

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	January 28, 2017/ 8:00 P.M.
Date/Time of COPA Notification:	January 28, 2019/ 6:56 P.M.
Involved Officer #1 (Accused):	Eduardo Zepeda, Star # 19062, Employee ID# [REDACTED], Date of Appointment: 04/05/2016, P.O., Unit of Assignment: 007, DOB: [REDACTED]/1989, Male, White.
Involved Officer #2 (Accused):	Taylor Golden, Star # 9992, Employee ID# [REDACTED], Date of Appointment: 04/25/2016, P.O. Unit of Assignment: 189, DOB: [REDACTED]/ 1992, Male, White.
Involved Officer #3 (Accused):	Jill Malozzi, Star # 10369, Employee ID: [REDACTED], Date of Appointment: 11/30/2012, P.O. Unit of Assignment: 224, DOB: [REDACTED]/1974, Female, White.
Involved Individual #1 (Complainant):	[REDACTED] DOB: [REDACTED]/1969, Male, Black.
Case Type:	Stopped without justification and vehicle was seized without justification.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Eduardo Zepeda	It is alleged by [REDACTED] on January 28, 2017, at approximately 8:00 P.M. at the location of 1114 E. 61 st St Chicago, IL. Officer Zepeda committed misconduct in that he;	
	1. Conducted a traffic stop of the complainant without justification.	Exonerated.
	2. Arrested the complainant without justification.	Exonerated.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	3. Seized and towed the complainant's vehicle without justification.	Exonerated.
Officer Taylor Golden	<p>It is alleged by [REDACTED] on January 28, 2017, at approximately 8:00 P.M. at the location of 1114 E. 61st St Chicago, IL. Officer Zepeda committed misconduct in that he;</p> <p>1. Conducted a traffic stop of the complainant without justification.</p> <p>2. Arrested the complainant without justification.</p> <p>3. Seized and towed the complainant's vehicle without justification.</p>	<p>Exonerated.</p> <p>Exonerated.</p> <p>Exonerated.</p>
Officer Jill Malozzi	<p>It is alleged by [REDACTED] on January 28, 2017, at approximately 8:00 P.M. at the location of 1114 E. 61st St Chicago, IL. Officer Zepeda committed misconduct in that he;</p> <p>1. Conducted a traffic stop of the complainant without justification.</p> <p>2. Arrested the complainant without justification.</p> <p>3. Seized and towed the complainant's vehicle without justification.</p>	<p>Exonerated.</p> <p>Exonerated.</p> <p>Exonerated.</p>

I. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

General Orders

1. G04-01: Preliminary Investigations.

Special Orders

1. G04-14-05: Traffic Violators, Name Checks and Bonding.

Federal Laws

1. 4th Amendment, U.S. Constitution.

II. SUMMARY OF EVIDENCE

On January 28, 2017, at the location of 1114 E 61st St, **Accused Officers Zepeda, Star #19062, Officer Golden, Star #9992, Officer Malozzi, Star #10369**, were on routine patrol when they observed a vehicle, driven by the Complainant, with no city sticker on the windshield, while the license plate came back to a residence in Chicago.² The above officers conducted a traffic stop and, upon running [REDACTED] license in LEADS, learned that it was suspended.³ [REDACTED] was taken to the 3rd District and ultimately given tickets for driving on suspended/ revoked license and being an uninsured motorist.⁴ [REDACTED] vehicle was towed, due to his license being suspended, which is within Department rules and regulations when someone is driving on suspended license.

The **Complainant**, [REDACTED] gave COPA an audio recorded interview on January 31, 2019.⁵ In the interview he related that he was driving his vehicle and a marked CPD vehicle pulled him over. Three police officers got out of the vehicle and asked for license and insurance. He gave his license and insurance and asked why he was being pulled over. They told him he did not have a city sticker and that is the reason for the stop. After they checked his name, he was asked out of the vehicle, handcuffed, and placed into a CPD vehicle. He was taken to the 3rd District and instead of arresting him they let him go with a couple of tickets. He was given paperwork and found out his vehicle was towed. [REDACTED] alleges he was stopped without justification and that his vehicle was impounded without justification.

There is no **Body Worn Camera (BWC)**, available for the incident since the 3rd District did not have BWC at the time.⁶

II. 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.

² Attachment #15 page 3.

³ Attachment #15 page 4.

⁴ Attachments #12 and #13.

⁵ Attachment #7.

⁶ Attachment #17.

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. *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 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. 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.

III. ANALYSIS AND CONCLUSION

1. The Officers' conducted a traffic stop of the complainant's vehicle without justification.

All Chicago residents driving, parking, leasing and/or owning a vehicle for which they are responsible in the City of Chicago are subject to the Chicago Wheel Tax and must purchase a Chicago City Vehicle Sticker. This includes Chicago residents that maintain their registration outside of the City of Chicago but use the vehicle in the city.⁷

As stated above, in Chicago, all vehicles that are registered to a Chicago address are required to have a valid city sticker. Since ██████'s vehicle license plate came back to a Chicago address, a city sticker is required to be affixed to the front windshield, and no city sticker was present on his windshield, which allows the officers a lawful reason to conduct a traffic stop. Thus, the allegation that Officers Zepeda, Golden and Malozzi conducted a traffic stop of the complainant to be **Exonerated**.

2. The Officers' arrested the complainant without justification.

A vehicle under the control of an arrestee is subject to an immediate tow when the arrestee is found to be in violation of any municipal ordinance or state law under 720 ILCS 5/36-1 requiring the vehicle to be impounded or seized.⁸

Because ██████ had a suspended license and was taken back to the 3rd District for processing, he believed he was arrested. However, he was released and issued tickets for driving on a suspended/revoked license and being an uninsured motorist. Officers had probable cause to arrest ██████ due to the suspended license. It is also lawful for the officers not to arrest him, and to use their discretion to give ██████ tickets and then to release him from the District. Thus, the allegation that Officers Zepeda, Golden and Malozzi arrested the complainant without justification is **Exonerated**.

⁷ <https://www.chicityclerk.com/sticker>.

⁸ S04-14-05: Traffic Violators, Name Checks, and Bonding, IV- Disposition of the arrestee's vehicle #1.

3. The Officers' seized and towed the complainant's vehicle without justification.

Lastly, as stated above, in Illinois it is lawful for an officer to seize and tow a vehicle if the driver is driving on a suspended license. Since the officers determined that [REDACTED] license had been suspended, the allegation that Officers Zepeda, Golden and Malozzi seized and towed the complainant's vehicle, without justification, is **Exonerated** and within Department rules and regulations.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

12-16-2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Madilyn Kohs
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass