

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	August 24, 2019
Time of Incident:	3:57 am
Location of Incident:	100 South Lake Shore Drive
Date of COPA Notification:	August 26, 2019
Time of COPA Notification:	6:07 pm

Complainant [REDACTED] ([REDACTED] alleged that he was unjustifiably arrested by CPD Sergeant Kristopher Rigan (Sergeant Rigan) based on an arrest warrant that the sergeant knew, or should have known, was not attached to [REDACTED] COPA's investigation revealed that Sergeant Rigan detained [REDACTED] based on computerized information obtained from the Law Enforcement Agencies Data System (LEADS). The LEADS warrant information, for a man wanted in Wisconsin, matched [REDACTED] first name, last name, and middle initial, along with his exact date of birth and close approximations of his apparent height and weight. A dispatcher from the Office of Emergency Management and Communication (OEMC) confirmed that there was a serviceable warrant for [REDACTED] in Cook County based on his Illinois driver's license number. In fact, [REDACTED] driver's license number was not associated with the Cook County warrant, but this information was not available to Sergeant Rigan until he returned to the 18<sup>th</sup> District police station to further investigate the warrant. After promptly discovering that [REDACTED] was not the wanted subject described in either the Wisconsin warrant or the local warrant, Sergeant Rigan released [REDACTED] without charges, apologized, and drove him home. Because Sergeant Rigan's initial decision to detain [REDACTED] was reasonable based on the warrant information in LEADS, and because Sergeant Rigan then reasonably relied on erroneous information provided by OEMC when he decided to arrest [REDACTED] COPA finds the allegation against Sergeant Rigan for making an unjustified arrest is EXONERATED.

## II. INVOLVED PARTIES

Involved Officer #1:	Kristopher J. Rigan, <sup>1</sup> Star # 1279, Employee ID # [REDACTED] Date of Appointment: March 25, 2002, Sergeant of Police, Unit of Assignment: 018, DOB: [REDACTED] 1979, Male, White
Involved Individual #1:	[REDACTED] C. [REDACTED] DOB: [REDACTED], 1957, Male, Black

<sup>1</sup> Sergeant Rigan's first name is incorrectly listed as "Kristophe" in various Department databases.

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Sergeant Kristopher Rigan	1. It is alleged by ██████ C. ██████ that on or about August 24, 2019, at approximately 4:00 a.m., at or near 100 S Lake Shore Drive, the accused, Sergeant Kristopher J Rigan, Star #1279, committed misconduct through the following acts or omissions, by: Arresting ██████ without justification.	EXONERATED

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty
3. Rule 10: Inattention to duty
4. Rule 11: Incompetency or inefficiency in the performance of duty

Special Orders

1. S06-12-02 Non-Traffic Arrest Warrant Procedures (effective June 13, 2013)<sup>2</sup>
2. S11-05 Law Enforcement Agencies Data System (LEADS) Training and Recertification Program (effective April 26, 2013)<sup>3</sup>

**V. INVESTIGATION<sup>4</sup>**

**a. Interviews**

Complainant ██████ was interviewed by COPA investigators on August 26, 2019.<sup>5</sup> ██████ recounted that on August 24, 2019, at about 3:00 am, he was driving south in his 2016 Rolls Royce Wraith with two passengers on Lake Shore Drive near Randolph Street when he was stopped by a uniformed CPD officer in an unmarked vehicle. The officer asked for ██████ driver’s license, which ██████ provided. The officer walked back to his vehicle, but then returned and told ██████ that he had a warrant for his arrest in Wisconsin. ██████ was ordered to exit his vehicle, and he complied and was placed in handcuffs and seated in the back of a police vehicle. ██████ was taken to the 18<sup>th</sup> District police station, where he was searched and placed in

<sup>2</sup> Attachment 25.

<sup>3</sup> Attachment 26.

<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>5</sup> Attachment 2. The stop is also documented in an OEMC Event Query Report, listing the time of the initial traffic stop as 3:57 am on August 24, 2019. Attachment 8.

a cell. ██████ repeatedly told the officer that a mistake must have been made, as he had not been to Wisconsin and did not have any outstanding warrants. About an hour later, the arresting officer came to ██████ cell, informed him that they had the wrong person, and apologized. The officer later explained that an automated system had alerted him to the supposed warrant after scanning ██████ license plate. The officer then offered to drive ██████ anywhere he wanted to go, and ██████ accepted the offer and was driven to a residence on the south side of Chicago where one of his passengers had driven his car. ██████ later went to CPD headquarters on his own to be fingerprinted and to confirm that there were no warrants for his arrest. ██████ later asked a police officer he knows to run his license plate, and he confirmed that an automatic alert “popped up” regarding an arrest warrant. However, that officer was able to immediately access a photograph of the wanted person and could see that it was not, in fact, ██████

