

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 24, 2018 / 6:00pm / 1411 W. 74 th Street
Date/Time of COPA Notification:	November 26, 2018, 6:23pm
Involved Officer #1:	Lawrence Kerr, Star #4871, Employee ID# [REDACTED], Date of Appointment: March 25, 2002, Rank: Police Officer, Unit of Assignment: 312, DOB: [REDACTED], 1978, Gender: Male, Race: White.
Involved Officer #2:	Enrique Delgado Fernandez, Star #6261, Employee ID# [REDACTED], Date of Appointment: October 31, 2012, Rank: Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1984, Gender: Male, Race: Hispanic.
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1990, Gender: Female, Race: Black.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Lawrence Kerr	On or about November 24, 2018, at approximately 6:00pm, at or near 1411 W. 74 th St., Chicago, IL, Police Officer Lawrence W. Kerr, committed misconduct through the following acts or omissions:	
	1. Failed to inventory the complainant's personal property (i.e., a Louis Vuitton purse) as required by Special Order S07-03-05, Impoundment of Vehicles for Municipal Code Violations.	Not Sustained
	2. Stopping [REDACTED] without justification.	Not Sustained
	3. Arrested [REDACTED] without justification.	Not Sustained
	4. Racially profiling [REDACTED] without justification.	Unfounded
	5. Directing profanity to [REDACTED] without justification.	Unfounded

<p>Officer Enrique Delgado Fernandez</p>	<p>On or about November 24, 2018, at approximately 6:00pm, at or near 1411 W. 74th St., Chicago, IL, Police Officer Enrique Delgado Fernandez, committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Failed to inventory the complainant's personal property (i.e., a Louis Vuitton purse) as required by Special Order S07-03-05, Impoundment of Vehicles for Municipal Code Violations. 2. Stopping ██████████ without justification. 3. Arrested ██████████ without justification. 4. Racially profiling ██████████ without justification. 5. Directing profanity to ██████████ without justification. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Not Sustained</p>
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II. SUMMARY OF EVIDENCE¹

In a statement with COPA, **Complainant ██████████** (Ms. ██████████² stated that Officer Enrique Delgado Fernandez (Officer Delgado Fernandez) and his partner, Officer Lawrence Kerr (Officer Kerr), pulled her over under the false pretense that she ran a stop sign. Ms. ██████████ explained her boyfriend, ██████████ (Mr. ██████████ was riding in the front passenger seat and his friend, ██████████ (Mr. ██████████ was seated in the back passenger seat of the vehicle. Ms. ██████████ stated the vehicle was searched and alleged illegal drugs were recovered. She advised the officers that the drugs did not belong to her. She was not certain who had possession of the drugs.

¹COPA 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, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA 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 Attachment #5 - Audio Interview of ██████████

³ Ms. ██████████ was unable to provide Mr. ██████████ name. Mr. ██████████ was identified through Chicago Police Department (CPD) Reports.

Ms. [REDACTED] continued to explain that she had vitamins and seizure medicine in her possession that belonged to her mother. Ms. [REDACTED] was arrested along with Mr. [REDACTED] who was in possession of a firearm. Ms. [REDACTED] believed that she and her passengers were racially profiled because of the neighborhood she was in, and due to her vehicle having tinted windows. Ms. [REDACTED] stated that when Officer Fernandez⁴ approached her driver's side window he directed profanity at her by yelling at her to "put the fucking cigarette out." Ms. [REDACTED] further stated the officers failed to inventory a purse (Louis Vuitton) left inside her vehicle⁵ which was impounded.

In two separate statements at COPA September 28, 2022, **Accused Officer Kerr**⁶ and **Accused Officer Delgado Fernandez**⁷ provided similar accounts of the incident. Officer Kerr and Officer Delgado Fernandez both explained that they witnessed Ms. [REDACTED] failing to stop at a stop sign. Officer Delgado Fernandez curved the vehicle and both officers exited. Officer Kerr approached the vehicle from the passenger side while Officer Delgado Fernandez approached the driver's side. Both officers explained they could not determine the race or sex of the driver until they approached the vehicle.

