

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 11, 2018
Time of Incident:	5:55 p.m.
Location of Incident:	████████████████████
Date of COPA Notification:	March 23, 2018
Time of COPA Notification:	3:13 p.m.

On March 11, 2018, at approximately 5:55 p.m., Officers Zuniga and Nanninga (the Officers) responded to ██████████ for a violation of an Order of Protection. Upon their arrival, they met with ██████████ (██████████ who provided a copy of an Order of Protection. ██████████ advised the Officers that her brother’s girlfriend, ██████████ (██████████ was inside the residence and should not be there as the Order of Protection was active. ██████████ had not yet entered the home, however, knew this information because she observed ██████████ vehicle parked in the driveway. The Officers used the PDT in the squad car to run the information listed on the documents provided by ██████████. The search yielded an active Order of Protection. However, there was no service date listed on the messages. The Officers exited the vehicle and went inside the residence to speak with ██████████ (██████████ and ██████████

The Officers entered the residence and advised that ██████████ needed to leave due to the Order of Protection. ██████████ and ██████████ were cooperative and followed the Officers’ direction. However, they denied having knowledge of the Order of Protection. Once outside, the Officers arrested ██████████ and advised that she would be going to the station for processing. While en route to the police station, ██████████ advised the Officers that she was never served with the Order of Protection. Upon arriving at the district, female Officers Even and Ruvalcaba were requested to perform a search of ██████████. After being searched, Officers Zuniga and Nanninga started preparing the arrest paperwork and realized ██████████ had not yet been served with the Order of Protection.² The officers then called for a Sergeant, and Sergeant Dent arrived to formally serve ██████████ with the Order of Protection. She was then released without charges.

██████████ later alleged she was falsely arrested, and strip searched without justification.³

II. INVOLVED PARTIES

Involved Officer #1:	Noe Zuniga, Star #9863, Employee # ██████████, Date of Appointment: June 27, 2016; Police Officer, Unit 015, DOB: ██████████, 1989; White-Hispanic, Male
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¹ ██████████ is the sister of ██████████ and daughter of ██████████ is the legal guardian of ██████████

² The reports detailed that the officers determined this via the Law Enforcement Agencies Data System (LEADS).

³ Video was requested from District 015 Lockup by COPA but was not received at the time of this report.

Involved Officer #2:	William D. Nanninga, Star #11919, Employee # [REDACTED], Date of Appointment: June 27, 2016; Police Officer, Unit 015, DOB: [REDACTED] 1987; White, Male
Involved Officer #3:	Megan E. Even, Star #16158, Employee # [REDACTED], Date of Appointment: August 25, 2014; Police Officer, Unit 015, DOB: [REDACTED], 1989; White, Female
Involved Officer #4:	Cindy S. Ruvalcaba, Star #19708, Employee # [REDACTED], Date of Appointment: April 1, 2013; Police Officer, Unit 015, DOB: [REDACTED], 1985; White-Hispanic, Female
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1982, Black, Female
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1949, Black, Female
Involved Individual #3:	[REDACTED] DOB: [REDACTED], 1957, Black, Female

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Zuniga	<p>It is alleged by [REDACTED] on or about March 11, 2018, at approximately 5:55 p.m. at or near [REDACTED], Officer Noe Zuniga committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Arresting [REDACTED] without justification 2. Being inattentive to duty when failing to verify in a timely manner if [REDACTED] was served an order of protection. 	<p>Sustained</p> <p>Sustained</p>
Officer Nanninga	<p>It is alleged by [REDACTED] on or about March 11, 2018, at approximately 5:55 p.m. at or near [REDACTED] Chicago, IL, 60644, Officer William Nanninga committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Arresting [REDACTED] without justification 	<p>Sustained</p>

Officer Even	<p>2. Being inattentive to duty when failing to verify in a timely manner if [REDACTED] was served an order of protection.</p> <p>1. It was alleged that on March 11, 2018, at District 015 Lockup, Officer Even performed a strip search of [REDACTED] without justification.</p> <p>2. It was alleged that on March 11, 2018, at District 015 Lockup, Officer Even failed to obtain written approval from a supervisor before performing a strip search of [REDACTED]</p> <p>3. It was alleged that on March 11, 2018 at District 015 Lockup, Officer Even failed to complete a report of the strip search of [REDACTED] to include the written authorization, the name of the person subjected to the search, the names of the persons conducting the search, and the time, date and place of the search.</p>	<p>Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>
Officer Ruvalcaba	<p>1. It was alleged that on March 11, 2018, at District 015 Lockup, Officer Ruvalcaba performed a strip search of [REDACTED] without justification.</p> <p>2. It was alleged that on March 11, 2018, at District 015 Lockup, Officer Ruvalcaba failed to obtain written approval from a supervisor before performing a strip search of [REDACTED]</p> <p>3. It was alleged that on March 11, 2018 at District 015 Lockup, Officer Ruvalcaba failed to complete a report of the strip search of [REDACTED] to include the written authorization, the name of the person subjected to the search, the names of the persons conducting the search, and the time, date and place of the search.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals.
2. Rule 6: Prohibits disobedience to any order or directive whether written or oral.

3. Rule 10: Inattention to duty.

General Orders

1. General Order G06-01-03: Conducting Strip Searches

State Laws

1. 725 ILCS 5/103-1

V. SUMMARY OF EVIDENCE

COPA obtained a statement from ██████████ (██████████) on March 27, 2018.⁷ ██████████ stated that she was visiting her boyfriend, ██████████ at his home on the evening of March 11, 2018. ██████████ sister, ██████████ called the police when she discovered that ██████████ was at the home. When the police arrived, they advised ██████████ that she was under arrest because she had violated a court order, which both she and ██████████ denied having any knowledge of.

██████████ was arrested and taken to the police station, where she was escorted to a search room. The door to this room had a glass window and was left partially open. While in this room, two female officers entered and asked ██████████ to remove her shoes and sweater and to lift up her bra. She was asked to remove her breasts from her bra and pull her underpants down. The officers also searched under her tongue and asked her to shake her hair. ██████████ was not handcuffed during the search. When the officers were finished searching ██████████ she put her shoes back on and was placed into a holding cell. A male officer told her that he was going to look to see if she had been served with the Order of Protection.

Approximately 45-60 minutes later, Officers Zuniga and Nanninga returned and apologized, telling ██████████ that she had not been served with the Order of Protection. The officers stated that they were going to wait for a Sergeant to come and serve her. She was then issued an Investigatory Stop Receipt by Officer Zuniga. When Sergeant Dent arrived, he stated that he thought ██████████ had been served because that was the information he was given by ██████████

COPA obtained a statement from **Officer Megan Even** (Officer Even) on December 27, 2018.⁸ Officer Even stated that she had no independent recollection of being on duty March 11, 2018, or of any interaction with ██████████. She did not challenge the validity of the reports stating that she was on duty that day and confirmed that she was assigned to Beat 1506E with Officer Cindy Ruvalcaba. Officer Even stated that she routinely performed pat downs of female arrestees each week at the request of any male officers that needed her assistance. She noted that she had never performed a strip search on any subject during her entire career, nor had she ever witnessed another officer conducting one.

⁷ See Att. 8

⁸ See Att. 43

Officer Even stated that pat-downs of female subjects in custody were performed inside the Processing Room of the station and could involve single or multiple officers present. The subject would be asked to place their hands on the wall and spread their legs slightly apart while standing. The searching officers, if different than the arresting officers, were often not aware of what the arrest charges were individuals they were searching. These searches consisted of the searching officer maneuvering his or her hands, open-palmed, over the subject's clothing. No manipulation, adjustment, or removal of any clothing except for heavy coats, etc. was involved. No undergarments were removed during routine searches to the extent that genitals or breasts were exposed. A more invasive search, namely a strip search, would involve searching body cavities and removal of clothing; this would require supervisor approval.

COPA obtained a statement from **Officer Cindy Ruvalcaba** (Officer Ruvalcaba) on December 27, 2018.⁹ Officer Ruvalcaba's statement mirrored that of Officer Even's. Officer Ruvalcaba stated she did not recall this specific incident or [REDACTED]. She also confirmed that she conducted pat downs and searches of females frequently, but that no removal or manipulation of clothing was involved in these pat downs.

COPA obtained a statement from **Officer Noe Zuniga** on December 9, 2021.¹⁰ Officer Zuniga stated on the date of the incident he responded to [REDACTED] regarding an Order of Protection for a domestic incident. Upon arrival, he was approached by a woman who gave him paperwork for an active Order of Protection. Officer Zuniga ran the name listed in the order and it yielded several results. Thinking the Order was valid, he and Officer Nanninga exited the vehicle and entered the residence in search of [REDACTED]. Officer Zuniga attempted to speak with [REDACTED] who was unable to speak clearly as she was elderly. Officer Zuniga then spoke with [REDACTED] and [REDACTED] and advised that [REDACTED] needed to leave the residence. [REDACTED] did not want to leave but complied with Officer Zuniga's request. Once outside of the residence, [REDACTED] was handcuffed, placed in the squad car, and transported to the district for processing. After arriving at the district, Officers Zuniga and Nanninga ran [REDACTED] again via LEADS to gather documents for the arrest. It was at that time that the Officers realized [REDACTED] had not yet been served with the Order of Protection. The Officers notified Sergeant Dent, who served [REDACTED] with the Order and she was released without charges.

COPA obtained a statement from **Officer William Nanninga** on December 9, 2021.¹¹ Officer Nanninga did not have any independent recollection of the incident. However, he essentially provided the same account as Officer Zuniga. Additionally, Officer Nanninga stated on the ride to the district, [REDACTED] advised him and Officer Zuniga that she had not been served. This information caused Officer Nanninga and Zuniga to take a more in-depth look at the LEADS printouts.

The **Office of Emergency Management and Communications (OEMC) Records**¹² documented a 911 call made by [REDACTED] stating that she drove up to her uncle's house and saw that the vehicle she recognized as belonging to her uncle's girlfriend, [REDACTED] was

⁹ See Att. 45

¹⁰ See Att. 48.

¹¹ See Att. 49-51

¹² See Att. 19-22

parked in the driveway. [REDACTED] who was with her, had an Order of Protection against [REDACTED] because [REDACTED] had attacked [REDACTED] in the past. A second 911 call was made by [REDACTED] approximately 15 minutes later to follow up, and a third 911 call was made by [REDACTED] at approximately 6:32 pm to follow up again. Dispatch called for Beat 1542 to respond to the scene for a 'Person Wanted.'

Officers Zuniga and Nanniga's **Body Worn Camera and In Car Camera**¹³ depict a female walking up to their squad car when they arrived at the scene, telling them that [REDACTED] had previously jumped her grandmother and was currently in the house.¹⁴ Officer Nanninga ran the license plate of [REDACTED] vehicle and asked the female questions about the Order of Protection. [REDACTED] then appeared and began speaking to Officer Nanninga, denying that [REDACTED] was harming [REDACTED]. Officer Nanninga was shown on camera reviewing the Order of Protection and read aloud that it was valid until March 15, 2018.

The Officers entered the home and spoke to [REDACTED] who could not provide intelligible answers to their questions. Afterward, [REDACTED] exited the home with the officers to talk to them and stated that [REDACTED] had wanted her there. Officer Nanninga explained to [REDACTED] that they had to bring her in for violating the Order of Protection and displayed a copy to her. [REDACTED] complied with the arrest but stated that she thought the matter had been over with and denied having been served with the Order.

The **Portable Data Terminal Messages**¹⁵ documented that Officer Zuniga ran a search for [REDACTED] at 6:16pm, again at 6:30pm, and again at 6:50pm.¹⁶ Officer Zuniga then ran a second search of [REDACTED] at approximately 8:27pm, which was when [REDACTED] was at the police station. The LEADS results displayed to Officer Zuniga at the scene showed an active Order of Protection for [REDACTED] relating to [REDACTED] which was in effect until March 15, 2018. However, there was no service date listed on any of the LEADS messages when the Officers ran [REDACTED]

The **Supervisor and Watch Commander's Logs**¹⁷ showed no documentation of a strip search performed by any officers at Lockup during that shift.

The **Domestic Court Docket**¹⁸ documented the Petition for Independent Order of Protection filed by [REDACTED] on November 27, 2017. It was granted on November 27, 2017. An attempt was made to serve the order on December 8, 2017, and again on January 11, 2018, and was unsuccessful. The Order was extended to March 15, 2018, but was not shown as being legally served before that date.

