

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 4, 2018
Time of Incident:	1:30 am
Location of Incident:	10300 S. Calhoun Avenue, Chicago IL 60617
Date of COPA Notification:	May 23, 2018
Time of COPA Notification:	6:25 pm

On May 23, 2018, Officers Szalko and Morones pulled over a dark blue Chevy Impala for having a headlight out and no front license plate. When the driver of the Impala, [REDACTED] could not supply proof of his insurance or a valid driver's license, he was detained. During the stop, the officers noted smelling a strong odor of marijuana coming from the Impala. They initiated a search of the car and also detained the passenger of the Impala, [REDACTED] after finding a small amount of marijuana inside her purse on the front seat. Mr. [REDACTED] and Ms. [REDACTED] were transported to the 004th District and issued citations before being released. Ms. [REDACTED] denied that the marijuana belonged to her and later alleged to COPA that she and Mr. [REDACTED] had been unjustifiably detained. The entire incident was recorded on the officers' body-worn cameras.

II. INVOLVED PARTIES

Involved Officer #1 (Accused):	Imelda Morones , Star #4173, Employee ID # [REDACTED], Appointed April 28, 2008; Police Officer/Field Training Officer, Unit 004, DOB [REDACTED], 1974; Hispanic Female
Involved Officer #2 (Accused/):	Daniel Szalko , Star #19291, Employee ID # [REDACTED], Appointed December 14, 2015; Unit 004, DOB [REDACTED], 1984; White Male
Involved Officer #3 (Accused):	Abalo Awesso , Star #8431, Employee # [REDACTED], Appointed August 29, 2016; Police Officer, Unit 004, DOB [REDACTED], 1984; Black Male
Involved Officer #4 (Accused):	Darren F. Evans , Star #19990, Employee # [REDACTED], Appointed April 25, 2016; Police Officer, Unit 004, DOB [REDACTED], 1987; Black Male
Subject #1 (Reporting Party Victim):	[REDACTED] DOB [REDACTED], 1992; Black-Hispanic Female
Subject #2 (Victim/Subject):	[REDACTED] DOB [REDACTED], 1992; Black Male

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Szalko	1. It was alleged that Officer Szalko searched the vehicle that [REDACTED] and [REDACTED] were occupying without justification, in violation of the 4 th Amendment.	Unfounded
	2. It was alleged that Officer Szalko searched [REDACTED]'s purse without justification, in violation of the 4 th Amendment.	Unfounded
	3. It was alleged that Officer Szalko planted marijuana in [REDACTED] [REDACTED] purse, in violation of Rule 1 and 720 ILCS 5/31-4.	Unfounded
	4. It was alleged that Officer Szalko did not provide his name and/or badge number to [REDACTED] in violation of Rule 37.	Unfounded
	5. It was alleged that Officer Szalko detained [REDACTED] and [REDACTED] without justification, in violation of the 4 th Amendment.	Unfounded
Officer Morones	1. It was alleged that Officer Morones did not provide her name and/or badge number to [REDACTED] in violation of Rule 37.	Unfounded
	2. It was alleged that Officer Morones detained [REDACTED] and [REDACTED] without justification, in violation of the 4 th Amendment.	Unfounded
Officer Awesso	1. It was alleged that Officer Awesso did not provide his name and/or badge number to [REDACTED] in violation of Rule 37.	Unfounded
Officer Evans	1. It was alleged that Officer Evans did not provide his name and/or badge number to [REDACTED] in violation of Rule 37.	Unfounded

IV. APPLICABLE RULES AND LAWS

RULES

Rule 1: Violation of any law or ordinance.

Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank, and star number when so requested by other members of the Department or by a private citizen.

FEDERAL LAWS

4th Amendment to the Constitution of the United States

STATE LAWS

IL State Statute 720 ILCS 5/31-4, Obstructing Justice:

“A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she knowingly destroys, alters, conceals or disguises physical evidence, plants false evidence, or furnishes false information.”

V. INVESTIGATION¹

a. Interviews

In an interview with COPA on May 31, 2018, the **reporting party victim**, ██████████² stated that she was riding as a passenger with her boyfriend, ██████████ when they were pulled over for a missing front license plate and having a headlight out.³ Two officers, later identified as Officers Szalko and Morones, asked ██████████ to exit his vehicle after running his information. When ██████████ did so, he was immediately handcuffed by Officer Szalko and placed in the back of the police vehicle. At that time, ██████████ got out of the vehicle and asked the officers why they were detaining ██████████. She also asked them for their names and badge numbers, which they did not provide.⁴

After placing ██████████ in the police vehicle, Officer Szalko approached the front passenger’s side of the vehicle as if he was going to look inside, and ██████████ told him that he did

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 4.