Officer Kerr observed the juvenile passenger, Mr. [REDACTED] in the back seat drop a weapon on the floor and tried to kick it under the front passenger seat. Officer Kerr advised Officer Delgado Fernandez there was a weapon in the vehicle. Officer Kerr removed Mr. [REDACTED] from the back seat and placed him into custody. Officer Kerr recovered the weapon from the backseat. Officer Delgado Fernandez witnessed Ms. [REDACTED] discard something, so she was removed from the vehicle. The discarded item was retrieved and later identified as drugs. It was later learned that Ms. [REDACTED] license was suspended. Ms. [REDACTED] was placed into custody and transported to the police station.

Officer Kerr and Officer Delgado Fernandez denied using profanity toward Ms. [REDACTED] or the passengers. Officer Delgado Fernandez advised he does not use profanity on or off the job. At the time of the incident, the officers were not assigned Body Worn Camera (BWC) because they were assigned to Unit 312, the Gang Enforcement Unit. Officer Kerr stated that a vehicle inventory list⁸ was created by him documenting all the personal items belonging to Ms. [REDACTED] Both officers denied all the allegations made against them.

b. Documentary Evidence

An **Original Case Incident Report**⁹ and an **Arrest Report**¹⁰ for Ms. [REDACTED] documented officers were traveling southbound on Bishop towards 74th Street when they observed the vehicle Ms. [REDACTED] was driving failing to stop at a stop sign. It was later revealed that Ms. [REDACTED] was driving the vehicle, and the vehicle was occupied by Mr. [REDACTED] who was in the front passenger seat, and Mr. [REDACTED] who was seated behind the front passenger seat. Officers activated their

⁴ Ms. [REDACTED] identified Officer Delgado Fernandez by his Star #6261.

⁵ Ms. [REDACTED] filed an Original Case Incident Report for the missing purse, Attachment 23.

⁶ Attachment 19 & 20 – Audio Interview of Officer Kerr.

⁷ Attachment 21 - Audio Interview of Officer Delgado Fernandez.

⁸ Attachment 13 - Chicago Police Department Inventory Items.

⁹ Attachment 7.

¹⁰ Attachment 8.

emergency equipment, curbed the vehicle, and announced their office. Officer Delgado Fernandez approached the vehicle and observed Ms. [REDACTED] hastily discarding an item onto the driver's side floorboard. Officer Delgado Fernandez could clearly observe this to be (1) clear, knotted, plastic bag, containing several pink in color tablets, suspect-mdma¹¹.

At the same time, Officer Kerr approached from the passenger side and observed Mr. [REDACTED] make furtive movements toward the seat in front of him. The furtive movements were of Mr. [REDACTED] placing a firearm underneath the seat in an attempt to conceal it. Mr. [REDACTED] was instructed to stop moving and step out of the vehicle. Mr. [REDACTED] was detained, and Officer Delgado Fernandez retrieved and made safe on-scene after donning gloves a 9mm caliber, semi-automatic firearm with one (1) live round in the chamber. The firearm was uncased, loaded and immediately accessible at the time of the traffic stop, with no valid license under the firearm concealed carry act. Ms. [REDACTED] was instructed to step out of the vehicle, and she and Mr. [REDACTED] were placed into custody and transported into the 007th District. Ms. [REDACTED] was charged with PCS - Possession - 15>200 Pills Ecstasy/Analog, Failure to Stop at a Stop Sign, and Driving on a Suspended License.

Court Records,¹² regarding the arrest of Ms. [REDACTED] documented that her charges, PCS – Possession - 15>200 Pills Ecstasy/Analog was Nolle Prosequi¹³, Failure to Stop at a Stop Sign¹⁴ was Non-Suit¹⁵, and Driving on a Suspended License¹⁶ was Stricken Off – Leave Reinstate¹⁷.

