

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	October 21, 2020/ 12:15 p.m./ 3400 W. Roosevelt Road, Chicago, Illinois 60624
Date/Time of COPA Notification:	October 21, 2020/ 4:37 p.m.
Involved Officer No. 1:	Officer John Craig / Star# 7027 / Employee# [REDACTED] / Appointed: October 29, 2007 / Police Officer / Unit 011 / DOB: [REDACTED], 1969 / Male / Black
Involved Individual No. 1:	[REDACTED] / DOB: [REDACTED], 2002 / Male / Black / (Deceased)
Case Type:	4 th Amendment; Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer John Craig	It is alleged by the Civilian Office of Police Accountability, by and through Deputy Chief Matthew Haynam, that on or about October 21, 2020, at approximately 12:15 p.m., at or near 3400 W. Roosevelt Road, Chicago, IL 60624, Officer John Craig, Star #7027, committed misconduct through the following acts or omissions, by:	
	1. Handcuffing [REDACTED] [REDACTED] without justification.	Not Sustained
	2. Detaining [REDACTED] without justification.	Exonerated
	3. Handcuffing [REDACTED] for an excessive amount of time.	Not Sustained
	4. Detaining [REDACTED] for an excessive amount of time.	Not Sustained
	5. Forcefully pushing [REDACTED] in the police vehicle without justification.	Sustained
	6. Searching [REDACTED] vehicle without justification.	Not Sustained
	7. Refusing to provide his badge number upon request.	Exonerated

	8. Failing to comply with S04-14-09, by failing to complete a Traffic and Pedestrian Stop Statistical Study.	Not Sustained
	9. Failing to comply with S04-13-09, by failing to issue [REDACTED] an Investigatory Stop Receipt.	Sustained
	10. Failing to comply with S04-13-09, by failing to complete an Investigatory Stop Report detailing the interaction with [REDACTED]	Sustained

II. SUMMARY OF EVIDENCE¹

COPA opened this investigation pursuant to an **Initiation Report**² received on October 21, 2020, from Sergeant Nicholas Jackowski of the Chicago Police Department. Per the Initiation Report, [REDACTED] (“Mr. [REDACTED]” alleged that Officer John Craig (“Officer Craig”) pulled him from his vehicle, handcuffed him too tightly, and threw him into the back of his squad car. Mr. [REDACTED] also alleged that Officer Craig spoke on his cell phone while writing tickets and failed to give his star number when asked. COPA investigators made multiple attempts to secure the cooperation of Mr. [REDACTED] but he stated he no longer wanted to move forward with the case. On October 31, 2020, Mr. [REDACTED] was fatally shot in an unrelated incident.³

The incident described below is captured on the **body-worn camera (“BWC”) video of Officer Craig**.⁴ On October 21, 2020, at approximately 12:15 pm, Officer Craig stopped Mr. [REDACTED] for erratic driving. Officer Craig approached the driver’s window and asked Mr. [REDACTED] to provide his license and insurance. Seconds later, while Mr. [REDACTED] was leaning towards the glove compartment, Officer Craig instructed, “Give me the keys to the car.”⁵ Mr. [REDACTED] asked why he needed to produce the keys, and Officer Craig repeated the instruction twice. Mr. [REDACTED] did not follow Officer Craig’s order and remained seated with his hands on the steering wheel, and Officer Craig then ordered Mr. [REDACTED] to exit the car. When Mr. [REDACTED] stated, “I know my rights,” and did not exit the car, Officer Craig opened the car door, handcuffed Mr. [REDACTED] and pulled him out of his vehicle.⁶ Officer Craig then walked Mr. [REDACTED] to his police vehicle and ordered him to get into the rear seat. When Mr. [REDACTED] replied, “I ain’t gotta get in your vehicle,” Officer Craig opened the door and forcefully pushed him in.⁷

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

² Att. 1. Initiation Report.

³ Att. 2. CPD Original Case Incident Report; RD # [REDACTED] Homicide – First Degree Murder.

⁴ Att. 3. Officer Craig BWC.

⁵ *Id.* at 2:43 – 2:48 minutes.

⁶ *Id.* at 2:49 – 3:37 minutes.

⁷ *Id.* at 3:38 – 4:17 minutes.