**Accused Sergeant Kristopher Rigan was interviewed by COPA investigators on August 5, 2021.**<sup>6</sup> Sgt. Rigan recalled stopping a car driven by ██████ on August 24, 2019. Sgt. Rigan first noticed ██████ car double-parked in front of ██████ at the corner of West Maple Street and North State Street. The car had a unique personalized license plate, and Sgt. Rigan checked the plate through the LEADS system while continuing to patrol the area. Sgt. Rigan received a notification through his Police Data Terminal (PDT) that there was a sex-offense arrest warrant issued in Wisconsin associated with the registered owner of the double-parked vehicle, ██████ C. ██████ Sgt. Rigan doubled back to where he had seen the car, but ██████ had already driven away. Sgt. Rigan located the car and followed it before initiating a traffic stop near 100 South Lake Shore Drive. While following the car, Sgt. Rigan was able to verify that the driver matched the physical description provided in the arrest warrant as to approximate age, height, and weight and that the registered owner’s birthdate exactly matched the warrant.<sup>7</sup>

After stopping ██████ car, Sgt. Rigan obtained ██████ driver’s license information and detained him for a warrant investigation. ██████ denied ever having been to Wisconsin, and ██████ verbally provided Sgt. Rigan with his social security number, which did not match the warrant. However, ██████ did not have his social security card, and Sgt. Rigan could not confirm if the social security number given by ██████ was accurate. Sgt. Rigan then used his police radio to ask the OEMC dispatcher to check ██████ driver’s license number. While waiting for the return, Sgt. Rigan considered completing an Investigatory Stop Report (ISR) to document the stop and allowing ██████ to go on his way until further investigation could be conducted regarding the validity of the Wisconsin warrant. However, the dispatcher then confirmed that there was a local warrant for ██████ for failure to appear in court, and Sgt. Rigan placed ██████ under arrest and transported him to the 18<sup>th</sup> District police station. Sgt. Rigan explained that he had not seen any information about the local warrant on his PDT, and he relied on the information provided over the radio by the dispatcher.

After transporting ██████ to the police station, Sgt. Rigan contacted authorities in Wisconsin to obtain additional information about the Wisconsin arrest warrant. Sgt. Rigan

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<sup>6</sup> Attachment 34.

<sup>7</sup> During his interview with COPA investigators, Sgt. Rigan acknowledged that the PDT messages associated with the Wisconsin arrest warrant included a notation that the wanted subject was incarcerated. Sgt. Rigan stated that he did not notice the “incarcerated” notation on the night of the incident. However, even if he had noticed, Sgt. Rigan would not have discounted ██████ identity as the wanted subject because arrest warrants are generally cancelled when a subject is incarcerated, and this warrant remained active.

explained that he received information from those authorities via a facsimile (fax) machine, and he would not have been able to perform this task from his vehicle. Sgt. Rigan also explained that he was required to confirm the warrants with LEADS using a secure Private Automatic Exchange (PAX) telephone, which was only available in the police station. After reviewing the information received via fax, including descriptions of the wanted subject's tattoos, Sgt. Rigan determined that [REDACTED] was not the same person wanted in Wisconsin. Likewise, Sgt. Rigan was able to access Department information about the local warrant, and he determined that [REDACTED] was not the subject of that warrant.<sup>8</sup> After determining that [REDACTED] was not wanted – a process that took about thirty (30) minutes – Sgt. Rigan apologized, released [REDACTED] without charges, and drove him home.

### b. Digital Evidence

A **body-worn camera (BWC) recording**,<sup>9</sup> created by Sergeant Rigan's BWC, captured the traffic stop beginning at 4:01 am on August 24, 2019. The recording shows Sergeant Rigan approach [REDACTED] stopped car and request [REDACTED] driver's license, which [REDACTED] provides. Sergeant Rigan then asks [REDACTED] to step out of the car, and [REDACTED] complies. Sergeant Rigan tells [REDACTED] that he is not under arrest, but the sergeant places [REDACTED] in handcuffs, telling him that an active arrest warrant is associated with the car's license plate. Sergeant Rigan informs [REDACTED] that the warrant is from Wisconsin, and [REDACTED] insists he has not been to Wisconsin. [REDACTED] also explains that he just came from eating at [REDACTED] restaurant. Sergeant Rigan has [REDACTED] sit in the back of a marked patrol vehicle while continuing to investigate the warrant. Sergeant Rigan also asks another officer to get [REDACTED] social security number, which he compares against the warrant information on his PDT. Sergeant Rigan notes that the social security number provided by [REDACTED] does not match the warrant.

