

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 20, 2019 / 4:55 pm / 3500 South Wentworth Avenue
Date/Time of COPA Notification:	June 27, 2019 / 9:38 am
Involved Officer #1:	Michael Bennett, star #15667, employee ID # [REDACTED], Date of Appointment: September 29, 2014, PO, Unit 002, DOB: [REDACTED], 1977, Male, Black
Involved Officer #2:	Lonnie Felters, Jr., star #14938, employee ID # [REDACTED], Date of Appointment: October 27, 2014, PO, Unit 002, DOB: [REDACTED], 1976, Male, Black
Involved Officer #3:	Alexus Logan, star #6585, employee ID # [REDACTED], Date of Appointment: April 13, 1998, PO, Unit 002, DOB: [REDACTED], 1971, Male, Black
Involved Officer #4:	Louis Murillo III, star #9978, employee ID # [REDACTED], Date of Appointment: December 14, 1998, PO, Unit 002, DOB: [REDACTED], 1974, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: April 3, 1981, Male, Black
Case Type:	False Arrest/Improper Search

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Michael Bennett	It is alleged by [REDACTED] that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Michael Bennett, star #15667, committed misconduct through the following acts or omissions, by:	
	1. arresting [REDACTED] without justification; and	Exonerated
	2. improperly searching [REDACTED]	Not Sustained
	It is alleged by COPA, by and through Deputy Chief Angela Hearts-Glass, that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Michael Bennett, star #15667, committed misconduct through the following acts or omissions, by:	
	3. failing to comply with S03-14 by failing to activate his body worn camera.	Sustained/3-day suspension

<p>Officer Lonnie Felters</p>	<p>It is alleged by ██████████ that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Lonnie Felters, star #14938, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. arresting ██████████ without justification; and 2. improperly searching ██████████ <p>It is alleged by COPA, by and through Deputy Chief Angela Hearts-Glass, that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Lonnie Felters, star #14938, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 3. failing to comply with S03-14 by failing to timely activate his body worn camera. 	<p>Exonerated Not Sustained Sustained/3-day suspension</p>
<p>Officer Alexis Logan</p>	<ol style="list-style-type: none"> 1. It is alleged by ██████████ that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Alexis Logan, star #6585, committed misconduct through the following acts or omissions, by improperly searching ██████████ 2. It is alleged by COPA, by and through Deputy Chief Angela Hearts-Glass, that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Alexis Logan, star #6585, committed misconduct through the following acts or omissions, by failing to comply with S03-14 by failing to record the incident in its entirety on body worn camera. 	<p>Not Sustained Sustained/3-day suspension</p>
<p>Officer Louis Murillo III</p>	<ol style="list-style-type: none"> 1. It is alleged by ██████████ that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Louis Murillo, star #9978, committed misconduct through the following acts or omissions, by improperly searching ██████████ 2. It is alleged by COPA, by and through Deputy Chief Angela Hearts-Glass, that on or about June 20, 2019, at approximately 4:55 p.m., at or near 3500 South Wentworth Avenue, Officer Louis Murillo, star #9978, committed misconduct through the following acts or omissions, by failing to comply with S03-14 by failing to activate his body worn camera. 	<p>Not Sustained Sustained/3-day suspension</p>

II. SUMMARY OF EVIDENCE¹

On June 20, 2019, officers in the Strategic Decisions Support Center (SDSC)² were monitoring, via Police Observation Device (POD), the area of 3500 South Indiana Avenue. The POD captured ██████████ make multiple hand-to-hand transactions with unknown individuals, where Mr. ██████████ exchanged single cigarettes or small clear plastic bags containing a white substance for US currency.³ The video also showed Mr. ██████████ place the clear plastic bags somewhere in his buttocks area.⁴ After observing the transactions, SDSC officers related the information to Officers Michael Bennett and Lonnie Felters (the “arresting officers”). The arresting officers drove to Mr. ██████████ location to investigate.⁵ Mr. ██████████ stated he saw the arresting officers in their police vehicle, and he recognized them from a recent traffic stop. When he observed them make a U-turn near him, he knew they were coming for him.⁶