³ Ms. ██████████ freely admitted that the front plate of the car was missing and that they had a right headlight out. In fact, they had been pulled over earlier that evening for the same reason and had been given a verbal warning.

⁴ Later in her interview, Ms. ██████████ stated that the officers did provide their names and badge numbers during the street stop at one point.

not have consent to search it.⁵ Officer Szalko looked inside the vehicle where ██████ had been sitting and searched her purse, which was sitting on the passenger's seat, zipped closed.⁶ Officer Szalko had recovered marijuana from ██████ purse and instructed Officer Morones to handcuff ██████. ██████ was patted down by Officer Morones but not searched; she was then placed in the back of a marked Ford Explorer SUV while handcuffed in the front of her body. Officer Morones stated to ██████ that ██████ car smelled like marijuana. She and Mr. ██████ were transported to the police station, and the officers told her that she was only being detained. Approximately one and a half hours later, ██████ and ██████ were issued citations for the violations and released from the police station without an Investigatory Stop Receipt.⁷

██████ denied to both COPA and the officers on the scene that the marijuana was hers. She also implied to COPA that Officer Szalko had planted the marijuana in her purse because she did not know the marijuana was in her purse. ██████ noted to COPA that at some point during the street stop, ██████ had told the officers that he and ██████ had been smoking weed in the car. ██████ stated that she had asked Officer Szalko several times for his name, but he did not provide it; she retrieved his name from his badge. ██████ further stated that at no time was she informed that she was being recorded.

During a telephone conversation with ██████ on June 7, 2018, he confirmed that he was detained by the officers on the incident date for traffic tickets and later released with an I-Bond. He also confirmed that he was not given a receipt at the scene for the Investigatory Stop Report. No further information was provided.

b. Digital Evidence

The **video footage**⁹ of this incident from the responding officers' **Body Worn Cameras and In-Car Cameras** showed a dark blue Chevy Impala with license plate # ██████ being pulled over by Beat 406A on a residential street. Officers Szalko and Morones approached the vehicle on either side and asked ██████ the driver, for his license and insurance. ██████ provided some paperwork to Officer Szalko that included an approval letter to obtain SR-22 insurance and his state ID. Still, ██████ could not provide a valid driver's license or proof of insurance. Officers Szalko and Morones ran ██████ information in their computer system, also recorded in the footage, and were heard making verbal notes of the following traffic violations: 1) No insurance, 2) No front plate, 3) Headlight out, 4) No city sticker; and 5) No valid driver's license.¹⁰

⁵ Ms. ██████ could not confirm whether Mr. ██████ gave the officers consent to search at any time while she was out of earshot.

⁶ The footage from Officer Szalko's Body Worn Camera showed that the purse was actually open while sitting on the seat. Officer Szalko did not unzip it to open it.

⁷ Per S04-13-09 (VIII)(3), Department members are not required to issue an Investigatory Stop Receipt when the subject is arrested. Although the subjects in this case were not formally charged with crimes, they were apprehended, detained, and transported to Lockup; it is therefore reasonable for an officer to treat this as a custodial arrest.

⁸ ██████ was not formally interviewed by COPA because the allegations in this case were able to be Unfounded with the video evidence.

⁹ Atts 10-13.

¹⁰ Att 11, 3:34 and Att 13, 5:13.

Officer Szalko was also heard in the video saying to Officer Morones, “The car reeks of weed too.”¹¹ By this time, Assisting Officers Awesso and Evans arrived at the scene, and Officer Szalko told them that [REDACTED] would be removed from the car and taken into the station for not having a license. Officers Szalko and Morones returned to [REDACTED] vehicle, asked [REDACTED] to exit the car, and explained why he was being asked to do so. [REDACTED] complied and was immediately placed in handcuffs by Officer Szalko and escorted to the police SUV. At that time, [REDACTED] exited [REDACTED] vehicle and asked the officers for their names. At various times throughout the footage, each officer was heard providing their surnames to [REDACTED] including when [REDACTED] approached Officer Szalko standing next to [REDACTED] vehicle.¹²

