

SUMMARY REPORT OF INVESTIGATION

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| Date/Time/Location of Incident: | January 27, 2019/10:50 A.M./300 S. Kilpatrick Ave. |
| Date/Time of COPA Notification: | January 28, 2019/11:44 A.M. |
| Involved Officer #1: | Jason Pagan, Star No. 11549, Employee No. [REDACTED], Date of Appointment: February 29, 2016, Rank: Police Officer, Unit of Assignment: 189, DOB: [REDACTED], 1983, Male, White Hispanic |
| Involved Officer #2: | Jordan Parks, Star No. 16443, Employee No. [REDACTED], Date of Appointment: August 25, 2014, Rank: Police Officer, Unit of Assignment: 025/716, DOB: [REDACTED], 1989, Male, Black |
| Involved Officer #3: | William Robles, Jr., Star No. 19200, Employee No. [REDACTED], Date of Appointment: November 24, 2014, Rank: Police Officer, Unit of Assignment: 011, DOB: [REDACTED], 1987, Male, White Hispanic |
| Involved Individual #1: | [REDACTED] DOB: [REDACTED], 1978, Male, Black |
| Case Type: | Improper Stop/Improper Search/Operational Violations |

I. ALLEGATIONS

| Officer | Allegation | Finding/ Recommendation |
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| Officer Jason Pagan | <p>It is alleged by [REDACTED] that on or about January 27, 2019, at approximately 10:50 A.M., at or near 415 S. Kilpatrick Avenue, Officer Jason Pagan, Star No. 11549, committed misconduct through the following acts or omissions, by:</p> <p>1. Stopping [REDACTED] without justification.</p> <p>It is alleged by the Civilian Office of Police Accountability that on or about January 27, 2019, at approximately 10:50 A.M., at or near 415 S. Kilpatrick Avenue, Officer Jason Pagan, Star No. 11549, committed misconduct through the following acts or omissions, by:</p> <p>2. Failing to comply with Special Order S03-14 by failing to activate his body worn camera.</p> | <p>Exonerated</p> <p>Sustained / 10-Day Suspension</p> |

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| <p>Officer Jordan Parks</p> | <p>3. Failing to comply with Special Order S04-13-09 by failing to issue [REDACTED] an Investigatory Stop Receipt.</p> <p>4. Failing to comply with Special Order S04-13-09 by failing to submit an Investigatory Stop Report.</p> <p>It is alleged by [REDACTED] that on or about January 27, 2019, at approximately 10:50 A.M., at or near 415 S. Kilpatrick Avenue, Officer Jordan Parks, Star No. 16443, committed misconduct through the following acts or omissions, by:</p> | <p>Not Sustained</p> |
| | <p>1. Stopping [REDACTED] without justification.</p> | <p>Exonerated</p> |
| | <p>2. Searching [REDACTED] vehicle without justification.</p> | <p>Exonerated</p> |
| | <p>It is alleged by the Civilian Office of Police Accountability that on or about January 27, 2019 at approximately 10:50 A.M., at or near 415 S. Kilpatrick Avenue, Officer Jordan Parks, Star No. 16443, committed misconduct through the following acts or omissions, by:</p> | |
| | <p>3. Failing to comply with Special Order S04-13-09 by failing to issue [REDACTED] an Investigatory Stop Receipt.</p> | <p>Not Sustained</p> |
| | <p>4. Failing to comply with Special Order S04-13-09 by failing to submit an Investigatory Stop Report.</p> | <p>Sustained / 3-Day Suspension</p> |
| <p>Officer William Robles, Jr.</p> | <p>It is alleged by [REDACTED] that on or about January 27, 2019, at approximately 10:50 A.M., at or near 415 S. Kilpatrick Avenue, Officer William Robles, Star No. 19200, committed misconduct through the following acts or omissions, by:</p> | |
| | <p>1. Stopping [REDACTED] without justification.</p> | <p>Exonerated</p> |
| | <p>2. Searching [REDACTED] vehicle without justification.</p> | <p>Unfounded</p> |
| | <p>It is alleged by the Civilian Office of Police Accountability that on or about January 27, 2019, at approximately 10:50 A.M., at or near 415 S. Kilpatrick Avenue, Officer William Robles, Star No. 19200,</p> | |

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| <p>committed misconduct through the following acts or omissions, by:</p> | |
| <p>3. Failing to comply with Special Order S04-13-09 by failing to issue [REDACTED] an Investigatory Stop Receipt.</p> | <p>Not Sustained</p> |
| <p>4. Failing to comply with Special Order S04-13-09 by failing to submit an Investigatory Stop Report.</p> | <p>Sustained / 3-Day Suspension</p> |

II. SUMMARY OF EVIDENCE¹

On January 28, 2019, Complainant [REDACTED] filed a complaint with the Civilian Office of Police Accountability (COPA) alleging that Chicago Police Department officers stopped him and searched his vehicle without justification. COPA additionally alleged several operational violations, including failure to activate body worn camera (BWC), failure to provide an Investigatory Stop Receipt, and failure to document the stop in an Investigatory Stop Report (ISR). In his interview with COPA, [REDACTED] reported that officers pulled him over and searched his vehicle while [REDACTED] and his mother stood at the rear of the vehicle, with [REDACTED] in handcuffs. [REDACTED] stated the officers searched the passenger compartment of his vehicle, looking for a gun, but they did not open the trunk. [REDACTED] vehicle was not damaged and he sustained no injuries during the stop. In reaching its factual findings, COPA reviewed [REDACTED] complainant interview,² the statements of Officers Pagan,³ Robles,⁴ and Parks,⁵ the BWC videos of Officers Parks and Robles,⁶ Office of Emergency Management & Communications (OEMC) Event Query Reports⁷ and Radio Transmissions⁸, a Traffic Stop Summary,⁹ 11th District Attendance & Assignment Sheets,¹⁰ and multiple other related documents.

COPA finds that on the morning of January 27, 2019, Officers Pagan, Parks, and Robles were tactical team officers on routine patrol in the 11th District. At approximately 10:44 A.M., the officers received information from dispatch that a driver of a red Ford Taurus with a rear vanity license plate displayed a gun during an argument at 601 S. Kildare Avenue. The driver was described as a male black with light braids, wearing a black hoodie. At 10:50 A.M., the officers observed [REDACTED] vehicle and initiated a traffic stop near 415 S. Kilpatrick Avenue, approximately ½ mile away from 601 S. Kildare. [REDACTED] drove a maroon Ford Taurus with a

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 cases are summarized more succinctly in a Modified Summary Report of Investigation.

² Attachment 14.

³ Attachments 19 & 30.

⁴ Attachments 20 & 28.

⁵ Attachments 21 & 29.

⁶ Attachment 22.

⁷ Attachments 6 – 9.

⁸ Attachment 31.

⁹ Attachment 4.

¹⁰ Attachment 10.

rear vanity license plate, and he wore a black winter coat and black stocking cap. His mother, seated in the backseat, also wore a black winter coat and a black stocking cap.

Officer Pagan approached the front driver's side of [REDACTED] vehicle, asked [REDACTED] to exit the vehicle, and placed him in handcuffs. Officer Pagan informed [REDACTED] they received information that someone matching his description, driving a red Ford Taurus with vanity plates, had displayed a gun "just down around the corner from here."¹¹ [REDACTED] protested that he did not carry guns, nor did he have any gun offenses in his background. As Officer Pagan remained with [REDACTED] Officers Parks searched the vehicle's passenger compartment and Officer Robles ran [REDACTED] identification. During the search, [REDACTED] yelled to the officers to go ahead and check his vehicle.¹² No contraband was recovered from the vehicle, and Officer Pagan released [REDACTED] from the handcuffs after approximately four minutes. The BWC footage captured Officer Parks with an Investigatory Stop Receipt in hand at the end of the stop, but it is unclear whether [REDACTED] received the receipt. Officer Pagan did not activate his BWC during the incident.

COPA interviewed Officers Pagan, Parks and Robles in June 2021. Due to the passage of time, none of the officers had an independent recollection of the incident. The information they did provide was consistent with the BWC videos and other evidence, and COPA finds the officers' statements on the incident generally credible.