Officer Bennett exited the police vehicle, walked toward Mr. ██████████ grabbed his arm, and escorted him to the front of the police vehicle, where Mr. ██████████ was handcuffed and searched.⁷ The arresting officers requested a transport vehicle, and Officers Alexis Logan and Louis Murillo III (the “transporting officers”) responded. Officers Logan and Murillo arrived while the arresting officers were searching Mr. ██████████ person, including going inside his pockets.⁸ The arresting officers recovered multiple packs of cigarettes and US currency but did not find the small bags the SDSC officers observed via POD. As Officer Murillo escorted Mr. ██████████ to his police vehicle, the arresting officers told the transporting officers to keep an eye on Mr. ██████████ because they believed he had contraband in his buttocks area. Officer Murillo placed Mr. ██████████ in the rear seat of the vehicle and closed the door. Seconds later, Officer Murillo re-opened the rear door and Mr. ██████████ stepped out of the vehicle. Officer Bennett searched the outside of Mr. ██████████ buttocks area, pulled up Mr. ██████████ jeans, and shook the jeans. When Officer Murillo’s BWC audio starts, Mr. ██████████ was complaining, mentioning his “ass.”⁹ Officer Bennett did not appear to recover anything. Officer Murillo, with his BWC in his hand, recorded the rear seat of the police vehicle

¹ COPA 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 and documentary evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain investigations 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.

² This was a unit in District 002 where officers monitored POD cameras and related real-time intelligence to field personnel. Attachment 68, pgs. 7-9; Attachment 66, pg. 7.

³ Attachment 43 at 8:00-9:17; see Attachments 55, 65, 66, 68. Officers Bennett and Felters had previous interactions with Mr. ██████████ and had arrested him at least one time before this incident. The officers knew Mr. ██████████ to sell crack cocaine. Attachments 55, 65, 66, 68.

⁴ Attachment 43 at 8:09, 9:12.

⁵ Attachments 3, 4, 21, 43, 55, 65

⁶ Attachments 3, 4. Mr. ██████████ indicated the officers were harassing him but did not elaborate.

⁷ Attachment 43 at 20:10.

⁸ Attachment 43 at 21:25; Attachment 44 at 00:00. Officer Felters activated his BWC after Mr. ██████████ was in handcuffs, but the video captured Officer Felters as he spoke to the SDSC room and searched Mr. ██████████ accordingly. Mr. ██████████ jeans were situated below his buttocks, exposing his boxers, but there is no evidence the officers placed the jeans in that position. Attachment 30 at 00:30.

⁹ Attachment 44 at 1:43-2:04; see also Attachments 21, 30, 43, 44, 55, 65, 66, 68. Video evidence shows the officers used their hands to pat down the outside of Mr. ██████████ waist area and searched inside of his jeans and jacket’s pockets. However, no camera captured an officer pull Mr. ██████████ jeans out or reach inside them, as he alleged.

to show there was nothing left behind.¹⁰ The officers placed Mr. [REDACTED] inside the vehicle and transported him to District 002 for processing.¹¹

According to the officers, the transporting officers escorted Mr. [REDACTED] inside the station and placed him in the processing room. At that point, the arresting officers met Mr. [REDACTED] in the processing room.¹² Mr. [REDACTED] however, alleged the officers initially took him into the men's restroom and searched him until a supervisor walked in and instructed the officers to take him into the processing room.¹³

Once inside the processing room, Mr. [REDACTED] alleged officers removed his jeans, and Officers Felters and Bennett searched his person. Mr. [REDACTED] further alleged that Officer Bennett pulled down his boxers and opened his buttock's cheeks two times. He stated the officers left him naked for approximately five minutes inside the processing room.¹⁴ Officers Murillo and Logan denied searching Mr. [REDACTED] at any time, or taking him into the restroom.¹⁵ Officers Felters and Bennett did not recall whether they took Mr. [REDACTED] to the restroom, but they denied searching him in the restroom and denied searching him in the processing room in the manner Mr. [REDACTED] alleged.¹⁶ No video recordings captured the officers bring Mr. [REDACTED] into the station or place him inside the processing room. Officer Felters recorded portions of Mr. [REDACTED] time inside the processing room on his BWC, starting at 5:39 pm.¹⁷ In the video recordings, Mr. [REDACTED] is handcuffed to a bench inside the processing room, wearing a t-shirt and jeans.¹⁸ At different times, Mr. [REDACTED] questions why officers took his car keys, what they were doing with his vehicle, and he complains to multiple officers about the way he was searched.¹⁹ Mr. [REDACTED] stated he later learned his vehicle had been towed.²⁰

¹⁰ Attachment 44 at 2:07-2:27.

