

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 6, 2019
Time of Incident:	1:26 am
Location of Incident:	████████████████████
Date of COPA Notification:	November 8, 2019
Time of COPA Notification:	1:33 pm

While on routine patrol, Officers Ilir Llika (Officer Llika) and Amra Bukalo-Mehmedovic (Officer Bukalo-Mehmedovic) observed ██████████ (██████████) sitting in the driver’s seat of an illegally parked vehicle with the engine running. The officers performed a traffic stop on ██████████ and discovered he had a revoked license. ██████████ was subsequently arrested, and his vehicle was impounded.

II. INVOLVED PARTIES

Involved Officer #1:	Ilir Llika, star# 17601, emp.# ██████████, DOA: March 16, 2018, Officer, Unit 025, DOB: ██████████, 1996, Male, White
Involved Officer #2:	Amra Bukalo-Mehmedovic, star# 7811, emp.# ██████████, DOA: July 17, 2017, Officer, Unit 025, DOB: ██████████, 1985, Female, White
Involved Individual #1:	██████████ DOB: ██████████, 1976, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Ilir Llika	It is alleged by ██████████ that on or about November 6, 2019, at approximately 1:37 am, at or near ██████████ ██████████ Officer Ilir Llika, star 17601, committed misconduct through the following acts or omissions, by:	
	<ol style="list-style-type: none"> 1. stopping ██████████ without justification. 2. arresting ██████████ without justification. 	<p>Exonerated</p> <p>Exonerated</p>

	<p>3. It is alleged by COPA, by and through Deputy Chief Matthew Haynam, that on or about November 6, 2019, at approximately 1:37 am, at or near [REDACTED] [REDACTED] Officer Ilir Llika, star 17601, committed misconduct through the following acts or omissions: failed to timely activate his body-worn camera in violation of S03-14.</p>	<p>Sustained</p>
<p>Officer Amra Bukalo-Mehmedovic</p>	<p>It is alleged by [REDACTED] that on or about November 6, 2019, at approximately 1:37am, at or near [REDACTED] [REDACTED] Officer Amra Bukalo-Mehmedovic, star 7811, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. stopping [REDACTED] without justification. 2. arresting [REDACTED] without justification. 	<p>Exonerated Exonerated</p>

IV. APPLICABLE RULES AND LAWS

Rules

Rule 5- Failure to perform any duty.

Rule 6- Disobedience of an order or directive, whether written or oral.

Special Orders

S03-14, Body Worn Cameras (effective April 30, 2018-present)

Federal Laws

Fourth Amendment of the U.S. Constitution

V. INVESTIGATION¹

a. Interviews

[REDACTED] was interviewed by COPA on November 12, 2019.² According to [REDACTED] on the date of the incident he attended his father’s funeral and repast. Later that evening, [REDACTED] his mother, and his god-brother returned to [REDACTED] house. Shortly after they arrived at the house, [REDACTED] mother mentioned that she left her dentures inside their vehicle. [REDACTED] and his god-brother, [REDACTED] walked back to the vehicle to retrieve the dentures. Both men entered the vehicle and began looking for the dentures. As they searched, officers pulled up behind the vehicle with their emergency lights activated. [REDACTED] opened the driver’s side door and asked the

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. 5.

officers if everything was okay. The officers³ told ██████ to close the door and stay inside the vehicle. The officers then approached the vehicle and asked ██████ for his license and insurance. He responded that his license was revoked but he was not driving the vehicle. The officers informed ██████ that the vehicle was blocking the alley.

The officers placed ██████ under arrest for driving on a revoked license and blocking the alley. They also impounded the vehicle, which ██████ stated belonged to his mother. ██████ asserted the vehicle was legally parked, not blocking the alley, and the engine was not running. He stated he only turned the vehicle on after the officers gave him permission to do so. ██████ received several tickets from the officers. He told COPA the officers had no reason to stop or arrest him because he was not driving the vehicle.

████████████████████ was interviewed by COPA on June 12, 2020.⁴ According to ██████ on the date of the incident, he and ██████ were sitting inside the vehicle listening to music. ██████ and ██████ were inside the vehicle for approximately one hour before officers arrived. ██████ was initially in the back seat, but at some point, he moved to the driver's seat. ██████ was sitting in the front passenger's seat. ██████ did not remember if the vehicle was running, but he stated it had to be at least partially turned on because they were listening to music. The vehicle has a push start and ██████ was uncertain where the keys were located.

According to ██████ two officers approached the vehicle and asked for their names and identification. ██████ and ██████ provided their identifications, at which point the officers told ██████ he was under arrest. ██████ did not know the reason for ██████ arrest. The officers then told ██████ he was free to leave, and he asked if he could take the vehicle, but they said no. ██████ told COPA the vehicle was in a legal parking space. He was not sure if there was alcohol in the vehicle, but he stated that he and ██████ were not drinking when they were inside the vehicle.

