

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 16, 2019 / 6:25 p.m. / 5700 South Morgan Street
Date/Time of COPA Notification:	May 17, 2019 / 11:22 a.m.
Involved Officer #1: Jason Davis	Jason Davis / Police Officer / Star# 15630 / Employee# [REDACTED] / 7th District / Appointment Date: December 12, 2016 / White Male
Involved Officer #2: Jimmie Williams	Jimmie Williams / Police Officer / Star# 3025 / Employee# [REDACTED] / 7th District / Appointment Date: August 16, 2017 / Black Male
Involved Individual #1: [REDACTED]	[REDACTED] / 30 years old / Black Male
Case Type:	Stop and Search

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Jason Davis	It is alleged that on or about May 16, 2019, at or around 5700 S, Morgan Street, Chicago, Illinois at approximately 6:25 p.m., you:	
	1. Stopped [REDACTED] without justification.	Exonerated
	2. Grabbed [REDACTED] about the body without justification.	Exonerated
	3. Searched the vehicle that [REDACTED] was driving without justification.	Exonerated

II. SUMMARY OF EVIDENCE¹

¹COPA 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, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

In a statement to COPA, the complainant, ██████████ told investigators that on the date of the incident, he was pulled over by the police for not stopping at a stop sign; however, he said he did stop at the stop sign.² When the officers approached his vehicle, they told him to roll his windows down and Mr. ██████████ rolled his windows down part-way. They asked for his license and insurance, which Mr. ██████████ provided. Officer Davis then told Mr. ██████████ to get out of his vehicle but did not tell him why. Mr. ██████████ asked for a sergeant and Officer Davis said he would call a sergeant, but that Mr. ██████████ still had to exit his vehicle. Officer Davis grabbed Mr. ██████████ left wrist and pulled him out of the vehicle. Mr. ██████████ said Officer Davis told his partner to draw his weapon. At some point after Mr. ██████████ was out of the vehicle, a sergeant was on-scene and told Mr. ██████████ that the officers were allowed to get him out of his vehicle. Meanwhile, Officer Davis searched the interior of the vehicle including the rear, trunk area. Officer Davis ultimately issued Mr. Davis citations for not stopping at a stop sign, no front license plate, and no city sticker on the vehicle. After issuing the citations, Mr. ██████████ was still handcuffed when Officer Davis said he wanted to search the vehicle again. Officer Davis briefly searched the driver's side compartment of the car again, after which Mr. ██████████ was un-handcuffed and free to leave. Mr. ██████████ said he was never told why he was ordered to get out of the vehicle.

In his statement to COPA, accused Officer Davis said he saw the vehicle Mr. ██████████ was driving roll through a stop sign and curbed the vehicle.³ Officer Davis approached the driver-side of the vehicle and observed the rear windows were heavily tinted. He asked the driver (now known to be Mr. ██████████) to roll the rear windows down. Mr. ██████████ only rolled the windows down slightly and then rolled them back up a little. Mr. ██████████ told Officer Davis there was nothing in his back seat that Officer Davis need worry about. At that point, Officer Davis said he asked Mr. ██████████ to step out of the vehicle for officer safety. Mr. ██████████ did not comply. Officer Davis asked him an additional time to get out of the vehicle and Mr. ██████████ still did not comply. Officer Davis opened the car door and escorted Mr. ██████████ out of the car then placed him in handcuffs with the assistance of his partner, Officer Williams. Officer Davis said he performed a search of the interior areas of the vehicle that were accessible to the driver. After doing a name-check, Officer Davis discovered Mr. ██████████ was on parole and he did a secondary search of the vehicle before releasing Mr. ██████████ back to the vehicle. Officer Davis' searches did not uncover any contraband. Officer Davis said he issued three citations to Mr. ██████████ and Mr. ██████████ was free to leave.

Bodycam footage from the incident shows officers pulling Mr. ██████████ over and Officer Davis approaching the driver-side of the vehicle.⁴ Officer Davis asks Mr. ██████████ to roll the back windows down, which are tinted. Mr. ██████████ rolls the windows down only partway and then rolls them back up a little. Officer Davis asks Mr. ██████████ to step out of the vehicle. Mr. ██████████ refuses to get out of the vehicle and asks for a sergeant. Officer Davis says he will request a sergeant; however, Mr. ██████████ still must exist the vehicle. Mr. ██████████ refuses to exit the vehicle

² Attachment 13.

³ Attachment 18.

⁴ Attachments 15, 16 and 17.

and Officer Davis opens the driver-side door of the vehicle. Officer Davis' partner, Officer Williams comes to the driver side of the vehicle. Mr. ██████ tells the officers he is scared, and has his hands up in front of him, with his license and insurance visible in his left hand. Mr. ██████ unbuckles his own seatbelt and Officer Davis places one cuff on Mr. ██████ right wrist while telling his partner to get his weapon ready. Officer Williams takes Mr. ██████ left wrist and both Officers remove Mr. ██████ from the car and finish handcuffing him. Mr. ██████ asks the officers why they are getting him out of the car and Officer Davis tells him it is because the vehicle's windows are tinted, and he cannot see inside the vehicle. Officer Davis proceeds to search the interior of the car, including opening the hatchback and looking in the rear area.