While Mr. ██████ was detained in the police vehicle, Officer Craig searched the front and rear passenger compartment of Mr. ██████ vehicle without his consent.⁸ Officer Craig then returned to the police vehicle and wrote Mr. ██████ four traffic tickets. As Mr. ██████ waited in the rear seat, Officer Craig placed a phone call to a colleague regarding a separate matter.⁹ Officer Craig stepped out of the vehicle and continued the phone call for several minutes, when he returned to writing Mr. ██████ traffic tickets. While in the rear seat of the police vehicle, Mr. ██████ requested Officer Craig's badge number, but Officer Craig declined to provide it, stating that Mr. ██████ would find the number on his tickets.¹⁰ At the end of the traffic stop, Officer Craig gave Mr. ██████ his tickets, removed his handcuffs, and released him after flagging down another CPD unit that was passing by in traffic. Mr. ██████ asked Officer Craig to return his cell phone so he could take a photo of the officer's name and badge number. Officer Craig replied, "Get back in your car and go away."¹¹ Mr. ██████ spent a total of 39 minutes handcuffed and detained during the incident.¹²

In addition to Mr. ██████ initial allegations, COPA alleges that Officer Craig handcuffed and detained Mr. ██████ without justification, handcuffed and detained Mr. ██████ for an excessive amount of time, and conducted an unlawful search of Mr. ██████ vehicle. Additionally, COPA alleges that Officer Craig failed to provide his badge number upon request, failed to complete a Traffic and Pedestrian Stop Statistical Study card, failed to provide Mr. ██████ with an Investigatory Stop Receipt, and failed to complete an Investigatory Stop Report.

III. 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 did not comply with CPD policy.¹³ If the evidence gathered in

⁸ *Id.* at 4:23 – 5:57 minutes.

⁹ *Id.* at 19:35 minutes.

¹⁰ *Id.* at 9:18 – 9:23 minutes.

¹¹ *Id.* at 41:45 – 41:53 minutes. COPA notes that Mr. ██████ addressed Officer Craig as "Craig" when making his request, indicating that he had already seen the name tag on Officer Craig's uniform. COPA also notes that CPD members are generally not required to pose for photographs.

¹² Att. 3 at 3:05 - 41:52 minutes.

¹³ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.").

an investigation establishes that it is more likely that the conduct violated CPD 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.¹⁴ 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."¹⁵

IV. ANALYSIS AND CONCLUSION

The evidence establishes that Officer Craig observed Mr. [REDACTED] driving dangerously. When the officer approached Mr. [REDACTED] after pulling him over, he asked Mr. [REDACTED] "Why are you weaving all over the road?" Mr. [REDACTED] replied, "I was trying to fix my mirror."¹⁶ By providing this explanation, Mr. [REDACTED] essentially admitted that he was, in fact, weaving while driving. Officer Craig subsequently handcuffed and detained [REDACTED] to issue several traffic citations. A police officer may order the driver of a lawfully stopped vehicle to exit the vehicle during any traffic stop.¹⁷ A police officer may handcuff the driver of a stopped vehicle when handcuffing is justified by reasonable concerns for officer safety or the safety of the public, considering the circumstances that prompted the stop or that developed during the stop.¹⁸

Here, based on the contemporaneous statements made by both Officer Craig and Mr. [REDACTED] and captured on the BWC recording, there is no reason to doubt that Officer Craig observed Mr. [REDACTED] commit at least one traffic violation and that the Officer Craig was justified in stopping and detaining Mr. [REDACTED] for purposes of traffic enforcement. **Allegation No. 2**, that Officer Craig detained Mr. [REDACTED] without justification, is therefore **Exonerated**.

Officer Craig explained to COPA that he removed Mr. [REDACTED] from his car and handcuffed him for the following reasons: When Officer Craig initially saw Mr. [REDACTED] vehicle, Mr. [REDACTED] was driving erratically and at a high speed, leading the officer to suspect that Mr. [REDACTED] might be fleeing from the scene of a recently committed crime; Mr. [REDACTED] refused to give Officer Craig his keys and asked Officer Craig to shut the open fuel-filler door on his car, leading Officer Craig to suspect that Mr. [REDACTED] might be attempting to distract him while preparing to flee from the stop; Officer Craig smelled the odor of marijuana coming from Mr. [REDACTED] car; and Officer Craig noted that Mr. [REDACTED] demeanor was agitated. For all these reasons, Officer Craig suspected that Mr. [REDACTED] could be armed, could have a weapon in his vehicle, or could be preparing to flee – all justifying the use of handcuffs to temporarily restrain Mr. [REDACTED] in the interest of officer safety. Officer Craig also noted that probable cause existed to arrest Mr. [REDACTED] for reckless driving, although Officer Craig ultimately exercised his discretion and decided not to make a custodial arrest. Officer Craig believed he would have been justified in handcuffing Mr. [REDACTED] for that reason alone, regardless of the other factors he cited.

