

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 20, 2019
Time of Incident:	8:00 p.m.
Location of Incident:	8600 S. Ashland Avenue
Date of COPA Notification:	July 22, 2019
Time of COPA Notification:	11:06 a.m.

On the day of the incident, [REDACTED] was driving south on Ashland Avenue. Her husband, [REDACTED] was riding in the passenger seat and a juvenile friend of [REDACTED] son was in the backseat. [REDACTED] was pulled over by Officer Jerald Williams (“Officer Williams”) and Officer Enrique Delgado-Fernandez (“Officer Delgado-Fernandez”). [REDACTED] received no citations at the end of the traffic stop. [REDACTED] notified COPA of the incident after speaking with a community activist alleging that she was detained without justification, disrespected and threatened with retaliation, in part. COPA finds the allegations are Sustained, in part, against Officer Williams and Officer Delgado Fernandez.

II. INVOLVED PARTIES

Involved Officer #1:	Keith Crot, Star No. 11624, Employee ID No. [REDACTED], Date of Appointment: July 2, 2012, Police Officer, Unit of Assignment Dist. 006, DOB: [REDACTED] 1983, male, White
Involved Officer #2:	Enrique Delgado Fernandez, Star No. 6261, Employee ID No. [REDACTED], Date of Appointment: October 31, 2012, Police Officer, Unit of Assignment, Dist. 007, DOB: [REDACTED], 1984, male, Hispanic
Involved Officer #3:	Jerald Williams, Star No. 3317, Employee ID No. [REDACTED], Date of Appointment: August 26, 2013, Police Officer, Unit of Assignment, Dist. 024, DOB: [REDACTED], 1987, male, Black
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1976, female, Black
Involved Individual #2:	[REDACTED] DOB, male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Keith Crot	It is alleged, that on or about July 20, 2019, at approximately 8:20 p.m., in the vicinity of 8600 S. Ashland, you committed misconduct through the following acts or omissions, by:	
	1. Failing to complete an Investigative Stop Report after your encounter with [REDACTED]	Unfounded
	2. Failing to provide an Investigative Stop Receipt to [REDACTED] after your encounter with [REDACTED]	Unfounded
	3. Failing to complete a Traffic Statistical Study Report after your encounter with [REDACTED]	Unfounded
	4. Threatening to retaliate against [REDACTED] by writing traffic citations against her if she did not show you courtesy and respect.	Unfounded
	5. Directing words to the effect of, "If you don't start respecting me and saying 'Yes, sir.' I will slap your face until my hand falls off." to [REDACTED]	Unfounded
6. Detaining [REDACTED] without justification.	Unfounded	
Officer Enrique Delgado-Fernandez	It is alleged, that on or about July 20, 2019, at approximately 8:20 p.m., in the vicinity of 8600 S. Ashland, you committed misconduct through the following acts or omissions, by:	
	1. Failing to complete an Investigative Stop Report after your encounter with [REDACTED] in violation of Rule 6 and Special Order S04-13-09.	Sustained/ 15 Day Suspension
	2. Failing to provide an Investigative Stop Receipt to [REDACTED] after your encounter with [REDACTED]	Exonerated
3. Failing to complete a Traffic Statistical Study Report after your encounter with [REDACTED]	Sustained/ 15 Day Suspension	