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 reviewed complied with Department policy.¹³ 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.

¹¹ Attachment 22, Officer Parks' BWC video at 40 seconds.

¹² Attachment 22, Officer Robles' BWC video at 49 seconds.

¹³ 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).

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.”¹⁴

IV. ANALYSIS AND CONCLUSION

a. There Is Clear And Convincing Evidence The Detention Of ██████████ Was Lawful

COPA finds the allegation that Officers Pagan, Parks and Robles stopped ██████████ in his vehicle without justification is exonerated. Police officers are authorized to conduct investigatory stops when they have reasonable articulable suspicion that the person stopped is committing, is about to commit, or has committed a criminal offense.¹⁵ Reasonable articulable suspicion has been described as less than probable cause but more than a hunch or general suspicion. It “depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience.”¹⁶

In this case, the record is clear that the officers received information that an individual closely matching ██████████ description and driving a markedly similar vehicle had recently displayed a gun during an argument approximately four blocks away from the location of the traffic stop. The officers thus had reasonable articulable suspicion to stop ██████████ in his vehicle and detain him long enough to confirm or dispel their suspicions. Therefore, COPA finds the allegation that the officers stopped ██████████ without justification is **exonerated**.

b. There Is Clear And Convincing Evidence The Search Of ██████████ Vehicle Was Lawful

COPA finds the allegation that Officers Parks searched ██████████ vehicle without justification is exonerated. Under *Michigan v. Long*, officers may make a protective search of the passenger compartment of a vehicle, limited to those areas in which a weapon may be placed or hidden, when they “possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.”¹⁷ Here, the evidence shows the dispatcher alerted the officers that an individual closely matching ██████████ description and driving a markedly similar vehicle had displayed a gun during an altercation near the location of the traffic stop. The uncanny similarities between the reported individual and vehicle and ██████████ and his vehicle, as well as ██████████ location in the vicinity of the reported altercation, led the officers to believe that ██████████ might be the offender from that incident. As a result, the officers had reasonable suspicion that ██████████ was potentially dangerous and might have a weapon in his vehicle. Officer Parks’ decision to search ██████████ vehicle during the traffic stop was both reasonable and supported by specific and articulable facts.

¹⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

¹⁵ The authority for conducting an investigatory stop is delineated in 725 ILCS 5/107-14(a) and Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017 – present).

¹⁶ Special Order S04-13-09(II)(C).

¹⁷ *Michigan v. Long*, 463 U.S. 1032, 1051 (1983).

Therefore, COPA finds the allegation that Officer Parks searched [REDACTED] vehicle without justification is **exonerated**. The BWC videos and officer statements confirm Officer Robles did not search [REDACTED] vehicle, but instead returned to the police vehicle to run [REDACTED] identification. As a result, the allegation is **unfounded** as to Officer Robles.

a. Officer Pagan Failed to Activate His BWC

COPA finds that Officer Pagan failed to comply with Special Order S03-14 by failing to activate his BWC. Special Order S03-14 states that Department members must activate their BWCs “at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.”¹⁸ Officer Pagan could not recall if he activated his BWC during the incident, but he acknowledged it was possible he did not. COPA searched for but was unable to locate any footage recorded by Officer Pagan during this incident. Therefore, COPA finds the preponderance of the evidence establishes that Officer Pagan failed to activate his BWC in violation of Special Order S03-14 and Rule 6, and the allegation is **sustained**.

b. There Is Insufficient Evidence To Determine Whether The Officers Failed to Issue [REDACTED] an Investigatory Stop Receipt

COPA finds the allegation that Officers Pagan, Parks, and Robles failed to comply with Special Order S04-13-09 by failing to issue [REDACTED] an Investigatory Stop Receipt is not sustained. The order provides that, “[u]pon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.”¹⁹ During their COPA interviews, the officers stated they believed [REDACTED] received an Investigatory Stop Receipt. The BWC footage does capture Officer Parks with an Investigatory Stop Receipt in hand at the end of the stop, but it is unclear whether any of the officers actually provided [REDACTED] with the receipt. No other evidence on the matter exists on record. As a result, COPA finds there is insufficient evidence to either prove or disprove the allegation by a preponderance of the evidence, and the allegation is **not sustained** against all three officers.