¹¹ Mr. [REDACTED] complained officers interrupted the transport and an officer stared at him in the rear seat, but he did not allege misconduct. Attachments 3, 4. While it is unclear why the transporting officers stopped, BWC shows the stop was less than twenty seconds, and there is no evidence of misconduct. Attachments 31, 44 at 3:45.

¹² Attachments 50, 70.

¹³ Attachments 3, 4.

¹⁴ Attachments 3, 4. Mr. [REDACTED] made the same complaints to Officer Felters and other officers while in the processing room. Attachment 32 at 15:25; Attachment 33 at 2:00.

¹⁵ Attachments 50, 60, 69, 70.

¹⁶ Attachments 55, 65, 66, 68.

¹⁷ Attachments 32-34.

¹⁸ Attachments 32, 33.

¹⁹ *Id.*

²⁰ Attachments 3, 4.

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;
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.²¹ 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. 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.”²²

IV. ANALYSIS AND CONCLUSION

a. The officers had probable cause to arrest Mr. ██████████

An officer may arrest an individual when the officer has probable cause to believe the individual committed a crime. “Probable cause to arrest exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject had committed it.”²³ In Chicago, the sale of single cigarettes is prohibited.²⁴ Here, the POD footage shows Mr. ██████████ exchanging single cigarettes for US currency in multiple hand-to-hand transactions with unknown individuals. SDSC officers observed the transactions in real time and conveyed the information to Officers Bennett and Felters. Therefore, COPA finds the officers had probable cause to arrest Mr. ██████████ and Allegation #1 against Officers Bennett and Felters is **Exonerated**.

²¹ 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).

²² *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

²³ Special Order S04-13-09 II(D), Investigatory Stop System (effective July 10, 2017 – present).

²⁴ MCC 4-64-350.

b. There is insufficient evidence to determine whether Officers Bennett and Felters improperly searched Mr. [REDACTED]

Department policy provides that officers will conduct a custodial search of a person under arrest, and prior to any transport.²⁵ An individual will not be strip searched unless there is “a reasonable belief that the individual is concealing a weapon or controlled substance,”²⁶ and the member conducting the search shall obtain written permission and complete a related report.²⁷ Additionally, “no search of any body cavity other than the mouth shall be conducted without a duly executed search warrant.”²⁸

Mr. [REDACTED] first alleged that officers inappropriately searched his buttocks area on the street prior to transport, by pulling his jeans outward and feeling inside and around his buttocks area. The arresting officers, Officers Felters and Bennett, admitted they conducted a custodial search but denied searching Mr. [REDACTED] as alleged. There are no independent witnesses to corroborate Mr. [REDACTED] or the officers’ accounts, and the POD and BWC did not capture every moment Mr. [REDACTED] was searched. The available video does show that Officers Bennett and Felters conducted a thorough search of Mr. [REDACTED] as the officers had reasonable suspicion that Mr. [REDACTED] was concealing contraband in his buttocks area. However, neither officer reached inside Mr. [REDACTED] jeans or exposed his buttocks. In fact, at one point, Officer Bennett pulled Mr. [REDACTED] jeans upward to cover his buttocks.

Mr. [REDACTED] further alleged, both to COPA and to officers in the processing room on the date of his arrest, that Officers Felters and Bennett searched him inappropriately in the District Station’s restroom. According to Mr. [REDACTED] the officers removed his jeans and boxers in the restroom, and Officer Bennett spread his buttocks cheeks. The officers categorically denied Mr. [REDACTED] allegations, noting they have never conducted a strip search in their careers and would have rather allowed Mr. [REDACTED] to keep the contraband than conduct a search as he alleged. There was no written request to conduct a strip search of Mr. [REDACTED] nor was there a related search warrant. Additionally, COPA has not located any independent witnesses, reports, or video to corroborate the incident as described by Mr. [REDACTED] or the officers. Therefore, COPA finds there is insufficient evidence to prove or disprove, by a preponderance of the evidence, that the officers improperly searched Mr. [REDACTED]. As a result, Allegation #2 against Officers Felters and Bennett is **Not Sustained**.

c. There is insufficient evidence to determine whether Officers Murillo and Logan improperly searched Mr. [REDACTED]

Mr. [REDACTED] also alleged Officers Murillo and Logan improperly searched him in the District Station restroom. Officers Murillo and Logan denied the allegation, stating they never searched Mr. [REDACTED] person. POD and BWC videos confirm that neither officer searched Mr. [REDACTED] prior to transport, but they were present when Officers Bennett and Felters searched Mr. [REDACTED] multiple times on the street. However, there are no independent witnesses, reports, or video to corroborate

²⁵ G06-01-01(II)A, Field Arrest Procedures (effective December 8, 2017 – present); G06-01-02(II)-(IV), Restraining Arrestees (effective December 8, 2017 – present).

²⁶ G06-01-03(II)(A)(1), Conducting Strip Searches (effective December 8, 2017 – present).

²⁷ *Id.* at (II)(A)(4).

²⁸ *Id.* at (II)(A)(5).

the incident as described by Mr. [REDACTED] or the officers at the District Station. Therefore, COPA finds there is insufficient evidence to prove or disprove, by a preponderance of the evidence, that the officers improperly searched Mr. [REDACTED]. As a result, Allegation #1 against Officers Murillo and Logan is **Not Sustained**.

d. Officer Bennett failed to activate his BWC for this incident.

Department policy provides that members will activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities, which include investigatory stops, arrests, and searches.²⁹ Officer Bennett arrested Mr. [REDACTED] on June 20, 2019, but there is no BWC video recorded by Officer Bennett during the arrest. Officer Bennett told COPA he thought he activated his BWC because he normally activates the camera when he exits his vehicle. However, the evidence indicates he did not. For these reasons, COPA finds that Officer Bennett failed to activate his BWC for this incident, and there were no circumstances preventing activation. Therefore, Allegation #3 against Officer Bennett is **Sustained** as a violation of Rule 6.

e. Officer Felters failed to timely activate his BWC for this incident.

As discussed above, Department policy required Officer Felters to activate his BWC at the beginning of this incident. However, Officer Felters' BWC video does not begin until after the officer has placed Mr. [REDACTED] in custody and searched his person. Officer Felters told COPA that, for his own protection, he normally activates his BWC when he receives a call for service, and he did not know why there was a delay in this instance. Based on the evidence, COPA finds that Officer Felters did not timely activate his BWC for this incident, and there were no circumstances preventing timely activation. Therefore, Allegation #3 against Officer Felters is **Sustained** as a violation of Rule 6.

f. Officers Murillo and Logan failed to record Mr. [REDACTED] transport to the District Station.

Department policy requires members to activate their BWCs at the beginning of an incident and record the entire incident for all law-enforcement-related activities, including arrestee transports.³⁰ Both Officers Murillo and Logan deactivated their BWCs while driving Mr. [REDACTED] to the District Station. The officers told COPA they deactivated their cameras because Mr. [REDACTED] was not resisting and they believed the incident was over. However, upon receiving the allegation, both officers stated they reviewed Special Order 03-14 and now understand they should have recorded the entire transport. Therefore, COPA finds Officers Murillo and Logan failed to record Mr. [REDACTED] transport to the District Station, and Allegation #2 against both officers is **Sustained** as a violation of Rule 6.

²⁹ S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018 – present).

³⁰ *Id.*

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

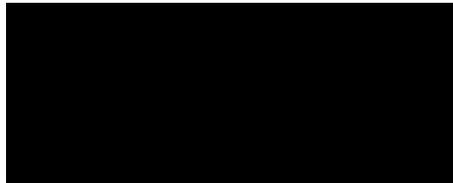
i. Complimentary and Disciplinary Histories

In considering disciplinary recommendations for the sustained findings, COPA reviewed the complimentary and disciplinary histories of all four accused officers.³¹ None of the officers have any sustained disciplinary history in the past five years. Officer Murillo has received 58 awards, Officer Logan has received 35 awards, Officer Felters has received 26 awards, and Officer Bennett has received 22 awards while employed by the Department.

ii. Recommended Penalties

COPA has found Officers Bennett, Felters, Logan, and Murillo violated Rule 6 when they failed to record the incident on their BWCs in accordance with Special Order S03-14. The officers' actions violated Department regulations and prevented a complete record of their interactions with Mr. ██████ for later review. Considering the severity of the misconduct and the officers' records of service, COPA finds that a **3-day suspension** is the appropriate penalty for Officers Felters, Bennett, Logan³², and Murillo.

Approved:



12/27/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

³¹ Attachments 72-75.

³² Additionally, COPA recommends Officer Logan be retrained on his responsibilities as a transporting officer. While COPA did not find evidence that Officer Logan improperly searched Mr. ██████ Officer Logan inaccurately stated that the arresting officers were responsible for searching Mr. ██████ and he was not concerned about whether Mr. ██████ had contraband or a weapon on his person.