VI. LEGAL STANDARD

For each allegation COPA must make one of the following findings:

¹³ See Att. 25-27

¹⁴ Here, the female speaking to police was [REDACTED] and the grandmother being referred to was [REDACTED]

¹⁵ See Att. 29, pgs 27 & 34-36; Att 30, pg 17-19.

¹⁶ These times reflect when the Officers were at the scene of the incident.

¹⁷ See Att. 33-34

¹⁸ See Att. 39 Case # [REDACTED]

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** is evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.¹⁹ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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.²⁰ Clear and convincing is 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.”²¹

VII. ANALYSIS AND CONCLUSION

COPA finds **Allegations 1 and 2** alleging that Officers Zuniga and Nanninga arrested [REDACTED] without justification and were inattentive to duty when failing to verify in a timely manner if [REDACTED] was served an order of protection are **SUSTAINED**. While the Order of Protection was valid and active, [REDACTED] had not yet been served. There was no service date listed on the LEADS messages. [REDACTED] license plate was run prior to the Officers exiting their vehicle. The Officers failed to read the LEADS responses thoroughly, then arrested [REDACTED] Because they failed to thoroughly review the information available to them at the time and arrested [REDACTED] without justification, **Allegations 1 and 2 against Officer Zuniga and Nanninga are SUSTAINED**.

COPA finds **Allegations 1, 2 and 3** alleging that Officers Even and Ruvalcaba performed a strip search of [REDACTED] without justification, failed to obtain written approval from a supervisor before performing a strip search of [REDACTED] and failed to complete a report of the strip search of [REDACTED] to include the written authorization, the name of the person subjected to the search, the names of the persons conducting the search, and the time, date and place of the search are **NOT SUSTAINED**.

¹⁹ 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 been found to be more probably true than not).

²⁰ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

²¹ *Id.* at ¶ 28.

██████████ account of events falls within the definition of a strip search as defined the Illinois State Statute.²² However, an arrest for violation of an Order of Protection would not constitute a strip search. According to CPD policy, Department members taking person into custody or accepting custody from other Department members are responsible for conducting a thorough search.²³ Additionally, lockup personnel will immediately search the arrestee. Searches will be conducted by Department members of the same gender as the gender identity expressed, clarified, or requested by the arrestee.²⁴ Both Officer Even and Ruvalcaba denied conducting a strip search. Sergeant Di Pinto's Watch Log does not list there were any strip searches authorized on the date of the incident. Finally, there was no video footage in lockup and no independent witnesses to support and refute ██████████ allegation. There is insufficient evidence to prove the allegations by a preponderance of the evidence. Therefore, **Allegations 1, 2 and 3 against Officers Even and Ruvalcaba are NOT SUSTAINED.**

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Noe Zuniga

i. Complimentary and Disciplinary History

Officer Zuniga's complimentary history includes one (1) 2019 Crime Reduction Award, one (1) Attendance Recognition Award, one (1) Complimentary Letter, thirty-one (31) Honorable Mentions, one (1) Unit Meritorious Award. He has no disciplinary history.

b. Officer William Nanninga

i. Complimentary and Disciplinary History

Officer Nanninga's complimentary history includes one (1) 2019 Crime Reduction Award, one (1) Attendance Recognition Award, one (1) Department Commendation, twenty-three (23) Honorable Mentions, and one (1) Unit Meritorious Award. His disciplinary history includes one April 2022 SPAR for a Court Appearance Violation.

c. Recommended Penalty

COPA recommends a 5 Day Suspension for Allegations 1 and 2 against Officer Zuniga and Officer Nanninga. ██████████ was arrested without justification due to the Officers' inattention to duty. An arrest without justification not only violates a citizen's rights but undermines the fragile relationship between the Department and the citizens it serves. However, COPA also acknowledges the fact that the Officers corrected their error and released ██████████ without charges after arriving at the district. Moreover, both Officers had recently finished their

²² 725 ILCS 5/103-1 - This statute says that a strip search is defined as "having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person." There is no state law or Department protocol that dictates whether a search should be performed before or after processing (fingerprinting).

²³ See G06-01-02IV(B)

²⁴ See S06-01-02 III(B)(16)

probationary period and had only been police officers a short period of time. However, their failure to read the messages correctly inconvenienced [REDACTED] and caused her to be placed in a squad car and transported to the police station and subject to a search of her person. As such, COPA recommends the aforementioned penalty.

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Investigator

6-23-2022

Date