

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	October 04, 2020 / 1:05 p.m. / 2950 S. Federal St., Chicago, IL 60616.
Date/Time of COPA Notification:	Feb 8, 2021 / 1:34 p.m.
Involved Officer #1:	Officer Dillan Halley, Star #7341, Employee ID# [REDACTED], DOA: August 16, 2017, Unit: 001, Male, White.
Involved Officer #2:	Officer Christopher Moore, Star #7126, Employee ID# [REDACTED], DOA: April 16, 2018, Unit: 001, Male, White.
Involved Individual #1:	[REDACTED], DOB [REDACTED], 1994, Male, Black
Case Type:	Improper Detention

**I. ALLEGATIONS<sup>1</sup>**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officers Halley and Moore	1. Stopping [REDACTED], without justification.	Exonerated.
	2. Searching [REDACTED], without justification.	Exonerated.
Officer Halley	3. Forcefully removing [REDACTED] from his vehicle, without justification.	Exonerated.

**II. SUMMARY OF EVIDENCE**

On October 4, 2020, Officers Christopher Moore and Officer Dillan Halley (collectively “the Officers”), responded to reports of an armed black male with medium complexion occupying a gold Chevrolet Malibu.<sup>2</sup> As the Officers were responding they observed [REDACTED] driving a gold Chevrolet Malibu and initiated a traffic stop on the vehicle. As the Officers approached, they observed the vehicle to have dark tinted windows. Upon reaching the driver’s door, the Officers instructed [REDACTED] to roll the window down and [REDACTED] protested. The Officers instructed him to exit the vehicle, but [REDACTED] refused. The Officers opened the driver’s door while informing him that he needed to exit the vehicle. [REDACTED] continued to protest being ordered out of the vehicle. In response to his protests, Officer Halley grabbed [REDACTED]’ right wrist and escorted him from the vehicle. Once [REDACTED] was out of the vehicle, the Officers detained him in handcuffs, informed him the reason for being stopped, obtained his personal information, performed a protective pat down, and completed name check. After learning that [REDACTED] was not the party being sought, the Officers provided him with an Investigatory Stop Receipt and informed him he was free to leave.

<sup>1</sup> During his statement to COPA, [REDACTED] alleges that he requested a supervisor and that the Officers searched his vehicle; however, COPA’s preliminary investigation revealed that [REDACTED] never requested a supervisor and that his vehicle was not searched. Therefore, COPA determined that there was no need to address those specific allegations.

<sup>2</sup> Att. 3, pg. 2.

### III. ANALYSIS AND CONCLUSION

COPA finds that Allegations #1 and 2 against the Officers is **exonerated**. Department members may stop a vehicle when there is “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.”<sup>3</sup> “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.”<sup>4</sup> Additionally, Department members are permitted to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.<sup>5</sup> This detention is an Investigatory Stop. Further, a person who is lawfully detained can be subjected to a limited search – a protective pat down – for weapons if a Department member “reasonably suspects [. . .] danger of attack.”<sup>6</sup>

Here, the Officers were responding to reports of an individual occupying a gold Chevrolet Malibu. As the officers were responding, they observed a vehicle matching the description of the reported vehicle. Additionally, once the vehicle was stopped the officers discovered the driver, ██████, matched the physical description reported and requested him to exit the vehicle. Upon ██████’ refusal to exit the vehicle, Officer Halley escorted ██████ from the vehicle and detained him in handcuffs. Once ██████ was handcuffed a protective pat down was completed. Since ██████ matched the physical description of the armed male combined with his refusals roll down his window and to exit the vehicle, the Officers’ decision to detain ██████ in handcuffs and subject him to a protective pat down were permissible.

COPA finds that Allegation #3 against Officer Halley is **exonerated**. Department members are permitted to use force to overcome resistance. When members encounter a citizen who fails to comply with verbal or other direction, that citizen is a passive resister.<sup>7</sup> Members are permitted to respond to passive resistance with presence, verbal directions, holding and compliance techniques, control instrument, and deployment of oleoresin capsicum.<sup>8</sup>

Here, ██████’ refusal to exit his vehicle made him a passive resister. Officer Halley responded to ██████’ passive resistance, by grabbing ██████’ right wrist and escorting him from the vehicle. Officer Halley’s decision to escort ██████ from the vehicle after receiving ██████’ resistance combined with the reports of a male matching ██████’ physical description while occupying a vehicle matching the description of ██████’ vehicle was reasonable.

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

<sup>4</sup> S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017 to current).

<sup>5</sup> S04-13-09 II (A).

<sup>6</sup> S04-13-09 IV(B).

<sup>7</sup> G03-02-01 IV(B)(1), Response to Resistance and Force Options (effective April 15, 2021 to current).

<sup>8</sup> G03-02-01 IV(B)(1)(a-d).

Approved:



11/20/2021

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Matthew Haynam  
*Deputy Chief Administrator*

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Date

Appendix A

Assigned Investigative Staff

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