¹⁴ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

¹⁵ *Id.* ¶ 28.

¹⁶ Att. 3 at 2:21 - 2:26 minutes.

¹⁷ *Pennsylvania v. Mimms*, 434 U.S. 106 (1977).

¹⁸ See generally *People v. Daniel*, 2013 IL App (1st) 111876, ¶¶ 36–51.

The reasons that Officer Craig cited for handcuffing Mr. ██████████ are facially sufficient to support Officer Craig's actions, but they are also largely uncorroborated. Moreover, the lack of corroboration is, in part, the result of Officer Craig's own negligence. As discussed below, Officer Craig failed to complete an Investigatory Stop Report ("ISR") documenting the detention of Mr. ██████████ and the search of Mr. ██████████ car. If Officer Craig had completed this required report, it could have provided the officer's near-contemporaneous account of the reasons for his actions. While Mr. ██████████ admitted to some degree of weaving in traffic while driving, there is nothing other than Officer Craig's word to support his contention that Mr. ██████████ driving was dangerous enough to justify a charge of reckless driving or that Mr. ██████████ driving was so erratic as to support an inference that he might be fleeing from the scene of a crime.¹⁹ Officer Craig's contention that he was concerned Mr. ██████████ might be armed with a weapon is undercut by the fact that Officer Craig admittedly failed to pat Mr. ██████████ down for weapons prior to placing Mr. ██████████ in the back of the patrol vehicle. Finally, because of Mr. ██████████ untimely death, COPA was unable ask him about any traffic violations he may have committed or the purported odor of marijuana in his car. Given Officer Craig's failure to properly document the encounter and given the impossibility of interviewing Mr. ██████████ to obtain further information, COPA can neither find by clear and convincing evidence that handcuffing was justified, nor find by a preponderance of the evidence that handcuffing was not justified. This leaves **Not Sustained** as the only appropriate finding for **Allegation No. 1** against Officer Craig.

COPA finds that **Allegations No. 3 and No. 4** against Officer Craig are **Not Sustained**. A traffic stop must last no longer than is required for law enforcement to effectuate its mission, which is "to address the traffic violation that warranted the stop and attend to related safety concerns."²⁰ "[O]rdinary inquiries incident to [the traffic] stop" are lawful, falling under the rubric of related safety concerns.²¹ Such inquiries include performing outstanding warrant and criminal history checks, as well as examining driver's licenses, vehicle registrations, and proof of insurance.²² Inquiries unrelated to the stop's mission are lawful only if they "do not measurably extend the duration of the stop."²³ However, a traffic stop "may be broadened into an investigative detention . . . if the officer discovers specific, articulable facts which give rise to a reasonable suspicion that the defendant has committed, or is about to commit, a crime."²⁴

Even when police stay on-mission throughout the traffic stop, holding a vehicle's occupants for too long is unlawful. The United States Supreme Court has declined to establish a bright-line rule on how long is too long,²⁵ but the Court has stated that "the investigative methods employed should be the least intrusive means reasonably available to verify or dispel the officer's suspicions in a short period of time."²⁶ If an alternative, less intrusive means of investigation was available at the time of the stop, the determinative factor in the lawfulness of the investigation is "whether the police acted unreasonably in failing to recognize or pursue [the alternative]."²⁷

¹⁹ "A person commits reckless driving if he . . . drives any vehicle with a willful or wanton disregard for the safety of persons or property . . ." See 625 ILCS 5/11-503(a)(1).

²⁰ *Rodriguez v. United States*, 135 S. Ct. 1609, 1614 (2015) (citing *Illinois v. Caballes*, 543 U.S. 405, 407 (2005)).

²¹ *Id.* at 1615 (citing *Caballes*, 543 U.S. at 408).

²² *Id.* See also *People v. Cummings*, 2016 IL 115769, ¶ 14.