	<p>in violation of Rule 6 and Special Order S0-14-09.</p> <p>4. Threatening to retaliate against [REDACTED] by writing traffic citations against her if she did not show you courtesy and respect in violation of Rule 9.</p> <p>5. Directing words to the effect of, "If you don't start respecting me and saying 'Yes, sir.' I will slap your face until my hand falls off." to [REDACTED]</p> <p>6. Detaining [REDACTED] without justification.</p>	<p>Sustained /15 Day Suspension</p> <p>Not Sustained</p> <p>Not Sustained</p>
<p>Officer Jerald Williams</p>	<p>It is alleged, that on or about July 20, 2019, at approximately 8:20 p.m., in the vicinity of 8600 S. Ashland, you committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to report misconduct of Officer Crot.</p> <p>2. Failing to complete an Investigative Stop Report after your encounter with [REDACTED] in violation of Rule 6 and Special Order S04-13-09.</p> <p>3. Failing to provide an Investigative Stop Receipt to [REDACTED] after your encounter with [REDACTED]</p> <p>4. Failing to complete a Traffic Statistical Study Report after your encounter with [REDACTED] in violation of Rule 6 and Special Order S0-14-09.</p> <p>5. Detaining [REDACTED] without justification.</p>	<p>Unfounded</p> <p>Sustained/ 5 Day Suspension</p> <p>Exonerated</p> <p>Sustained/ 5 Day Suspension</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2. Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

2. Rule 6. Disobedience of an order or directive, whether written or oral.
3. Rule 9. Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Orders

1. G01-01 Vision, Mission, Statement and Core Values (effective May 21, 2019).
2. G02-01 Human Rights and Human Resources (effective October 5, 2017).
3. G03-02 Use of Force (effective October 16, 2017, through February 29, 2020).

Special Orders

1. S04-13-09 Investigatory Stop System (effective July 10, 2017).
2. S04-14-09 Illinois Traffic and Pedestrian Stop Statistical Study (effective March 23, 2018)

Federal Laws

1. U.S. Constitution, Amendment IV

Municipal Code of Chicago

1. 9-40-200 Operator's signals.
2. 9-40-250 Driving with view obstructed prohibited.

State Laws

1. Illinois Constitution, Article 1, Section 6. Searches, Seizures.

V. INVESTIGATION¹

a. Interviews

██████████ was interviewed on August 2, 2019, at COPA offices. The following is a summary of her statement.

On the date of the incident, ██████████ was driving south on Ashland Avenue toward 87th street. Her husband, ██████████ was riding in the front passenger seat and a juvenile friend of her son was a passenger in the back seat.³ ██████████ saw blue lights and immediately pulled over to the right. The officers were in an unmarked vehicle. ██████████ said that she only saw two officers. An officer, ██████████ later identified as Officer Williams, approached the passenger side, and another officer, now identified as Officer Delgado-Fernandez, approached the driver's side. ██████████ stated that because her driver's side window is inoperable, she opened her door while alerting the officers that her window did not let down. ██████████ asked Officer Delgado-Fernandez what she did wrong. Officer Delgado-Fernandez did not initially respond and stared at her for several minutes. ██████████ then went into her purse and got her license and registration to show Officer Delgado-Fernandez, but he would not take the information and continued to stare at her. ██████████ stated that Officer Delgado-Fernandez stared at her for five minutes before speaking.

With respect to ██████████ proffered ID and registration, Officer Delgado-Fernandez stated to ██████████ "Did I ask you for that?" ██████████ stated that he further said, "You watch your mouth," and "If you don't start respecting me and say, 'yes sir,' I'll smack you until my hands fall off." ██████████ stated that Officer Delgado-Fernandez also said to her, "If you don't start showing me courtesy and respect, I'm going to slap so many tickets on you until my hands fall off." ██████████ later learned that her son's friend began recording after Officer Delgado-Fernandez made these comments.

██████████ stated that Officer Williams had his flashlight out and asked ██████████ back seat passenger to identify himself. Officer Williams then asked ██████████ questions regarding driving. ██████████ asked Officer Williams to come speak with her because she was driving but Officer Williams continued speaking with her passengers. ██████████ also reached across ██████████ to give Officer Williams her license when Officer Delgado-Fernandez refused to accept it, but Officer Williams also refused to accept ██████████ license.