Sergeant Rigan uses his police radio to give [REDACTED] Illinois driver's license number to an OEMC dispatcher. While waiting for the dispatcher to respond, Sergeant Rigan asks [REDACTED] for his social security card. [REDACTED] allows the sergeant to look in his wallet, but he can not find the social security card. [REDACTED] complains that his handcuffs are too tight, and Sergeant Rigan loosens them. The sergeant then speaks with the passengers in [REDACTED] vehicle and asks if [REDACTED] has ever lived in Wisconsin, but they do not know. Sergeant Rigan speaks with another officer and explains that [REDACTED] social security number does not match the warrant – although his name, birthdate, and physical characteristics do – and that he will likely complete an Investigatory Stop Report (ISR) and release [REDACTED] if the warrant can not be confirmed. Sergeant Rigan also notes that a Wisconsin driver's license number is associated with the warrant, rather than [REDACTED] Illinois driver's license. The OEMC dispatcher then contacts Sergeant Rigan by radio and relays that [REDACTED] driver's license number "comes back valid to [REDACTED] Lives at [REDACTED]

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<sup>8</sup> During his interview with COPA investigators, Sgt. Rigan could not recall what information he accessed when he determined that [REDACTED] was not the subject of the local warrant. When shown a copy of a Chicago Warrant Check printout for the name [REDACTED] Sgt. Rigan agreed that the warrant number listed in [REDACTED] arrest report was associated with a subject named [REDACTED] R. [REDACTED] a white male, with a listed height of 6'3" and a listed weight of 175 pounds. (Attachment 21.) Although he no longer remembered doing so, Sgt. Rigan explained that he likely accessed this information when he determined that [REDACTED] C. [REDACTED] (a Black male with vastly different physical characteristics) was not the same person named in the local warrant.

<sup>9</sup> Attachment 17. Additional BWC and In-Car Camera (ICC) recordings from later-responding officers were also obtained by COPA, but these recordings are either cumulative or immaterial. Attachment 16.

██████████ He has an active warrant . . . for obstruction, failure to appear that’s serviceable.”<sup>10</sup> Sergeant Rigan then informed ██████████ that he was being placed in custody for failing to appear in court in Cook County. After arranging for ██████████ to get his cell phone and for ██████████ passengers to take custody of his car, Sergeant Rigan instructed another officer to drive ██████████ to the police station and the BWC recording ended.

### c. Documentary Evidence

An **Arrest Report**<sup>11</sup> documents that ██████████ was arrested at 4:15 am on August 24, 2019, by Sergeant Rigan based on a Cook County warrant issued on March 28, 2017. The report narrative also states that license plate for ██████████ vehicle returned a warrant issued for the registered owner by the Wisconsin Department of Corrections for DNA information related to a sexual assault. The wanted man had the same first name, last name, middle initial, and birthdate as ██████████. Further, when Sergeant Rigan conducted a name check over the radio with OEMC, using ██████████ name and driver’s license, the OEMC dispatcher advised that ██████████ had an outstanding Cook County arrest warrant for failing to appear in court. ██████████ was then placed in custody and transported to the 18<sup>th</sup> District police station. The report further documents that ██████████ was released at 5:00 am without charges after further investigation revealed that he was not the wanted subject.

A **Police Data Terminal (PDT) message report**<sup>12</sup> documents that Sergeant Rigan checked ██████████ license plate at 3:53 am on August 24, 2019. Sergeant Rigan received notice of several possible arrest warrants associated with ██████████ name from LEADS and the CPD hot desk application, including both the Wisconsin warrant and the Cook County warrants referenced in the arrest report. The return from Wisconsin indicated that the wanted subject was incarcerated. The return from the CPD hot desk did not include a physical description of the wanted subject – only his name and date of birth – which was not an exact match for ██████████

**Training records for Sergeant Rigan**<sup>13</sup> document that he completed training on April 7, 2019, in LEADS Hit Procedures.<sup>14</sup> The training materials for the LEADS Less than Full Access Hit Procedures CPD eLearning module completed by Sergeant Rigan instruct CPD members in the procedures for determining and verifying if a LEADS response is valid. Specifically, CPD members are instructed that a “hit” in LEADS alone provides reasonable grounds to detain a subject but does not provide probable cause for an arrest. After receiving a valid hit, defined as identifying information that is either an exact match or a reasonably close match to the visible and physical identifiers of a person, the “hit” must then be verified with the agency that entered the warrant into the LEADS system.

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<sup>10</sup> See also Audio recording: Office of Emergency Management and Communication, at 25:10, CPD radio Zone 4 (Aug. 24, 2019). Attachment 20.