²³ *Rodriguez*, 135 S. Ct. at 1615 (quoting *Arizona v. Johnson*, 555 U.S. 323, 333 (2009)).

²⁴ *People v. Baldwin*, 288 Ill App. 3d 1028, 1035 (2009) (quoting *People v. Ruffin*, 315 Ill. App. 3d 744, 748 (2000)).

²⁵ See *United States v. Sharpe*, 470 U.S. 675, 686 (1985).

²⁶ *People v. Gonzales*, 204 Ill. 2d 220, 233 (2003) (quoting *Florida v. Royer*, 460 U.S. 491, 500 (1983)).

²⁷ *Sharpe*, 470 U.S. at 687.

Here, it is undisputed that the detention was an investigatory stop. Officer Craig told COPA investigators that he stopped Mr. [REDACTED] because he observed him driving “erratically to the point where other cars were trying to move out of the way.”²⁸ BWC footage shows that [REDACTED] did not deny this, and he further provided Officer Craig with a reason for his “weaving” of the vehicle.²⁹ Mr. [REDACTED] was subsequently handcuffed and detained. In his statement to COPA, Officer Craig stated that while Mr. [REDACTED] was handcuffed and detained, he conducted a search of his vehicle for weapons and because there was a “pungent smell of marijuana” as he approached the vehicle.³⁰ However, Officer Craig stated that he did not recall finding marijuana, or evidence thereof, in Mr. [REDACTED] vehicle. Officer Craig further stated that he did not find any weapons during his search.

Despite the recent legalization of medical marijuana and decriminalization of marijuana in small amounts, marijuana is still contraband,³¹ and the odor of marijuana, detected by an experienced police officer, is sufficient to support a finding of probable cause to search a vehicle.³² Here, Officer Craig contends that he smelled marijuana as he approached Mr. [REDACTED] car. This contention is corroborated by Officer Craig’s contemporaneous statement to Mr. [REDACTED] captured on the BWC recording, where the officer stated that he smelled marijuana and asked Mr. [REDACTED] if he was high. Notably, Mr. [REDACTED] responded by saying, “I just vacuumed my car out.”³³ While Mr. [REDACTED] denied using marijuana, this statement could be interpreted as an admission that the car previously contained marijuana before vacuuming. If this was the case, it would be reasonable to believe that Officer Craig could still smell the lingering odor of marijuana, even if none was ultimately found in Mr. [REDACTED] car. COPA cannot question Mr. [REDACTED] regarding the presence of marijuana in his car, and COPA has not found evidence to disprove Officer Craig’s account. Under these circumstances, COPA concludes it is more likely than not that Officer Craig did smell the odor of marijuana and did have probable cause, based on that odor alone, to extend the duration of the stop for a reasonable amount of time to search Mr. [REDACTED] car. Because it is more likely than not that Officer Craig had probable cause to search Mr. [REDACTED] car, COPA finds that **Allegation No. 6** against Officer Craig is **Not Sustained**.³⁴

Because the stop was justified at its inception by the traffic violation that Officer Craig observed, and because Officer Craig was justified in extending the duration of the stop to conduct a search for marijuana, the question becomes whether the entire duration of the stop was reasonable. Officer Craig’s entire encounter with Mr. [REDACTED] lasted approximately 40 minutes from the time Officer Craig first approached Mr. [REDACTED] car to the time that Officer Craig removed his handcuffs from Mr. [REDACTED] and allowed him to leave. The first minute of the encounter involved Officer Craig’s initial conversation with Mr. [REDACTED] regarding the reason for the stop and his order for Mr. [REDACTED] to turn off his car. It then took approximately one minute for Officer Craig to handcuff Mr. [REDACTED] and place him in the rear of the patrol vehicle. Officer Craig then spent about two minutes searching Mr. [REDACTED] car. Officer Craig spent

²⁸ Att. 4. Transcript of audio recorded statement of Officer John Craig, p. 12, lines 10 – 12.

²⁹ Att. 3 at 2:21 - 2:26.

³⁰ Att. 4, p. 13, lines 15-17; p. 18, lines 18-22; p. 19, lines 8-11.

³¹ *People v. Hill*, 2020 IL 124595, ¶33-34.

³² *Id.* at ¶15 (citing *People v. Stout*, 106 Ill. 2d 77, 87 (1985)).