c. The Officers Failed to Complete an Investigatory Stop Report (ISR)

COPA finds the allegation that Officers Pagan, Parks, and Robles failed to comply with Special Order S04-13-09 by failing to submit an ISR is sustained. The order requires Department members who conduct an investigatory stop to complete an ISR that details “all of the factors that support Reasonable Articulate Suspicion in order to temporarily detain an individual for investigation.”²⁰ In their COPA interviews, Officers Pagan and Parks admitted they failed to complete an ISR documenting the stop of [REDACTED] while Officer Robles could not recall whether he completed an ISR. COPA searched CPD’s records but was unable to locate evidence that any of the officer submitted an ISR. Therefore, COPA finds the preponderance of the evidence establishes that Officers Pagan, Parks, and Robles failed to comply with Special Order S04-13-09

¹⁸ Special Order S03-14(III)(A)(2).

¹⁹ Special Order S04-13-09(VIII)(A)(3).

²⁰ *Id.* at (VIII)(A)(1).

by failing to submit an ISR. That failure to comply with the Special Order violated Rule 6 of CPD Rules and Regulations, and the allegation is **sustained** against all three officers.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jason Pagan

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Pagan's disciplinary and complimentary histories.²¹ Officer Pagan has one sustained complaint for failing to activate his BWC, for which he received a reprimand. He has also received a reprimand for failure to perform assigned tasks in October 2020, and a reprimand for a court appearance violation in January 2021. Officer Pagan has received 41 total awards in the Department.

ii. Recommended Penalty

COPA has found that Officer Jason Pagan violated Rule 6 of CPD's Rules and Regulations when he failed to activate his BWC and failed to submit an ISR for the stop of Mr. [REDACTED]. Officer Pagan's violations of Rule 6 are contrary to CPD policy and the City's interest in documenting police-public encounters. Given that Officer Pagan has a previous sustained BWC violation, COPA finds that a **10-day suspension** is the appropriate penalty for these sustained allegations. COPA further recommends Officer Pagan receive retraining on the Department's BWC policy.

b. Officer Jordan Parks

i. Complimentary and Disciplinary History

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Parks' disciplinary and complimentary histories.²² Officer Parks has one sustained complaint for inattention to duty, for which he received a 1-day suspension. He has also received a reprimand for a court appearance violation in December 2020. Officer Parks has received 60 total awards.

i. Recommended Penalty

COPA has found that Officer Jordan Parks violated Rule 6 of CPD's Rules and Regulations when he failed to submit an ISR for the stop of Mr. [REDACTED]. Officer Parks' violation of Rule 6 is contrary to CPD policy and the City's interest in documenting police-public encounters. As such, COPA finds that a **3-day suspension** is the appropriate penalty for this sustained allegation.

c. Officer William Robles

i. Complimentary and Disciplinary History

²¹ Attachments 26 & 27.

²² *Id.*

In considering disciplinary recommendations for sustained findings, COPA reviewed Officer Robles’ disciplinary and complimentary histories.²³ Officer Robles has no sustained complaints and four SPARs: one for a preventable traffic accident in August 2020, one for a court appearance violation in October 2020, and two for failure to perform assigned tasks in September 2020. He received reprimands as a result of all four incidents. Officer Robles has received 25 total awards in the Department.

i. Recommended Penalty

COPA has found that Officer William Robles violated Rule 6 of CPD’s Rules and Regulations when he failed to submit an ISR for the stop of [REDACTED] Officer Robles’ violation of Rule 6 is contrary to CPD policy and the City’s interest in documenting police-public encounters. As such, COPA finds that a **3-day suspension** is the appropriate penalty for the sustained allegation.

Approved:

[REDACTED]

10/25/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

²³ *Id.*

Appendix A

Assigned Investigative Staff

| | |
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| Squad#: | Six |
| Investigator: | Daniel Thetford |
| Supervising Investigator: | Steffany Hreno |
| Deputy Chief Administrator: | Matthew Haynam |