

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	October 21, 2019 / 1:16 A.M. / 7500 S. Stewart Avenue
Date/Time of COPA Notification:	October 21, 2019 / 9:30 A.M.
Involved Officer #1:	Kenneth Brink, Star No. 17865, Employee No. [REDACTED], Date of Appointment: July 15, 2013, Rank: Police Officer, Unit of Assignment: 006, DOB: [REDACTED], 1981, Male, White
Involved Officer #2:	Stephen Insley, Star No. 21437, Employee No. [REDACTED], Date of Appointment: May 26, 1998, Rank: Police Officer, Unit of Assignment: 610, DOB: [REDACTED], 1967, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1998, Male, Black
Case Type:	Unlawful Stop / Unlawful Vehicle Search

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Kenneth Brink	<p>It is alleged by [REDACTED] that on or about October 21, 2019, at approximately 1:16 AM, at or near 7500 S. Stewart Avenue, Officer Kenneth Brink, Star No. 17865, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification. 2. Searching [REDACTED] vehicle without justification. 	<p>Exonerated</p> <p>Exonerated</p>
Officer Stephen Insley	<p>It is alleged by [REDACTED] that on or about October 21, 2019, at approximately 1:16 AM, at or near 7500 S. Stewart Avenue, Officer Stephen Insley, Star No. 19125, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification. 	<p>Exonerated</p>

2. Searching [REDACTED] vehicle without justification.	Unfounded
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II. SUMMARY OF EVIDENCE

On October 21, 2019, Complainant [REDACTED] alleged to COPA that officers of the Chicago Police Department stopped him in his vehicle, detaining him and searching his vehicle without justification. In reaching its factual findings, COPA reviewed Mr. [REDACTED] statement,¹ as well as the statements of accused Officers Kenneth Brink² and Stephen Insley,³ an Investigatory Stop Receipt from the stop,⁴ two Investigatory Stop Reports,⁵ an Office of Emergency Management and Communications Event Query report from the stop,⁶ GPS data⁷ and maps⁸ from the date, time, and location in question, as well as CPD Attendance and Assignment sheets.⁹ As gang team officers, Officers Brink and Insley were not required to wear body worn cameras, and no BWC footage of the incident is on record.

In his statement to COPA, Mr. [REDACTED] stated that as he was driving his truck—a white Dodge Ram with tinted windows—heading eastbound on 75th Street, he made a complete stop at a stop sign and saw an unmarked police vehicle at another stop sign. The vehicle did a U-turn and pulled him over. The officers told Mr. [REDACTED] and Mr. [REDACTED] to step out and Officer Brink placed Mr. [REDACTED] in handcuffs before unjustifiably searching his vehicle to an excessive extent.

In his statement to COPA, Officer Brink, a gang enforcement officer, stated that he and Officer Insley were assigned to the area because of ongoing gang conflict. Around 1:00 A.M. on October 21st, he drove their patrol vehicle to the vicinity of the stop because of two ShotSpotter alerts registering 16 total gunshots in the approximate area of 75th and S. Normal Avenue. He first observed the white truck stopped by a wooded area next to an alley and some train tracks, approximately one block west of 75th and S. Normal Avenue; when the officers drove toward the truck it then began moving forward, leading the officer to believe the occupants may have been hiding by the tracks. He stated they stopped Mr. [REDACTED] based on a totality of factors including the high crime area, the vehicle's presence very near where the shots had been fired, the very late hour, the vehicle's suspicious movements, and the vehicle's tinted windows. He stated that when he approached the driver's side of the vehicle during the stop, he recognized the driver as Mr. [REDACTED]. He stated Mr. [REDACTED] is a local Racine Money gang-member who is well known as such by the district's gang intelligence officers, and stated the stop occurred on a rival gang's territory. He stated he also knew Mr. [REDACTED] had a recent violent criminal history and said he had previously

¹ Attachment 1.

² Att. 8.

³ Att. 9.

⁴ Att. 4.

⁵ Atts. 3 & 5.

⁶ Att. 10.

⁷ Att. 12.

⁸ Att. 13.

⁹ Att. 11.

assisted in Mr. ██████ arrest for shooting a 19-year-old victim, based on an on-scene, eyewitness identification.

Mr. ██████ reported during his statement that Officer Brink told him gunshots had just been fired in the area and asked ██████ why he is “always popping up when shots go off.” Mr. ██████ told COPA he didn’t hear any gunshots before the stop but said he had been arrested by a different officer for a separate shooting a couple months prior. During the instant stop, Mr. ██████ had a knife on his person, which he informed Officer Brink about and received back at the conclusion of the stop. Mr. ██████ stated the officer initially stood him handcuffed at the rear of the Dodge truck, then put him in the back of the police vehicle and began to search his vehicle multiple times. The whole stop lasted approximately 25 minutes. Mr. ██████ stated he “kept going off” on the officers and asked, “Why are you searching my vehicle.” He did not receive any citations for the stop but did receive an Investigatory Stop Receipt. Mr. ██████ stated there was some damage to his vehicle after the search, including to a box that cannot be opened.

Officer Brink stated Mr. ██████ had a console that could not be opened but gave consent for the officers to break it open. He stated other officers responded to the stop and that he and another officer searched under the seats, behind the seats, and anywhere else in the passenger compartment that could contain a gun. Officer Brink stated he does not recall whether the other officer who assisted in the search was Officer Insley or another responding officer. Officer Brink estimated the stop lasted around 15 minutes.

Officer Insley’s statement generally comports with Officer Brink’s. However, Officer Insley stated he did not recall whether he personally assisted in searching Mr. ██████ vehicle, whether another responding officer did, how long the stop lasted in total, how long the search lasted, or whether anyone was placed in the back of the police vehicle during the stop. He stated he was the guard officer during the stop, Officer Brink was the business officer, and that the stop and search were based on a totality of circumstances, including Officer Brink’s knowledge of the driver’s gang membership and presence in rival gang territory, the very late hour, the close proximity to the shots fired, and the vehicle’s suspicious movements.

Officer Brink wrote two Investigatory Stop Reports for the incident—one for Mr. ██████ and one for Mr. ██████ also comport with the officers’ statement. The report states the stop occurred based on totality of the circumstances. Officer Brink immediately recognized Mr. ██████ and knew of his gang affiliation and alleged recent violent criminal history. During a protective pat-down he found a bulge in ██████ pocket which turned out to be a knife. Based on totality of the circumstances, he searched Mr. ██████ vehicle for a firearm, with negative results. While searching, he observed a radio that had the 007th District police channel on. He conducted a name check of Mr. ██████ juvenile passenger, ██████. As Officer Brink wrote Mr. ██████ an Investigatory Stop Receipt, Mr. ██████ stated words to the effect of, “I know how to get officers in trouble, I got Perez in trouble. Watch this, I’m gonna go downtown tomorrow.”¹⁰

A July 10, 2019 Arrest Report documents Mr. ██████ arrest for aggravated battery by discharge of a firearm based on positive identification by the shooting victim. The Arrest Report’s “Processing Personnel” section lists Officer Brink as one of the Assisting Arresting Officers.

¹⁰ Attachment 3, p. 2.

Two ShotSpotter reports document a total of 16 rounds fired in the area around the time of the October 21st, 2019 stop. At 12:51 A.M., 8 rounds were fired at 7458 S. Normal Avenue. Also, at 12:51 A.M., 8 more rounds were fired three residential buildings north at 7444 S. Normal Avenue.

An Office of Emergency Management and Communications Event Query report documents the stop. The report shows that the officers commenced a traffic stop at 1:16 A.M. at or near 7500 S. Stewart Avenue. At 1:28 A.M., an officer ran a driver's license number, and at 1:28 A.M., and officer ran [REDACTED] name.

GPS maps, GPS data, and a similar Caboodle GPS map show the officers, assigned to CPD Vehicle ID 4915, were patrolling in the area from at least 1:03 A.M. They were stopped near 75th Avenue and S. Stewart Avenue at approximately 1:16 A.M., facing eastbound. GPS data does not document when they departed the stop.