³³ Att. 3 at 07:05 – 07:12.

³⁴ This allegation is Not Sustained, rather than Exonerated, because COPA does not find by clear and convincing evidence that Officer Craig had probable cause to conduct the search; this proposition has only been proven by a preponderance of the evidence.

approximately the next 3 minutes further explaining the reason for the stop and the reason for the search to Mr. ██████████ asking Mr. ██████████ about the odor of marijuana in his car, attempting to obtain proof of insurance from Mr. ██████████ and checking Mr. ██████████ name through the PDT. None of these steps took an unreasonable amount of time.

Next, Officer Craig spent approximately 29 minutes writing four traffic tickets, averaging just over 7 minutes per ticket. During those 29 minutes, Officer Craig placed a phone call to an OEMC dispatcher. The phone call lasted approximately 6 minutes, with Officer Craig pausing his ticket-writing for approximately 3 minutes. Officer Craig was also waiting for the dispatcher to answer or on hold for approximately 3 minutes, but he continued writing tickets during that time.

At the conclusion of the stop, it took Officer Craig approximately 4 minutes to remove Mr. ██████████ from the patrol vehicle, flag down a passing officer to assist, remove the handcuffs from Mr. ██████████ and end the encounter. Officer Craig flagged down the passing officer within seconds of exiting his vehicle for the purpose of releasing Mr. ██████████ and this action does not appear to have appreciably lengthened the duration of Mr. ██████████ detention.

As discussed elsewhere in this report, Officer Craig's decision to stop Mr. ██████████ for a traffic violation was justified at the outset, and there was no appreciable delay in the officer's handling of his initial contact with Mr. ██████████. There is some doubt regarding the propriety of Officer Craig's search of Mr. ██████████ car, but COPA cannot conclude that the search was unjustified or that Officer Craig committed misconduct by initiating and conducting the search. Assuming that the search was justified, it was undoubtedly conducted quickly and without undue delay. Officer Craig's actions at the end of the encounter were also completed expeditiously, and there was no undue delay involved in removing Mr. ██████████ from the police vehicle or releasing him from detention. That leaves COPA to decide if the 29 minutes it took Officer Craig to write 4 traffic tickets was excessive.

Illinois courts have never determined an exact time-limit where a police officer's ticket-writing crosses the line between reasonable and unreasonable.³⁵ The court in *Katz* noted that 9 minutes, in total, was reasonable for a traffic stop where an officer wrote a single ticket,³⁶ and "somewhat more than 18 minutes" was reasonable for a stop where the officer checked a driver's license and registration and wrote two tickets.³⁷ But in another case, the Supreme Court of Illinois held that a 15-minute traffic stop was unreasonably long where the officer wrote a single ticket to a driver whose car did not have a required rear registration light.³⁸

On a per-ticket basis, Officer Craig's timeliness fell within the general parameters that have been endorsed by the courts, but this is not to say that Officer Craig concluded the stop as quickly as he could have. He clearly took extra time to place a telephone call, and his BWC recording shows him pause multiple times while filling out the tickets. However, the telephone call was short in duration and clearly job related, as Officer Craig was providing the dispatcher with additional

³⁵ See *People v. Katz*, 2021 IL App (3d) 100683, ¶ 19 (citing *People v. Koutsakis*, 272 Ill. App. 3d 159, 163 (1995)).

³⁶ See *Id.*, ¶ 20.

³⁷ *Id.* (quoting *People v. Staley*, 334 Ill. App. 3d 358, 366 (2002)).

³⁸ See *People v. Cox*, 202 Ill. 2d 462 (2002) (overruled on other grounds in *People v. Bew*, 228 Ill. 2d 122 (2008)). The *Bew* court upheld the *Cox* court's reasoning regarding the permissible duration of a traffic stop, and the United States Supreme Court cited *Cox* favorably in its holding in *Illinois v. Caballes*. See *Bew*, 228 Ill. 2d at 131; *Illinois v. Caballes*, 543 U.S. 405, 407 (2005).

information about a stolen vehicle that other officers in the district were actively attempting to locate. Also, some of the delay can be attributed to Mr. [REDACTED]. He asked Officer Craig multiple questions while the officer was writing the tickets, and then he interrupted the officer's answers and confronted the officer with various insults and slurs. Thus, even though Officer Craig could have written the tickets faster, COPA cannot find that his delay was substantial enough to warrant discipline. On the other hand, Officer Craig's delay prevents COPA from finding by clear and convincing evidence that his conduct was entirely proper. Under these circumstances, the only proper findings for **Allegation No. 3** and **Allegation No. 4** are **Not Sustained**.