██████████ stated that Officer Delgado-Fernandez told her that her car was junky and that he could give her tickets for the mail on her dashboard. He said to her, "clean that shit up." ██████████ stated that she had about 6 pieces of mail and a box of tissue on her dashboard near the passenger side. Later in the stop, Officer Delgado-Fernandez told ██████████ that she failed to signal when she was switching lanes. ██████████ told COPA investigators that she never switches lanes without signaling. ██████████ said the stopped lasted eight to ten minutes. ██████████ got no citations at the end of the traffic stop.

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. 14.

³ COPA attempted multiple times to obtain a statement from ██████████ and the then juvenile passenger, without success.

█████ said that █████ did not hear Officer Delgado-Fernandez say he would smack her, but the juvenile told █████ that he heard Officer Delgado-Fernandez. At no point was █████ or any of her passengers asked to leave the vehicle by the officers. The officers also did not search the vehicle.

█████ showed COPA investigators a picture from July 30, 2019, that she took of Officer Delgado-Fernandez at Whole Foods grocery store in Englewood. █████ believed Officer Delgado-Fernandez recognized her at the grocery store.

COPA obtained the statement of **Officer Jerald Williams**⁴ on October 1, 2021, at COPA offices. Prior to the statement, Officer Williams reviewed a plate search result generated using his PC number. The following is a summary of his statement.

At the time of the incident, Officer Williams was on duty and was detailed to Unit 312, Gang Enforcement. Officer Williams was not issued a body worn camera at the time. His duties, which involved saturating an assigned area, included traffic stops. Officer Williams' partner at the time was Officer Delgado-Fernandez. Officer Williams did not have much interaction with Officer Keith Crot ("Officer Crot"), and he did not recall assisting Officer Crot with any traffic stop. Officer Williams stated that if Officer Delgado-Fernandez was his partner the day of the incident than it was "99.9%" likely that Officer Williams was the passenger and Officer Delgado-Fernandez was driving. Officer Williams did not recall whether he had any interaction with █████. Officer Williams was not sure he ran █████ plates even though he was the only officer logged into the PDT. He stated that even though it may be proper procedure for both partners to log into the PDT, often only the passenger officer logs into the PDT.

Prior to and after the incident, Officer Williams and his partner were involved with arrests. Officer Williams estimated that he assisted with an arrest 30 minutes to an hour before the incident and he and his partner were involved in a different arrest 30 minutes to an hour after. Officer Williams stated that either arrest could have been in the vicinity of the incident. Williams stated that when he conducts traffic stops where he is not the driving officer, he is usually on the passenger side of the stopped vehicle while his partner is the "business" officer and speaks with the stopped vehicle's driver to get information. Whether he would engage the passengers of the stopped vehicle depends on the circumstance. Officer Williams stated that if he feels like he has the better rapport with vehicle occupants, he might step in. Officer Williams stated that if an officer is not going to issue a citation to a driver, then the officer should complete a Traffic Statistical Study card. If a citation is given, a document, like the TSS, would still be completed. Officer Williams further stated that an Investigative Stop Report should be completed when an officer takes an act in furtherance of a reasonable articulated suspicion. He added that an Investigative Stop receipt should be provided unless there are circumstances that bar providing the receipt.

⁴ Att. 19.

COPA obtained the statement of **Officer Keith Crot**⁵ on October 7, 2021, at COPA offices. Prior to the statement, Officer Crot did not review any documents relating to this case. The following is a summary of his statement.

Officer Crot examined an Attendance and Assignment sheet during the statement and identified himself on the sheet as assigned to the Area South Gang Enforcement unit during the time of the incident and on duty that day. He also identified himself as being in car number 4394 and on 4th Watch on the date of the incident. Officer Crot explained that as a member of the Gang Enforcement Unit, he was responsible for knowing the gangs in Area South. His duties included patrol and traffic stops. Officer Crot was normally in plain clothes with Gang Enforcement and normally in an unmarked car. Officer Samuel Flores was his normal partner, and Officer Crot worked with him for close to a year. Officer Crot stated that he was never partnered with Officer Williams, and that he never worked with him in the same car. Officer Crot did not recall performing any traffic stops the day of the incident. He did not recall stopping [REDACTED] or being in the vicinity of the incident. Officer Crot reviewed a number plate search result document during his statement, but it did not refresh his recollection of the incident. During the statement, COPA investigators played audio captured on a cell phone during the incident for Officer Crot, but it also did not refresh his recollection of the incident. Officer Crot stated that it was not his voice in the audio. Referring to himself, Officer Crot stated that he believed COPA had the wrong officer.