While Officer Morones placed [REDACTED] in the police SUV, Officer Szalko stood next to [REDACTED] vehicle. [REDACTED] approached Officer Szalko and asked for his name, at which time Officer Szalko stated his last name and instructed her to back off. Officer Morones then led [REDACTED] to the back of [REDACTED] car so that Officer Szalko could continue his investigation. Officer Szalko opened the passenger door to [REDACTED] vehicle and looked inside [REDACTED] purse, which was sitting, open on the passenger’s seat. Within a few seconds, Officer Szalko was observed pulling out a small clear plastic baggy with a green leafy substance inside; he then instructed Officer Morones to handcuff [REDACTED].¹³ Officer Szalko continued to search [REDACTED] vehicle and was heard saying to another officer that the vehicle would be impounded. Officer Morones and Officer Szalko were heard noting that the car was covered in bullet holes, so they were concerned that a gun was inside the vehicle.¹⁴ Officer Szalko was also heard stating to Officer Morones that the officers would be able to impound the car, and the trunk could be searched because of the marijuana found.

Shortly after [REDACTED] was cuffed by Officer Morones and placed in the police SUV, Officer Morones explained that the officers had smelled weed coming from [REDACTED] vehicle, which gave them the right to search it. Officer Morones further explained to [REDACTED] that [REDACTED] had multiple outstanding traffic tickets and could not provide a valid driver’s license or proof of insurance while also mentioning that the event was being recorded.¹⁵ Officer Szalko was also heard on the footage explaining to [REDACTED] why he was being detained¹⁶ and why the Impala was being searched.¹⁷ [REDACTED] was heard denying to the officers that she had any weed, but [REDACTED] was heard stating to the officers that he and [REDACTED] had smoked it all.¹⁸ The video footage captured [REDACTED] informing the officers that he did not have a driver’s license because he had an outstanding ticket (No front plate and a broken headlight).¹⁹

¹¹ Att 12, 2:23 and Att 13, 4:02.

¹² Morones: Att 10, 2:36; Att 11, 5:51. Szalko: Att 10, 2:52. Awesso: Att 10, 8:02. Evans: Att 10, 10:51.

¹³ Att 12, 6:31. Officer Szalko’s BWC captured him opening the purse with gloves on and nothing in his hands. The footage clearly reflected that he did not place any item into the purse before retrieving the baggy. The clearest view of the baggie with its contents can be seen on Officer Szalko’s BWC footage, Att 12, 13:20.

¹⁴ Att 12, 08:20.

¹⁵ Att 10, 10:58. Officer Morones was also heard informing Mr. [REDACTED] that he was being audibly and visibly recorded in Att 13, 12:31.

¹⁶ Att 13, 7:28. Att 13, 12:38.

¹⁷ Att 13, 13:23.

¹⁸ Att 13, 13:40.

¹⁹ Att 13, 8:30.

Documentary Evidence

The **OEMC Event Query**²⁰ confirmed that a traffic stop was initiated by Beat 406A at approximately 1:29 am on May 4th, during which a license number and license plate number were queried by officers.²¹ It also confirmed that beat 406C was called to assist. The **PDT Message Report**²² and **Number Plate Search**²³ confirmed that the driver's license belonged to ██████████ and that no alerts were returned. ██████████ was released from Lockup on an I-Bond and traffic citations,²⁴ and ██████████ was issued citations for No Seatbelt and Possession of Cannabis.²⁵

The **Contact Cards**²⁶ issued for both ██████████ and ██████████ summarized that the responding officers observed ██████████ vehicle with a broken headlight and a missing front plate. As the officers approached Fraklin's vehicle, they smelled cannabis, which Mr. ██████████ admitted to smoking. A search was conducted, revealing approximately 1 gram of cannabis, and both subjects were cited.

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 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 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

²⁰ Att 5.

²¹ Although Mr. ██████████ did not have a driver's license at the scene, his driver's license number was obtained from his state ID.

²² Att 14.

²³ Att 18

²⁴ Att 19.

²⁵ Att 20.

²⁶ Atts 6 & 7.

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.