Officer Amra Bukalo-Mehmedovic was interviewed by COPA on May 4, 2021.⁵ On the date of the incident, Officer Bukalo-Mehmedovic was working in the 25th district in uniform. She and her partner, Officer Ilir Llika, were on routine patrol traveling eastbound on Division Street when they observed ██████ vehicle. The vehicle was blocking the sidewalk and the alleyway, and it was parked more than 12 inches from the curb. Officer Bukalo-Mehmedovic performed a U-turn and conducted a traffic stop on ██████ vehicle. She exited the squad vehicle and approached on the driver's side while her partner approached on the passenger's side of ██████ vehicle. According to Officer Bukalo-Mehmedovic, the vehicle's engine was running when she initially observed ██████ but when she made the U-turn and got behind the vehicle, the engine was off.

Officer Bukalo-Mehmedovic observed ██████ in the driver's seat and another male on the passenger's side of the vehicle. ██████ was unable to produce a license or insurance, but he did provide the officers with a state identification card. The officers ran ██████ name and discovered he had a revoked license and a non-serviceable warrant. They asked him to exit the vehicle and placed him into custody for operating a vehicle with a revoked license and several other traffic offenses. Officer Bukalo-Mehmedovic also observed open alcohol inside ██████ vehicle.

³ ██████ described the officers as a male Caucasian and a female Caucasian, both in their mid-30s.

⁴ Att. 20.

⁵ Att. 26.

Officer Ilir Llika was interviewed by COPA on May 6, 2021.⁶ According to Officer Llika, on the date of the incident he was working in the 25th district with his partner, Officer Bukalo-Mehmedovic. Officer Llika was wearing a body-worn camera (BWC), which he activated a couple of seconds after he approached [REDACTED] vehicle, but before he interacted with the passenger. Officer Llika stated he initially noticed [REDACTED] vehicle because it was illegally parked. The vehicle was blocking the alley and was not parked against the curb. Officer Llika approached the passenger's side of [REDACTED] vehicle while his partner approached the driver's side. According to Officer Llika, the vehicle's engine was running when they approached. Officer Llika asked the passenger for identification, which he produced. Officer Bukalo-Mehmedovic asked [REDACTED] to provide a license and insurance, but he was unable to do so. The officers ran [REDACTED] name and learned he had a revoked license. They then returned back to [REDACTED] vehicle and placed him into custody.

b. Digital Evidence

Officer Bukalo-Mehmedovic's BWC video begins with her driving her squad vehicle.⁷ She exits the vehicle, approaches the driver side of [REDACTED] vehicle, and tells [REDACTED] he is blocking the sidewalk. [REDACTED] responds that the vehicle belongs to his brother, and he was going to move it. Officer Bukalo-Mehmedovic asks [REDACTED] for his license and insurance, and he replies he does not have a license or insurance but was not driving the vehicle. Officer Bukalo-Mehmedovic then asks [REDACTED] if he has been drinking, and [REDACTED] tells her he was drinking inside the house. Officer Bukalo-Mehmedovic points out that [REDACTED] has open alcohol in the vehicle. [REDACTED] passenger, [REDACTED] tells Officer Bukalo-Mehmedovic that he was driving the vehicle and switched positions with [REDACTED] says he and [REDACTED] were just sitting in the vehicle, talking and drinking beers. [REDACTED] tells Officer Bukalo-Mehmedovic that his license is revoked, and he hands her his identification card. The officer asks again if they have been drinking, and [REDACTED] says he had a few sips because it is [REDACTED] birthday.

Officer Bukalo-Mehmedovic goes back to her vehicle to run [REDACTED] name through her PDT. She comments to her partner that [REDACTED] vehicle was running, and Officer Llika agrees that the vehicle was on. Officer Bukalo-Mehmedovic walks back to [REDACTED] vehicle and asks [REDACTED] to step out of vehicle. He complies and Officer Bukalo-Mehmedovic places handcuffs on him, stating that was behind the wheel and his license is revoked. [REDACTED] tells Officer Llika that the vehicle belongs to his mother, but the officer responds the vehicle is going to be impounded. The officers then tell [REDACTED] he is free to go, but he asks for a ride to the station where he can wait for a ride. Officer Llika pats [REDACTED] down and Officer Bukalo-Mehmedovic tells him he has to be placed in handcuffs since he is riding in the squad vehicle. Officer Llika escorts [REDACTED] to the squad vehicle and he enters the rear seat next to [REDACTED] Officer Llika then returns to [REDACTED] vehicle and drives it to the station.

Officer Llika's BWC video begins as the officer exits the squad vehicle and walks up to the passenger's side of [REDACTED] vehicle.⁸ As he approaches, the video shows [REDACTED] vehicle is parked more than a foot from the curb and is blocking the alley.⁹ Officer Llika begins to interact

⁶ Att. 28.

⁷ Att. 24.

⁸ Att. 25.

⁹ Att. 25 at 1:30-1:40 minutes.

with [REDACTED] who is sitting in the front passenger's seat of [REDACTED] vehicle. At 1:26 am, approximately 30 seconds after approaching the vehicle, Officer Like activates his BWC. The remainder of the video captures essentially the same information as Officer Bukalo-Mehmedovic's BWC video.

c. Documentary Evidence

The **arrest report** documents the arrest of [REDACTED] on November 6, 2019.¹⁰ According to the narrative, officers were on routine patrol when they observed [REDACTED] vehicle blocking the alley. The vehicle was parked with the engine running. The officers performed a traffic stop and ran a name check, which revealed [REDACTED] license was revoked. [REDACTED] was placed into custody for driving on a revoked or suspended license and transported to the 25th district for processing.