Officer Crot believed he recognized the voice in cell phone audio clip as belonging to someone with whom he worked before that he described as having “a bunch of hyphenated names.” Officer Crot also reviewed a photograph of an officer and stated that the officer in the photograph was not him, but possibly resembled the officer with the hyphenated names. He noted that the pants the officer was wearing in the photograph appeared to have paint on them and that the officer with whom Officer Crot used to work wore pants with paint on them very often.

COPA obtained the statement of **Officer Enrique Delgado-Fernandez**⁶ on November 18, 2021, at COPA offices. The following is a summary of his statement.

Officer Delgado-Fernandez was assigned to Gang Enforcement, Unit 312 at the time of the incident. Officer Delgado-Fernandez’s responsibilities in Unit 312 depended on the given day. He stated that headquarters would provide geographical areas called “boxes” for patrol and that patrol routinely included traffic stops. Officer Delgado-Fernandez stated that he was equipped with a ticket book and that he issued tickets on a case-by-case basis. At the time of the incident, Gang Enforcement was not assigned body-worn camera.

Officer Delgado-Fernandez stated that his partner at the time was Officer Jerald Williams. Officer Delgado-Fernandez believed that the area of 8600 S. Ashland was part of his “box” and recalled locking up someone a block west of Ashland on a traffic stop the day of the incident. Officer Delgado-Fernandez described his typical traffic stop. He stated that he would first note an infraction, turn on his lights and pull-up beside or behind the vehicle if it stops. If Officer Delgado-Fernandez was driving, he would approach the driver and ask for their driver’s license and insurance. He then would ask the driver if they were aware of why they were stopped. He may

⁵ Att. 23.

⁶ Att. 31.

issue a citation. If no citation is issued, a blue card is entered that Officer Delgado-Fernandez understood to be a Traffic Statistical Study card. Officer Delgado-Fernandez stated that traffic stops can become investigatory stops. Traffic stops only become investigatory stops if Officer Delgado-Fernandez asks an individual out of the car. He stated he would only complete an Investigatory Stop Report under limited circumstances and that the average traffic stop does not warrant an Investigatory Stop Report.

Officer Delgado-Fernandez did not recall interacting with [REDACTED] Officer Delgado-Fernandez reviewed a copy of a number plate search result, but it did not refresh his recollection about the incident. He also did not recall pulling over a car that contained three individuals the day of the incident.

COPA investigators played a cell phone audio clip for Officer Delgado-Fernandez. Officer Delgado-Fernandez stated that he did not recognize his voice in the clip. Officer Delgado-Fernandez stated that he was familiar with Officer Williams's voice but did not believe that the voice was Officer Williams's voice. Officer Delgado-Fernandez stated that he heard, "You don't show me courtesy. I will write until my hand falls off." Officer Delgado-Fernandez said that it was hard for him to define what was being said because he did not know the interaction that occurred before the comment. He described the tone of the voice on the clip as calm. Officer Delgado-Fernandez stated that he and Officer Williams could have been present on scene assisting. COPA investigators showed Officer Delgado-Fernandez a photograph obtained from [REDACTED] Officer Delgado-Fernandez recognized himself in the photograph but did not recall where the picture was taken. Officer Delgado-Fernandez described his clothes in the photograph as a white tee-shirt, vest, black boots, and cargo pants with a black cap. He stated that he had been to the Whole Foods in Englewood with Officer Williams before.