VII. ANALYSIS

Officer Szalko

Allegation #1

COPA finds that the allegation that Officer Szalko searched the vehicle that [REDACTED] and [REDACTED] were occupying without justification, in violation of the 4th Amendment, is **Unfounded**. The video footage documented the officers’ reasonable articulable suspicion to conduct the traffic stop. The traffic violations were confirmed by [REDACTED] and [REDACTED] on video. Based off the previous affirmations, consent was not needed from [REDACTED] or [REDACTED]. The evidence further documented the probable cause for the search of the car, namely, the marijuana found and the suspicion that a gun may have also been in the car. The search was contemporaneous to the custodial detention of [REDACTED] and [REDACTED] and the impoundment of the Impala. It was necessary to establish whether a crime had been committed, therefore reasonable under the 4th Amendment. Also, a credibility assessment of [REDACTED] revealed inconsistencies in her statement, which were directly refuted by the video evidence.

Allegation #2

COPA finds that the allegation that Officer Szalko searched [REDACTED] purse without justification, in violation of the 4th Amendment, is **Unfounded**. Inclusive of the vehicle search was also the search of [REDACTED] purse for evidence of contraband. [REDACTED] purse was sitting open on the passenger’s seat, and the contraband found was within plain view of Officer Szalko.²⁷ The search of the purse was justifiable based on the officers’ reasonable suspicion – namely, the smell of marijuana – that drugs or contraband may have been present in the car.

Allegation #3

COPA finds that the allegation that Officer Szalko planted marijuana in [REDACTED] purse, in violation of Rule 1 and IL Statute 720 ILCS 5/31-4, is **Unfounded**. The video evidence and credibility assessment of [REDACTED] directly refuted this allegation.

Allegation #4

COPA finds that the allegation that Officer Szalko did not provide his name and/or badge number to [REDACTED] in violation of Rule 37, is **Unfounded**. The video evidence and credibility assessment of [REDACTED] directly refuted this allegation.

²⁷ *People v. Stout*, 106 Ill.2d 77 (1985).

Allegation #5

COPA finds that the allegation that Officer Szalko detained [REDACTED] and [REDACTED] without justification, in violation of the 4th Amendment, is **Unfounded**. The detention of [REDACTED] was justified based on the officers’ previously established probable cause. [REDACTED] was released with [REDACTED] from Lockup after a reasonable amount of time with only citations. [REDACTED] was not told at any time that she was under arrest, and she was handcuffed according to arrest protocol.

Officer Morones

Allegation #1

COPA finds that the allegation that Officer Morones did not provide her name and/or badge number to [REDACTED] in violation of Rule 37, is **Unfounded**. The video evidence and credibility assessment of [REDACTED] directly refuted this allegation.

Allegation #2

COPA finds that the allegation that Officer Morones detained [REDACTED] and [REDACTED] without justification, in violation of the 4th Amendment, is **Unfounded**. See Officer Szalko, Allegation #5.

Officers Awesso and Evans

In regards to the allegation that Officers Awesso and Evans did not provide their name and/or badge number to [REDACTED] in violation of Rule 37, is **Unfounded**. The video evidence and credibility assessment of [REDACTED] directly refuted this allegation.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Szalko	1. It was alleged that Officer Szalko searched the vehicle that [REDACTED] and [REDACTED] were occupying without justification, in violation of the 4 th Amendment.	Unfounded
	2. It was alleged that Officer Szalko searched [REDACTED] purse without justification, in violation of the 4 th Amendment.	Unfounded
	3. It was alleged that Officer Szalko planted marijuana in [REDACTED] purse, in violation of Rule 1 and 720 ILCS 5/31-4.	Unfounded

	<p>4. It was alleged that Officer Szalko did not provide his name and/or badge number to [REDACTED] in violation of Rule 37.</p> <p>5. It was alleged that Officer Szalko detained [REDACTED] and [REDACTED] without justification, in violation of the 4th Amendment.</p>	<p>Unfounded</p> <p>Unfounded</p>
Officer Morones	<p>1. It was alleged that Officer Morones did not provide her name and/or badge number to [REDACTED] in violation of Rule 37.</p> <p>2. It was alleged that Officer Morones detained [REDACTED] and [REDACTED] without justification, in violation of the 4th Amendment.</p>	<p>Unfounded</p> <p>Unfounded</p>
Officer Awesso	<p>1. It was alleged that Officer Awesso did not provide his name and/or badge number to [REDACTED] in violation of Rule 37.</p>	<p>Unfounded</p>
Officer Evans	<p>1. It was alleged that Officer Evans did not provide his name and/or badge number to [REDACTED] in violation of Rule 37.</p>	<p>Unfounded</p>

Approved:

[REDACTED]

11-10-2021

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date

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