports (ISRs)**¹⁶ document essentially the same information as the BWC footage and the statements of [REDACTED] and the Officers. Additionally, the ISRs detail that Investigatory Stop Receipts were offered to [REDACTED] and [REDACTED] but they both declined the receipts.

V. 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.¹⁷ 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. 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.”¹⁸

¹⁴ Att. 5.

¹⁵ Att. 7.

¹⁶ Atts. 49 to 51.

¹⁷ *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).

¹⁸ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

VI. ANALYSIS / CONCLUSION

a. Handcuffing Allegations

COPA makes a finding of **Exonerated** for Allegation #1 against Officers Sanchez and Perez. The Fourth Amendment protects people from unreasonable searches and seizures by the government. A person is seized when a police officer, “by means of physical force or show of authority, terminates or restrains [a person’s] freedom of movement through means intentionally applied.”¹⁹ The critical question is whether “the use of such restraints is reasonably necessary for safety under the specific facts of the case.”²⁰ Here, it is undisputed there were three occupants in the vehicle but only two officers. The Officers explained they handcuffed the Occupants because there were more subjects than officers present. COPA finds the Officers’ explanation related to safety credible, especially since the Officers were outnumbered. Therefore, the Officers’ decision to detain the Occupants in handcuffs was reasonable and proper.

b. Failing to Identify Allegations

COPA makes a finding of **Not Sustained** for Allegation #2 against Officer Sanchez and **Exonerated** for Allegation #2 against Officer Perez. Department members must correctly identify themselves by giving their name, rank, and star number upon request by other members of the Department or private citizens.²¹ Here, while Officer Sanchez searched [REDACTED] vehicle, [REDACTED] asked Officer Perez for the Officers’ star numbers. BWC footage depicts Officer [REDACTED] responding that it is visible on his vest.²² Further, the video captures a conversation between [REDACTED] and Officer Perez about another emblem located on his vest.²³ The applicable Rule does not specifically require officers to provide their information verbally, and COPA finds Officer Perez’s explanation that he provided his information by pointing it out to be credible. For these reasons, COPA finds that Officer Perez complied with the Rule.

Additionally, COPA notes that when [REDACTED] asked for the Officer’s star numbers, Officer Sanchez was searching [REDACTED] vehicle. While [REDACTED] can be heard on BWC asking for the Officers’ star numbers, it is unclear if Officer Sanchez heard the request. Officer Sanchez denied he heard it, stating he was occupied with the vehicle search. COPA lacks sufficient evidence to prove or disprove Officer Sanchez’s statement; therefore, it cannot determine if Officer Sanchez was obligated to provide his information to [REDACTED]

c. Traffic Stop Allegations

COPA makes a finding of **Not Sustained** for Allegation #5 against Officer Sanchez and Allegation #3 against Officer Perez. A lawful traffic stop requires “at least [an] articulable and

¹⁹ *Brendlin v. California*, 551 U.S. 249, 254 (2007).

²⁰ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2d Dist. 2009).

²¹ Rule 37 of the Rules and Regulations of the Chicago Police Department.

²² According to Officer Perez, he pointed to his name and badge number which were located on his vest.

²³ This comment supports a conclusion that [REDACTED] was able to clearly see the information displayed on Officer Perez’ vest, to include his name and star number.

reasonable suspicion that the particular person stopped is breaking the law.”²⁴ “Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member’s training and experience.”²⁵ Here, the Officers explained they stopped [REDACTED] vehicle because she failed to use a turn signal. However, [REDACTED] denied this assertion. The Officers were driving an unmarked vehicle when they stopped [REDACTED] vehicle, so there is no in-car-camera video to show whether [REDACTED] failed to use her turn signal. Since there is no video or other independent evidence that captures the alleged traffic violation, COPA lacks the ability to assess the credibility of the parties’ claims.

d. Searching Allegations

COPA makes a finding of **Not Sustained** for Allegation #3 against Officer Sanchez and **Exonerated** for Allegations #4 and 6 against Officer Sanchez and Allegation #4 against Officer Perez. Department members are permitted to search a vehicle prior to an arrest when: (1) there is probable cause to believe evidence of a crime is present;²⁶ (2) there is reasonable suspicion the vehicle contains a weapon that occupants can readily access;²⁷ or (3) consent is received. Additionally, when officers impound a vehicle, they are required to complete an inventory search of its contents.