COPA finds that **Allegation No. 5** against Officer Craig is **Sustained**. The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable, necessary, and proportional in light of the totality of the circumstances faced by the officer.³⁹ The factors to be considered in assessing the reasonableness of force include, but are not limited to: (1) whether the subject was posing an immediate threat to the safety of officers or others; (2) what risk of harm and level of threat or resistance is presented by the subject; and (3) what is the subject's proximity or access to weapons.⁴⁰ In all uses of force, the goal of a Department member's response is to resolve the incident "with the foremost regard for the preservation of human life and the safety of all persons involved."⁴¹

As mentioned above, the primary question in reviewing use of force incidents is whether an officer's actions were reasonable based upon the totality of the circumstances. The circumstances may further limit these permissible responses to only that which is necessary, by using "only the amount of force required under the circumstances to serve a lawful purpose."⁴² Responses must also be "proportional to the threat, actions, and level of resistance offered by a subject."⁴³

Officer Craig told COPA investigators that he did not push Mr. [REDACTED] into the police vehicle. Rather, he contended that Mr. [REDACTED] "actions caused him to fall" and that he (Officer Craig) "lost his footing" as a result.⁴⁴ The officer's denial is contrary to the video evidence. Officer Craig's use of his hand to apply pressure and place his weight on Mr. [REDACTED] back, forcefully pushing him down and forward, was a "takedown" as categorized by the Department's use-of-force directives.⁴⁵ Takedowns are authorized for use against active resisters but are not authorized against passive resisters. Mr. [REDACTED] in refusing to voluntarily enter the patrol vehicle, was a passive resister. Forcefully pushing the handcuffed Mr. [REDACTED] into the vehicle was a disproportionate response to a handcuffed and unarmed person, even if Mr. [REDACTED] was verbalizing objections to Officer Craig. Officer Craig's actions here ignored the Department's policy to "act with the foremost regard for the preservation of human life and the safety of all persons involved."⁴⁶ Based upon the foregoing, COPA concludes that placing Mr. [REDACTED] in the police vehicle, by pushing him in his back, was an objectively unreasonable and unnecessary

³⁹ Att. 24, Use of Force, General Order G03-02(III)(B)(1)-(3).

⁴⁰ *Id.* § (III)(B)(1).

⁴¹ *Id.* § (II)(A).

⁴² General Order G03-02(III)(B)(2); *See also* Force Options, General Order G03-02-01(II)(C) (Att. 25).

⁴³ General Order G03-02(III)(B)(3); *See also* G03-02-01(II)(C).

⁴⁴ Att. 4 pg. 22, lines 15-18 and pg. 24, lines 5-11.

⁴⁵ General Order G03-02-01(IV)(B)(2)(c)(3). A "takedown" is defined as "The act of physically directing an active resister to the ground to limit physical resistance, prevent escape, or increase the potential for controlling an active resister." *Id.*

⁴⁶ General Order G03-02(II)(A).

tactic that was disproportional under the totality of the circumstances. By engaging in this conduct, Officer Craig violated Rule 2 (bringing discredit upon the Department), Rule 6 (disobeying written directives G03-02 and G03-02-01), Rule 8 (engaging in disrespect to or maltreatment of Mr. ██████████) and Rule 9 (engaging in an unjustified physical altercation with Mr. ██████████).

COPA finds that **Allegation No. 7** against Officer Craig is **Exonerated**. Rule 37 requires that officers provide their name, rank, and star number when so requested by a citizen. Officer Craig admitted that he did not provide his star number verbally when it was requested by Mr. ██████████. Officer Craig told COPA investigators that he was not aware of the requirement at the time of incident, but he also explained that he told Mr. ██████████ he would “see it on the ticket.”⁴⁷ Officer Craig’s BWC recording shows that he did, in fact, write his star number on each ticket and that he gave the tickets to Mr. ██████████. Rule 37 does not require that an officer respond verbally to a citizen’s request; rather, the Rule only requires that the officer provide the requested information. Here, while Officer Craig did not provide the information immediately, he did provide it within a reasonable time prior to the conclusion of the encounter. It may have been wiser for Officer Craig to provide his star number verbally as a potential method of deescalating the encounter, but his failing to do so did not violate Rule 37.