b. Digital Evidence

[REDACTED] provided to COPA an approximately **one-and-a-half-minute long cellular phone recording**⁷ taken by the juvenile passenger in the car during the stop. A screen shot of the file record for the clip indicates that it was created on July 20, 2019, at 8:24 p.m. The clip records an officer stating that if [REDACTED] shows him courtesy, he won't be "petty." If [REDACTED] does not show him courtesy, he "will write her until his hand falls off." After an eighteen-second silence, the officer tells [REDACTED] that she failed to signal when she merged into the right lane. The officer also tells [REDACTED] that she must remove clutter away from her dashboard. A second officer can faintly be heard in the background speaking with one of the passengers and a male voice can be heard responding. The phone's camera appears to be facing down toward the back pocket of the front seat of [REDACTED] car and no images of the officers or the passengers are captured.

[REDACTED] also provided to COPA a **photograph**⁸ of the officer that she says stopped her during the incident. [REDACTED] took the images on her phone on July 30, 2019, at the Whole Foods Supermarket in Englewood. The officer in the picture is male, of medium build with a low beard. He is not in uniform but is wearing a baseball cap and a protective vest. The officer's pants appear to be flecked with white splotches.

⁷ Att. 15.

⁸ Att. 12.

c. Documentary Evidence

A **number plate search result print-out**⁹ dated July 20, 2019, indicates that the personal ID associated with Officer Jerald Williams was used at approximately 8:22 p.m. to run registration information for [REDACTED]

An **Assignment and Attendance (A&A) sheet**¹⁰ dated July 20, 2019, for Unit 312, Gang Enforcement, 4th Watch indicates that Officer Crot, Officer Delgado-Fernandez and Officer Williams were on duty the day of the incident. Officer Crot and Officer Williams are listed as being assigned Car No. 4394. Officer Williams' and Officer Delgado-Fernandez's start and end times are listed as 1800 hours through 0430 hours. Officer Crot's start and end time is listed as 0800 hours through 1830 hours.

VI. 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. *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.

⁹ Att. 3.

¹⁰ Att. 25.

VII. ANALYSIS

a. Officer Crot was not present during the stop of [REDACTED]

As a preliminary matter, based on the statements of all officers involved as well as the statement of [REDACTED] COPA concludes that Officer Crot was not present during the stop of [REDACTED]. Although Officer Crot was on duty the day of the incident, he was assigned the same car as Officer Williams, and his work hours overlapped those of Officer Williams and Officer Delgado-Fernandez by a half-hour, other clear and convincing evidence supports that Officer Crot did not participate in the stop of [REDACTED].

[REDACTED] stated that she saw two officers. Based on [REDACTED] statement and the license plate result printout, one of the officers was Officer Williams. Officer Williams stated that his partner during the period in which the incident occurred was Officer Delgado-Fernandez. Also, Officer Crot identified the voice on the audio clip provided by [REDACTED] as like that of an officer with a hyphenated name with whom Officer Crot once worked. That description is consistent with the name Delgado-Fernandez. Moreover, both Officer Williams and Officer Crot report having little to no contact with each other. Officer Crot in fact stated that he was never partnered with Officer Williams and never road in the same car with him. Similarly, Officer Williams did not recall assisting Officer Crot with a stop the day of the incident. COPA, therefore, finds that all allegations pertaining to Officer Crot are **Unfounded**.

b. There is insufficient evidence that Officer Delgado-Fernandez and Officer Williams were unjustified in detaining [REDACTED]

According to the statement of [REDACTED] and the audio clip of Officer Delgado-Fernandez, [REDACTED] was stopped because she failed to signal when she merged into the right lane.¹¹ After the initial stop, Officer Delgado-Fernandez added that [REDACTED] had to remove clutter from her dashboard, ostensibly because [REDACTED] was in violation of a city ordinance prohibiting driving with the view obstructed.¹² ‘When a police officer believes that a driver has committed a minor traffic offense, probable cause supports the stop.’¹³ Detaining [REDACTED] without probable cause would violate Department Rule 6. Here, no verifiable evidence exists that conclusively shows that [REDACTED] failed to signal when she switched lanes and [REDACTED] denies that she committed this violation. However, the contemporaneous nature of the statement of Officer Delgado-Fernandez captured in the audio clip lends some supports that the offense occurred. In addition, with respect to the obstructed view violation, [REDACTED] admits that she had multiple pieces of mail and a box of tissue on her dashboard. For these reasons, COPA finds [REDACTED] allegation to be **Not Sustained**.