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.¹¹ 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. 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."¹²

¹⁰ Att. 1.

¹¹ 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).

¹² *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

VII. ANALYSIS

a. Traffic Stop Allegation

COPA finds **Allegation #1**, that Officers Llika and Bukalo-Mehmedovic stopped ██████ vehicle without justification, is **Exonerated**. Traffic stops are considered seizures under the Fourth Amendment, and thus they are subject to the Fourth Amendment reasonableness requirement.¹³ A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.”¹⁴ Department policy provides that reasonable articulable suspicion “depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member’s training and experience.”¹⁵ According to both Officers Llika and Bukalo-Mehmedovic, they performed a traffic stop on ██████ vehicle because the vehicle was blocking the alley and was not properly parked against the curb. ██████ denied this assertion, stating the vehicle was legally parked and not blocking the alley. However, Officer Llika’s BWC footage clearly shows that ██████ vehicle was in fact blocking the alley and was parked more than a foot away from the curb. COPA finds the BWC footage, coupled with the officers’ statements and reports, constitutes clear and convincing evidence the officers had justification to conduct the traffic stop. As such, COPA finds Allegation #1 against both officers is exonerated.

b. Arrest Allegation

COPA finds **Allegation #2**, that Officers Llika and Bukalo-Mehmedovic arrested ██████ without justification, is **Exonerated**. The Fourth Amendment protects people from unreasonable searches and seizures by the government. In the absence of an arrest warrant, officers must have probable cause to arrest a subject.¹⁶ “Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest.”¹⁷ Here, ██████ asserted he should not have been arrested because the vehicle was not turned on and he was not driving. ██████ did, however, admit he was in the driver’s seat and his license was revoked at the time that the officers stopped him. ██████ passenger, ██████ did not recall if the vehicle was running, but he acknowledged it was at least turned on in the accessory position, because he and ██████ were listening to music inside the vehicle for approximately an hour before the officers arrived. Additionally, both officers told COPA that when they initially observed ██████ he was sitting in the driver’s seat and the vehicle’s engine was running.

The Illinois Vehicle Code defines a driver as “every person who drives or is in actual physical control of a vehicle,”¹⁸ and it further provides that “any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person’s

¹³ *Whren v. United States*, 517 U.S. 806, 809-10 (1996).

¹⁴ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

¹⁵ S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017 to present).

¹⁶ *People v. Johnson*, 408 Ill. App. 3d 107, 112 (1st Dist. 2010) (citing *Beck v. Ohio*, 379 U.S. 89, 91 (1964)).

¹⁷ *People v. Wear*, 229 Ill. 2d 545, 563-64 (2008).

¹⁸ 625 ILCS 5/1-116.

driver’s license, permit, or privilege to do so or the privilege to obtain a driver’s license or permit is revoked or suspended...shall be guilty of a Class A misdemeanor.”¹⁹ In this case, it is undisputed that [REDACTED] had a revoked license and was sitting in the driver’s seat of the vehicle when the officers stopped him. COPA finds [REDACTED] was in actual physical control of the vehicle, and thus, the officers had justification to arrest him. For these reasons, COPA finds Allegation #2 against both officers is exonerated.

c. BWC Allegation

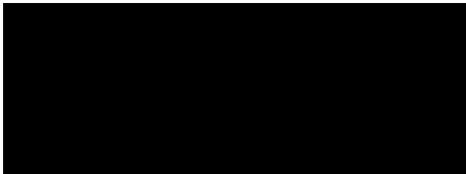
COPA finds **Allegation #3** against Officer Llika, that he failed to timely activate his BWC, is **Sustained**. Under Special Order S03-14, Department members must activate their cameras at the beginning of an incident and record the entire incident for all law-enforcement-related activities.²⁰ The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated. According to Officer Llika, he activated his BWC a couple seconds after he approached [REDACTED] vehicle, but before he began interacting with [REDACTED]. However, Officer Llika’s BWC video shows the officer did not activate his camera until after he began speaking to [REDACTED] approximately 30 seconds after he exited the squad vehicle. For these reasons, COPA finds this allegation is sustained as a violation of Rules 5 and 6.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Ilir Llika

COPA has considered Officer Llika’s complimentary and disciplinary histories in recommending discipline for sustained findings.²¹ Officer Llika has no sustained complaints and two SPARS for failing to perform any duty, both of which resulted in reprimands. He has received a total of 66 awards, including one crime reduction award and 63 honorable mentions. COPA has considered this history, as well as Officer Llika’s inexperience as an officer, in mitigation. However, Officer Llika’s untimely BWC activation violated Department policy and served to undermine public trust and confidence in the Department. Therefore, COPA recommends Officer Llika receive a 1-day suspension.

Approved:



2/23/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

¹⁹ 625 ILCS 5/6-303(a).

²⁰ S03-14(III)(A)(2).

²¹ Att. 31.