COPA finds Officer Brink's statement to be generally credible because it appears supported by Officer Insley's account, substantial parts of Mr. [REDACTED] own account, as well as documentary evidence such as ShotSpotter records and the GPS and OEMC Event Query reports. COPA similarly finds Officer Insley's statement to be generally credible because it appears supported by Officer Brink's account, substantial parts of Mr. [REDACTED] own account, as well as documentary records and reports.

III. ANALYSIS AND CONCLUSION

a. Officer Kenneth Brink

1. Detaining [REDACTED] without justification

COPA finds that Officer Kenneth Brink did not detain [REDACTED] without justification. Both officers and Mr. [REDACTED] agree that [REDACTED] and his passenger were present in the residential area around 75th Street and S. Stewart Avenue at a very late hour, very near 7458 S. Normal Avenue, the location of multiple ShotSpotter alerts. Both officers and Mr. [REDACTED] stated that Mr. [REDACTED] truck had darkly tinted windows, justifying a traffic stop. Officer Brink gave credible information he had knowledge of Mr. [REDACTED] known gang affiliation and alleged violent criminal activities. He gave credible information Mr. [REDACTED] was on rival gang territory at the time of the stop. Both officers and Mr. [REDACTED] stated Mr. [REDACTED] had a knife in his pocket during the stop. Thus, the totality of multiple factors contributed to Officer Brink's suspicion of Mr. [REDACTED] and his probable cause to detain him during the stop. The parties estimate the stop lasted around 15-25 minutes, which is not an unreasonable amount of time to stop a suspicious vehicle, perform protective pat downs, question the occupants, run their names for wants or warrants, perform a search of the passenger compartment of the vehicle, and issue Investigatory Stop Receipts. As such, COPA finds that Officer Brink did not detain Mr. [REDACTED] without justification, and the allegation is exonerated.

2. Searching [REDACTED] vehicle without justification

COPA finds that Officer Kenneth Brink did not search [REDACTED] vehicle without justification. Following a similar analysis as the preceding allegation, the totality of multiple factors contributed to Officer Brink’s suspicion of criminal activity and his probable cause to search Mr. [REDACTED] vehicle. The vehicle’s presence and its suspicious behavior at a very late hour, very near where multiple gunshots had been fired, paired with Officer Brink’s credible account of his and other gang intelligence officers’ knowledge of [REDACTED] gang affiliation and alleged weapons-related criminal activity, as well as Mr. [REDACTED] possession at the scene of another weapon, a knife, contributed to probable cause to search Mr. [REDACTED] passenger compartment for a firearm used to fire the shots registered by ShotSpotter. As such, COPA finds that Officer Brink did not search Mr. [REDACTED] vehicle without justification, and the allegation is exonerated.

b. Officer Stephen Insley

1. Detaining [REDACTED] without justification

COPA finds that Officer Stephen Insley did not detain [REDACTED] without justification. Based on the same reasoning as in Officer Brink’s first allegation, above, multiple factors contributed to the officers’ suspicion of Mr. [REDACTED] and their probable cause to detain him during the stop. As such, COPA finds that Officer Insley did not detain Mr. [REDACTED] without justification, and the allegation is exonerated.

2. Searching [REDACTED] vehicle without justification

COPA finds the allegation that Officer Stephen Insley searched [REDACTED] vehicle without justification unfounded. Neither Mr. [REDACTED] nor either officer definitively recalled whether Officer Insley participated in the search of the vehicle. Based on the same reasoning as in Officer Brink’s first allegation, above, multiple factors contributed to the officers’ suspicion of criminal activity and probable cause to search Mr. [REDACTED] vehicle. Though the search would be exonerated if performed by Officer Insley, the allegation nonetheless is not based on facts sufficiently revealed through investigation. As such, COPA finds the allegation that Officer Insley searched Mr. [REDACTED] vehicle without justification unfounded.

Approved:

[REDACTED]

Sharday Jackson

Deputy Chief Administrator – Chief Investigator

October 31, 2022

Date