¹¹ See MCC 9-40-200 Operator’s signals.

¹² See MCC 9-40-250 Driving with view obstructed prohibited.

¹³ *Jones v. Exkhart*, 737 F.3d 1107, 1114 (7th Cir. 2013) quoting, *United States v. Garcia-Garcia*, 633 F.3d 608, 612 (7th Cir. 2011).

c. Officer Delgado-Fernandez improperly threatened to retaliate against [REDACTED] by issuing citations.

Department directives provide that the Department “will not tolerate abuse of law enforcement authority” and that the use of discretion by a member must be “reasonable, defensible and may not be for an improper purpose.”¹⁴ Failure to adhere to this directive is a violation of Rule 6. Using discretion to retaliate for a perceived slight is not a reasonable and proper purpose for the use of discretion. The clip from the cell phone recording records an officer stating that if [REDACTED] shows him courtesy, he won’t be “petty.” If [REDACTED] does not show him courtesy, he “will write her until his hand falls off.” The voice on the audio clip provided by [REDACTED] can clearly be heard conditioning not “being petty” on [REDACTED] showing respect. It is reasonable to conclude based on what can be heard in the clip, that the threatened pettiness would be retaliation in the form of writing [REDACTED] multiple tickets. Based on the available evidence, it is also reasonable to conclude that the voice captured on the audio clip provided by [REDACTED] belonged to Officer Delgado-Fernandez. Officer Crot identified the voice as likely belonging to the officer with the hyphenated name. Also, Officer Delgado-Fernandez acknowledged that during the time of the incident, Officer Williams, who was present at the incident, was his partner but noted that the voice he heard on the clip was not Officer Williams. Moreover, the timbre, pitch and speaking patterns captured in the clip, closely match those of Officer Delgado-Fernandez in his statement to COPA. COPA finds that this allegation is **Sustained**.

d. There is insufficient evidence to determine whether Officer Delgado-Fernandez directed words to the effect of, “If you don’t start respecting me and saying ‘Yes, sir.’ I will slap your face until my hand falls off.” to [REDACTED]

An officer threatening to assault a citizen deemed to be disrespectful is the sort of unjustified verbal altercation that undermines Department goals of respecting and protecting human rights.¹⁵ Thus, if Officer Delgado-Fernandez threatened [REDACTED] as alleged, he violated Department Rule 6 and Rule 9. However, unlike the audio clip recording Officer Delgado-Fernandez’s threat to retaliate by writing citations, there is no verifiable evidence here supporting [REDACTED] claim. Despite COPA’s efforts, COPA was unable to secure witness statements from either of [REDACTED] passengers. In any event, according to [REDACTED] although the juvenile passenger heard Officer Delgado-Fernandez’s alleged threat, [REDACTED] did not. Therefore, while there is no basis to believe [REDACTED] not credible, there is also no corroboration for [REDACTED] allegation. COPA finds this allegation to be **Not Sustained**.

e. Officer Delgado-Fernandez and Officer Williams failed to submit a Traffic Statistical Study (“TSS”) Card.

Department members are required to complete TSS information after traffic stops.¹⁶ Failure to do so is a violation of Rule 6. Neither Officer Williams or Officer Delgado-Fernandez recall [REDACTED] stop and COPA was unable to find any record of a TSS having been entered relating to the stop. In the absence of any evidence that a TSS was entered for this stop, COPA finds that the

¹⁴ G02-01 III (C).