III. ANALYSIS AND CONCLUSION

COPA finds that **Allegation #1**, in that Officers Kerr and Delgado Fernandez failed to inventory the complainant's personal property (i.e., a Louis Vuitton purse) as required by Special Order S07-03-05, Impoundment of Vehicles for Municipal Code Violations, be classified as **Not Sustained**. Officers Kerr and Delgado Fernandez both stated that the vehicle Ms. [REDACTED] was driving was impounded due to Ms. [REDACTED] being arrested. Officer Kerr explained all personal items that were left in the vehicle were inventoried. There are no independent witnesses to the incident or digital evidence to refute or collaborate Ms. [REDACTED] or the officers' account of the incident, and the officers denied the allegation. Therefore, this allegation is Not Sustained.

COPA finds that **Allegation #2**, that Officers Kerr and Delgado Fernandez detained Ms. [REDACTED] by stopping her without justification, be classified as **Not Sustained**. Ms. [REDACTED] stated the officers advised her she was being stopped because she ran a stop sign, but Ms. [REDACTED] denied running the stop sign. Officers Kerr and Delgado Fernandez were not assigned a BWC at the time of the incident and denied the allegation made against them. There are no independent witnesses to the incident or digital evidence to refute or collaborate Ms. [REDACTED] or the officers' account of the incident. Therefore, this allegation is Not Sustained.

¹¹ Ecstasy.

¹² Attachment 24.

¹³ Will no longer prosecute.

¹⁴ 9-24-010(B).

¹⁵ Dismissed.

¹⁶ 625-5/6-303-A.

¹⁷ The state moves to dismiss pending charges with the right to reinstate the charges.

COPA finds that **Allegation #3**, that Officers Kerr and Delgado Fernandez arrested [REDACTED] without justification, be classified as **Not Sustained**. Officer Fernandez witnessed Ms. [REDACTED] tossing something under her driver’s seat and subsequently arrested her. Ms. [REDACTED] denied having the drugs, and Court Records documented that the charges of PCS – Possession - 15>200 Pills Ecstasy/Analog was Nolle Prosequi, Failure to Stop at a Stop Sign was Non-Suit and Driving on a Suspended License was Stricken Off – Leave Reinstate. There are no independent witnesses to the incident or digital evidence to refute or collaborate Ms. [REDACTED] or the officers’ account of the incident. Therefore, this allegation is Not Sustained.

COPA finds that **Allegation #4**, that Officers Kerr and Delgado Fernandez racially profiled [REDACTED] without justification, be classified as **Unfounded**. The officers stated they were not able to determine Ms. [REDACTED] race or gender until they approached her window. The officers’ account is supported by Ms. [REDACTED] who stated that the vehicle she was driving had tinted windows. There is no evidence to establish that this allegation occurred as alleged by Ms. [REDACTED] and she did not provide any specific actions that suggested the officers racially profiled her. Therefore, this allegation is Unfounded.

COPA finds that **Allegation #5**, that Officer Kerr directed profanity to [REDACTED] without justification, be classified as **Unfounded**. Ms. [REDACTED] identified Officer Delgado Fernandez as the officer who directed profanity at her, not Officer Kerr. There were no witnesses or evidence that established Officer Kerr used profanity during the incident, and Officer Kerr denied the allegation. Therefore, this allegation is Unfounded.

COPA finds that **Allegation #5**, that Officer Delgado Fernandez directed profanity to [REDACTED] without justification, be classified as **Not Sustained**. Officer Delgado Fernandez denied using profanity at Ms. [REDACTED] or any of the passengers in the vehicle she was driving. There are no independent witnesses to the incident or digital evidence to refute or collaborate Ms. [REDACTED] or Officer Delgado Fernandez’s account of the incident. Therefore, this allegation is Not Sustained.

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Investigator

12-7-2022

Date