

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 21, 2019 / 8:47 pm / 1311 W. 81st Street, Chicago, IL 60620 <sup>1</sup>
Date/Time of COPA Notification:	April 2, 2019 / 1:54 pm.
Involved Officer #1:	Officer Enrique Delgado-Fernandez / Star#6261 / Employee ID# [REDACTED] / DOA: October 31, 2012 / Unit: 007/716 / Male / Hispanic.
Involved Officer #2:	Officer Lawrence Kerr / Star#4871 / Employee ID# [REDACTED] / DOA: March 25, 2002 / Unit: 025/716 / Male / White.
Involved Officer #3:	Officer Christopher Paschal / Star#11996 / Employee ID# [REDACTED] / DOA: December 14, 2012 / Unit: 004/716 / Male / Black.
Involved Officer #4:	Officer Jerald Williams / Employee ID# [REDACTED] / DOA: August 26, 2013 / Unit: 002/376 / Male / Black.
Involved Individual #1:	[REDACTED] / Male / Black.
Case Type:	03Q – Improper Detention.

I. ALLEGATIONS

Officer	Allegation	Finding
Officers Enrique Delgado-Fernandez; Lawrence Kerr; Christopher Paschal; and Jerald Williams	1. Detaining [REDACTED] without justification.	Exonerated.
	2. “Pulling” [REDACTED] out of his vehicle, without justification.	Not Sustained.
	3. Searching [REDACTED] vehicle, without justification.	Exonerated.
	4. Failing to provide your Star number upon request.	Not Sustained.
Officers Enrique Delgado-Fernandez; and Lawrence Kerr	5. Referring to [REDACTED] as a “stupid nigger.”	Not Sustained.
	6. Failing to request a supervisor’s response upon request.	Not Sustained.
Officer Christopher Paschal	5. Striking [REDACTED] without justification.	Not Sustained.
Officer Jerald Williams	5. Referring to [REDACTED] infant child as a “fine ass bitch.”	Not Sustained.
	6. Claiming to be a sergeant.	Not Sustained.

<sup>1</sup> This address is bordered by an alley way and W. 81<sup>st</sup> St.

## II. SUMMARY OF EVIDENCE

██████████ was seated in the driver's seat of his parked vehicle while it was blocking the alley way. After observing ██████████ obstructing the flow of traffic Officers Enrique Delgado-Fernandez, Christopher Paschal, Lawrence Kerr, and Jerald Williams (the Accused) elected to stop ██████████. Once stopped, the accused requested identification; however, ██████████ refused and demanded the presence of the Sheriff. The accused requested that ██████████ exit the vehicle, but he refused while threatening to strike Officer Williams. In response to ██████████ refusal to exit, Officers Paschal and Delgado-Fernandez grabbed ██████████ by his arms, removed his hands from the steering wheel, and removed him from the vehicle. Once ██████████ was out of the vehicle, he was taken to the ground, handcuffed, and secured in a Department vehicle.

After ██████████ was secured in the Department vehicle, the accused determined they would tow ██████████ vehicle as arrestee's property and conducted an inventory search. Upon completing the search, ██████████ and his vehicle were transported to the 006th District Station. Upon arrival at the station, ██████████ was processed for aggravated assault, resisting, obstruction of traffic, failure to display a driver's license, and operating an uninsured motor vehicle.<sup>2</sup>

During his statement, ██████████ alleged that the accused improperly stopped him, directed racial and sexual profanities at him, failed to respond to his request for a supervisor, "pulled" him from his vehicle, struck him in the face and improperly searched his vehicle.

During their statements, the accused recounted that ██████████ vehicle was parked blocking the alley way. Additionally, the accused denied the use of any racial or sexual profanities. Further, they all recounted that ██████████ never requested a supervisor, and in fact had the opportunity to speak with a supervisor at the station. Additionally, the accused all relayed that ██████████ refused to provide his identification and made a threat to strike Officer Williams in the face. Finally, the accused referenced ██████████ refusal to cooperate was based on his belief they were not authorized agents of the government and had no authority over him.<sup>3</sup>

## 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

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<sup>2</sup> ██████████ also received traffic citations for operating an uninsured vehicle, failing to produce a driver's license, and obstructing traffic.

<sup>3</sup> The Department refers to citizen that possess this view as Moors, which is a jargon for a group of citizens that hold Sovereign Citizen views.

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.<sup>4</sup> 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.<sup>5</sup> 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."<sup>6</sup>

#### IV. ANALYSIS AND CONCLUSION

COPA finds that Allegations #1 and 3 against the Accused are **exonerated**. A lawful traffic stop requires "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law."<sup>7</sup> "Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member's training and experience."<sup>8</sup> Further, drivers in the City of Chicago are prohibited from obstructing traffic with a vehicle.<sup>9</sup> Additionally, members are permitted to tow an arrestee's vehicle if the vehicle "has evidentiary value; the vehicle cannot be safely driven to the detention facility...; the vehicle cannot be legally, securely, and continuously parked at scene of the arrest; or the arrestee does not authorize another person to take control of the vehicle."<sup>10</sup>

Here, each of the Accused recounted seeing ██████████ seated in his parked vehicle that was blocking an alley way, and ██████████ confirmed that he was seated in his parked vehicle while on the roadway.<sup>11</sup> Additionally, ██████████ admitted he never provided his identification. The Accused confirmed ██████████ failure to provide his identification and refused orders to exit the vehicle, both of which were a criminal offense that justified his arrest. Further, the Accused and ██████████ all recounted that ██████████ threatened to strike Officer Williams, which also justified his arrest. Upon his arrest, the Accused's decision to impound his vehicle was reasonable. Since the decisions to stop ██████████ and ultimately arrest him were proper, the decision to impound ██████████ vehicle was reasonable and the search of his vehicle was required by policy. Therefore, the actions of the Accused were reasonable and proper.

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<sup>4</sup> *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).

<sup>5</sup> *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>6</sup> *Id.* at ¶ 28.

<sup>7</sup> *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

<sup>8</sup> S04-13-09 II(C).

<sup>9</sup> MCC 9-40-130.

<sup>10</sup> G07-03 IV(G)(1).

<sup>11</sup> ██████████ never provided information where his vehicle was exactly parked.

COPA finds that all the remaining allegations are **not sustained**. COPA was unable to locate any evidence, other than [REDACTED] and the accused's statements, that support or refute the allegations.

Approved:

[REDACTED]

9-29-2021

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Angela Hearts-Glass  
*Deputy Chief Investigator*

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	8
<b>Investigator:</b>	Garrett Schaaf
<b>Supervising Investigator:</b>	Jessica Ciacco
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass