

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. ALLEGATIONS¹

Officer	Allegation	Finding
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.² 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.

¹ 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.

² 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.”³ “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.”⁴ 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.⁵ 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.”⁶

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.⁷ Members are permitted to respond to passive resistance with presence, verbal directions, holding and compliance techniques, control instrument, and deployment of oleoresin capsicum.⁸

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.

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

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

⁵ S04-13-09 II (A).

⁶ S04-13-09 IV(B).

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

⁸ G03-02-01 IV(B)(1)(a-d).

Approved:



11/20/2021

Matthew Haynam
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	14
Investigator:	Emmily Stokes
Supervising Investigator:	Garrett Schaaf
Director of Investigations:	Matthew Haynam