Department members who complete a traffic stop are required to comply with the Illinois Traffic and Pedestrian Stop Statistical Study (“TSS”).⁴⁸ In complying with the applicable directive, officers are required to collect statistical data “when the initial traffic stop is for an alleged Illinois Vehicle Code, Traffic Code of Chicago, or compliance violation.”⁴⁹ To document the data collected, officers must either complete a TSS Driver Information Card or attach a TSS sticker to the back of one citation issued during a stop. When an officer does not issue any citations, they must complete the card, but when they do issue at least one citation, they must attach the sticker. In either case, the officer is required to submit the card or the citation to their supervisor, and the supervisor then forwards the card or citation to a designated person (typically the unit citation clerk) for data entry. Regarding the citations issued by Officer Craig to Mr. ██████████ there is no record in the Cook County Traffic Records Information Management System (“TRIMS”) of the citations, and there is no data in the CPD Traffic Stop Statistical Study database. Officer Craig was not required to submit a Driver Information Card because he did, in fact, issue citations to Mr. ██████████. Instead, he was required to affix a TSS sticker to one of the citations. If Officer Craig had submitted the citations without the required TSS sticker, his supervisor presumably would have told Officer Craig to affix the sticker and re-submit the citations. The supervisor would then have forwarded the citations to the unit citation clerk for data entry and processing. Because there is no record whatsoever of these citations in either TRIMS or the CPD database, COPA cannot determine if Officer Craig affixed the required sticker or if the citations were somehow lost or destroyed during processing. COPA also cannot determine if Officer Craig, his supervisor, or the clerk was responsible for the loss or destruction of the citations. For these reasons, **Allegation No. 8** against Officer Craig is **Not Sustained**.

COPA finds that Allegations **No. 9** and **No. 10** against Officer Craig are **Sustained**. An Investigatory Stop Report was not completed for this traffic stop. The Investigatory Stop System, Special Order: S04-13-09,⁵⁰ mandates that Department members who complete an investigatory

⁴⁷ Att. 4 pg. 29, lines 22-24 and pg. 30, lines 1-8.

⁴⁸ See Special Order S04-14-09. (Att. 26).

⁴⁹ *Id.* § II.A.

⁵⁰ Attachment 27.

stop are required to complete an investigatory stop report that details “[a]ll of the factors that support” the detention of the subject. Further, Department members “are required to provide” an Investigatory Stop Receipt to any individual subjected to a “[p]rotective [p]at [d]own or any other search” during an Investigatory Stop. Here, it is undisputed that the Officer Craig stopped and searched [REDACTED] vehicle. It is also undisputed that Officer Craig did not provide [REDACTED] an Investigatory Stop Receipt, nor did he complete an Investigatory Stop Report detailing his interaction with Mr. [REDACTED]. In his statement to COPA, Officer Craig admitted that he did not complete the required forms. In failing to complete the proper report and issue the required receipt, Officer Craig violated Rule 5 (failure to perform any duty), Rule 6 (disobeying written directive S04-13-09), and Rule 10 (inattention to duty).

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

For the reasons set forth above, combined with Officer Craig’s complimentary and disciplinary history, COPA makes the recommendations listed below:

i. Complimentary and Disciplinary History:

Officer Craig has received the Superintendent’s Award of Valor, the Traffic Stop of the Month Award, 19 honorable mentions, 5 complimentary letters, and 13 other awards and commendations. Officer Craig has no sustained complaints regarding misconduct during the time period contemplated by the applicable collective bargaining agreement.

ii. Recommended Penalty

Officer Craig used unnecessary and unjustified force when he pushed Mr. [REDACTED] into a patrol vehicle. Officer Craig also failed to properly document why he searched Mr. [REDACTED] car and failed to provide Mr. [REDACTED] with the required receipt. The use of excessive force, and the failure to properly document stops and searches, undermines public confidence in the Department and harms the relationship between the police and the community. Taking these factors as well as Officer Craig’s complimentary history into consideration, COPA recommends a suspension of 10 days.

Approved:

[REDACTED]

3/17/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date