Further, Department members may subject individuals who are lawfully detained to a limited search for weapons, known as a protective pat down, if the member “reasonably suspects that he or another is in danger of attack.”²⁸ Additionally, when an officer locates narcotics inside of a vehicle, they are permitted to search the occupants.²⁹ Finally, Department members “taking an individual into custody or accepting custody from other members [are] responsible for conducting a thorough search and ensuring that the persons are appropriately restrained to prevent escape or injury.”³⁰ The search Department members are required to complete is a custodial search, which is intended to keep contraband and weapons out of jail, preserve evidence, and protect officers.³¹

Here, there is no evidence that the Officers obtained consent from [REDACTED] prior to searching her vehicle, nor is there evidence the vehicle contained a weapon. Therefore, Officer Sanchez’ search of the vehicle’s passenger compartment must be based on probable cause. Officer Sanchez explained his probable cause to search [REDACTED] vehicle was that the Officers observed what they believed to be a cannabis grinder in the vehicle. However, [REDACTED] denied that there was a grinder in the vehicle and stated, to both the Officers during the traffic stop and later to COPA, that the suspected grinder was in fact an ashtray.³² COPA was unable to examine the

²⁴ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

²⁵ S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017, to present).

²⁶ *Maryland v. Dyson*, 527 U.S. 465 (1999).

²⁷ *Michigan v. Long*, 463 U.S. 1032 (1983).

²⁸ S04-13-09 IV(B).

²⁹ *People v. Zayed*, 2016 IL App (3rd) 140780 (2016).

³⁰ G06-01-02 IV(B), Restraining Arrestees (effective December 8, 2017, to present).

³¹ G06-01-02 IV(A) (citing *Chimel v. California*, 395 U.S. 752 (1969); *New York v. Belton*, 453 U.S. 454 (1981).)

³² In fact, [REDACTED] even requested the Officers examine the ashtray.

suspected grinder because it was not inventoried nor examined on BWC.³³ While the Officers both asserted there was a grinder in [REDACTED] vehicle, COPA is unable to determine if the mere presence of a grinder-like object, in of itself, established sufficient probable cause to search the vehicle. Therefore, the allegation related to the search of the vehicle’s passenger compartment is not sustained. However, after the Officers recovered the Ecstasy pills and determined the vehicle would be impounded, Department policy required them to complete an inventory search. Therefore, COPA finds the search of the vehicle’s trunk was reasonable and proper.

Regarding the search of the occupants, Officer Sanchez explained that he completed a protective pat-down of [REDACTED] due to officer safety, as there were more occupants in the vehicle than officers. He also wanted to make sure [REDACTED] was unarmed before allowing him to collect his belongings from the vehicle. Further, the pat-down occurred after Officer Sanchez located the suspected Ecstasy in the vehicle, so a search of the Occupants was permissible. For these reasons, COPA finds Officer Sanchez’ decision to conduct a pat-down of [REDACTED] was both reasonable and proper.

Finally, Officer Perez explained that he searched [REDACTED] after the Officers determined he was under arrest. Because Department policy requires members to conduct a custodial search upon a subject’s arrest, COPA finds that Officer Perez’ actions were also reasonable and proper.

Approved:

[REDACTED]

11/20/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

³³ Officer Sanchez explained he did not inventory the suspected grinder because he was already impounding [REDACTED] vehicle and he did not want to destroy any more ties to the community than they already had.

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Chenese Brown
Supervising Investigator:	Steffany Hreno / Garrett Schaaf
Deputy Chief Administrator:	Matthew Haynam