¹⁵ G02-01(III)(A).

¹⁶ S04-14-09(V)(D).

allegation that Officer Williams and Officer Delgado-Fernandez failed to complete a TSS card to be **Sustained**.

f. Officer Delgado-Fernandez and Officer Williams failed to complete a required Investigatory Stop Report (“ISR”).

An investigatory stop occurs when a person is temporarily detained and questioned based on a Reasonable Articulable Suspicion that the person is committing, about to commit or has committed a criminal act.¹⁷ Here, the suspected criminal act was [REDACTED] alleged traffic violation. Members who conduct an investigatory stop are required to submit an ISR.¹⁸ Failure to submit an ISR when required, is a violation of Rule 6. Whether a subject is asked to exit their vehicle is not determinative of whether an ISR is required. Had Officer Delgado-Fernandez or Officer Williams entered TSS information for the traffic stop, no ISR would be required here.¹⁹ However, as there is no record of TSS information having been entered and no Notice of Violation was issued for this traffic stop, COPA finds the allegations that Officer Delgado-Fernandez and Officer Williams failed to complete an Investigatory Stop Report are **Sustained**.

g. Officer Delgado-Fernandez and Officer Williams were not required to issue an Investigatory Stop Receipt to [REDACTED]

When an investigatory stop occurs that involves a pat down or a search of a subject, members are required to provide the subject an Investigatory Stop Receipt.²⁰ Failure to issue the receipt is a violation of Rule 6. Here, the available evidence supports that neither Officer Delgado-Fernandez or Officer Williams performed a pat down of [REDACTED] Nor did they search [REDACTED] vehicle. COPA finds this allegation to be **Exonerated**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Enrique Delgado-Fernandez

i. Complimentary and Disciplinary History

- 1. Complimentary History:** 1 Crime Reduction Award (2019), 1 Attendance Recognition Award, 2 Complimentary Letters, 10 Department Commendations, 6 Physical Fitness Awards, 223 Honorable Mentions, 4 Honorable Mention Ribbon Awards, 4 Police Officer of the Month Awards, 5 Top Gun Arrest Award, 1 Traffic Stop of the Month Award, 4 Unit Meritorious Performance Awards
- 2. Disciplinary History:** 2 Reprimands for Preventable Accidents (2021 & 2022)

¹⁷ S04-13-09(II)(A).

¹⁸ S04-13-09(VIII)(A)(1).

¹⁹ See S04-13-09(VII)(A)(4)(d).

²⁰ S04-13-09(VII)(A)(3).

ii. Recommended Penalty: 15-Day Suspension

b. Officer Jerald Williams

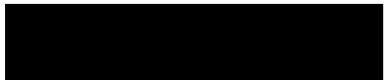
i. Complimentary and Disciplinary History

- 1. Complimentary History:** 1 Crime Reduction Award (2019), 1 Annual Bureau Award of Recognition, 2 Attendance Recognition Awards, 1 Complimentary Letter, 3 Department Commendations, 6 Physical Fitness Awards, 107 Honorable Mentions, 2 Honorable Mention Ribbon Awards, 2 Police Officer of the Month Award, 3 Unit Meritorious Performance Awards
- 2. Disciplinary History:** 2020 15-day Suspension (Excessive Force), 2022 Reprimand (Failure to Perform Assigned Tasks)

ii. Recommended Penalty: 5-Day Suspension

COPA has considered the complimentary and disciplinary history of Officer Delgado-Fernandez and Officer Williams as well as the individual allegations against each officer. Officer Delgado-Fernandez’s conduct undermined the Department’s credibility and trust with the public. Thus, COPA recommends a 15-day Suspension. Officer Williams violated Department policy with respect to documentation and has a history of disciplinary action. Thus, COPA recommends a 5-day Suspension.

Approved:



Sharday Jackson
Deputy Chief Investigator

6/7/22

Date