After several minutes, a sergeant arrives on the scene and Officer Davis is heard telling the sergeant that Mr. ██████ did not come to a complete stop, the vehicle is missing the front license plate, and there is no city sticker on the vehicle. Mr. ██████ responds that it is not his vehicle and says he did come to a complete stop. Mr. ██████ can be heard telling the sergeant that he is shaking and nervous. Officer Davis completes his search of the vehicle and goes back to his squad car to write the tickets. Officer Davis tells the sergeant he has discovered Mr. ██████ is on parole and he is going to issue Mr. ██████ the citations they discussed. Officer Davis gives Mr. ██████ the tickets and looks in the driver compartment of the vehicle another time before telling his partner that he can un-handcuff Mr. ██████ and telling Mr. ██████ he is free to leave.

Officer Davis completed an Investigatory Stop Report ("ISR") for this stop and documented that he and his partner pulled over the vehicle Mr. ██████ was driving for not stopping at a stop sign.⁵ The ISR states the vehicle had very dark tinted windows. When they asked Mr. ██████ to roll the windows down, he only rolled them down slightly and the officers could not see into the vehicle. The Report goes on to say that Mr. ██████ acted nervously, and they asked him to step out of the vehicle to which he refused. The officers were able to get Mr. ██████ out of the vehicle and conducted a search of the interior of the vehicle. The officers learned though a name-check that Mr. ██████ was on parole for a gun violation. Three citations were issued to Mr. ██████ and he was given an Investigatory Stop Receipt.

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;

⁵ Attachment 4.

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 occurred and violated 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 been found to be more probably true than not). 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. *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.

IV. ANALYSIS

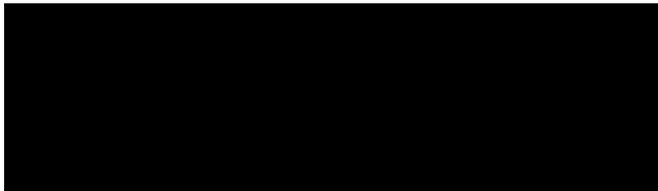
In his statement to COPA, Mr. ██████ said the officers never told him why he was pulled over, but clearly, according to the bodycam footage, they did inform him the reason for the stop. Mr. ██████ also asked for a sergeant and a sergeant arrived on the scene shortly after he was pulled over. The officers said he was stopped for not stopping at a stop sign, to which Mr. ██████ said that he did. Officer Davis also told Mr. ██████ that when he asked him to roll his windows down, Mr. ██████ did not fully comply. So, Mr. ██████ should have been aware of the reason for the stop and why he was asked to step out of the vehicle.

According to bodycam footage, the Investigatory Stop Report and Officer Davis’ statement to COPA, Officer Davis had reason to ask Mr. ██████ out of his vehicle to perform a search of the interior of the vehicle for officer safety. Mr. ██████ did not fully comply with Officer Davis’ request that he roll the vehicle windows down and did not immediately comply when he was asked to step out of the vehicle. A reasonable officer might also believe that Mr. ██████ acted unusually nervous for being pulled over on a routine traffic stop. The lack of compliance to roll the windows down and the nervousness of Mr. ██████ were valid reasons to perform a protective pat down of the vehicle. These reasons were documented in Officer Davis’ ISR and reiterated by him in his statement to COPA. Additionally, Mr. ██████ did not comply with Officer Davis’ instructions for him to get out of the vehicle. Instead, Mr. ██████ questioned why he was being asked to step out and protested. Officers Davis and Williams had to escort Mr. ██████ out of the vehicle in order to perform the vehicle search. Officer Davis escorted Mr. ██████ out of the vehicle by taking hold of Mr. ██████ wrist, while Officer Williams took hold of Mr. ██████ other wrist as they guided him out of the vehicle and placed him in handcuffs. Officer Davis searched all areas

of the vehicle that were accessible to Mr. [REDACTED] including the hatchback area, which is connected to and accessible from the main cabin of the vehicle. In conducting a protective pat down of a vehicle, officers are permitted to search for weapons in all areas of a vehicle that are accessible to the driver, including a hatchback area that is connected and open to the main compartment of the car.

Officer Davis documented the reasons for the stop and search in his ISR, which is supported by and consistent with the bodycam footage of the incident. Officer Davis also said at the time of the stop on bodycam, that he pulled over Mr. [REDACTED] for not stopping at a stop sign, which is consistent with the citation he issued and what is documented in the ISR as well as what Officer Davis said in his Statement to COPA. Officer Davis did escort Mr. [REDACTED] out of the vehicle; however, as discussed earlier, he had a reasonable basis to do so which was documented in his ISR and consistent with what is seen on bodycam and what he told investigators in his statement to COPA. Based on the foregoing, COPA finds Officer Davis' actions were justified and within Department policy.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

2-16-2022

Date