<sup>11</sup> Attachment 9. The report was completed by Police Officer Robert Dolezil #13817. Sgt. Rigan is listed as the first arresting officer. During his interview with COPA investigators, Sgt. Rigan confirmed that he reviewed the report on the night of the arrest and that the report was accurate.

<sup>12</sup> Attachment 14.

<sup>13</sup> Attachment 28.

<sup>14</sup> Attachment 30.

Wisconsin Department of Corrections records<sup>15</sup> document that ██████████ a registered sex offender, was incarcerated as of May 25, 2005, and currently residing in the Racine Correctional Institution in Sturtevant, Wisconsin. ██████████ is described as a Black male, born in 1957, five feet and six inches (5'6") tall, weighing two-hundred and thirty-five (235) pounds.

## VI. 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 did not comply with CPD policy.<sup>16</sup> If the evidence gathered in an investigation establishes that it is more likely that the conduct violated CPD 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.<sup>17</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>18</sup>

## VII. ANALYSIS

It is undisputed that Sergeant Rigan arrested ██████████ based on arrest warrants issued in Cook County and in Wisconsin for other men. There was no active arrest warrant for ██████████ at the time of his arrest, and Sergeant Rigan had no other reason to arrest ██████████. When an officer mistakenly arrests the wrong person based on a valid arrest warrant issued based on probable cause, the arrest is constitutional so long as the officer's mistake was reasonable.<sup>19</sup> And once an officer establishes probable cause to arrest, he has not constitutional duty to look for

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<sup>15</sup> Attachments 23, 24. These records include a photograph of the ██████████ incarcerated in Wisconsin; he is not the same person stopped by Sergeant Rigan in Chicago.

<sup>16</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.")

<sup>17</sup> See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

<sup>18</sup> *Id.* ¶ 28.

<sup>19</sup> See *Hull v. City of Chi.*, No. 14-3455, at 4 (7th Cir. Aug. 21, 2015) (citing *Hill v. California*, 401 U.S. 797, 802 (1971); *Catlin v. City of Wheaton*, 574 F.3d 361, 365 (7th Cir. 2009); *Rodriguez v. Farrell*, 280 F.3d 1341, 1345-46 (11th Cir. 2002)).

exculpatory evidence or to investigate further.<sup>20</sup> Here, Sergeant Rigan arrested █████ based on two different arrest warrants: one issued in Wisconsin and one issued in Cook County. Regarding the Wisconsin warrant, █████ matched the wanted man based on his first name, last name, middle initial, exact date of birth, and approximate height and weight. Given this information, it was reasonable for Sergeant Rigan to believe that █████ was the wanted man. Sergeant Rigan admittedly failed to notice a notation in the LEADS return indicating that the man wanted in Wisconsin was already incarcerated, but this information was not prominently displayed on the LEADS return and, as Sergeant Rigan pointed out, it would not be logical for Wisconsin officials to maintain an active warrant for a man they already had in custody.

Moreover, even if it was not reasonable for Sergeant Rigan to arrest █████ based on the Wisconsin warrant, he also had reason to believe that █████ was wanted in Cook County on a local warrant.<sup>21</sup> There was no biographical information associated with the local warrant included in the LEADS information displayed on Sergeant Rigan's PDT. Rather, Sergeant Rigan learned of the local warrant after relaying █████ Illinois driver's license number to an OEMC dispatcher. The dispatcher then told Sergeant Rigan that there was a serviceable warrant for █████ arrest. █████ driver's license number is uniquely associated with him, so it was reasonable for Sergeant Rigan to place █████ into custody based on the information that he was given by the dispatcher.

While Sergeant Rigan's arrest of █████ did not violate █████ constitutional rights, Sergeant Rigan was also required to comply with CPD rules and directives during and after the arrest. Respecting a person's constitutional rights is the floor, rather than the ceiling, regarding a CPD member's obligations while dealing with that person, and CPD directives may establish more stringent requirements than the bare minimum required under the law. CPD directives require that a member making an arrest based on a warrant "verify the information and physical description of the subject named in the warrant matches the subject in custody."<sup>22</sup> Further, the station supervisor at the CPD detention facility is given final authority to determine if an arrestee will be processed for a warrant where discrepancies exist between the physical description of the arrestee and the person named in the warrant.<sup>23</sup>

Here, Sergeant Rigan promptly attempted to verify the information in each arrest warrant. First, he contacted Wisconsin authorities and had them fax additional information to the 18<sup>th</sup> District station. Second, he obtained further information from CPD sources regarding the local warrant. Based on all this information, it became readily apparent to Sergeant Rigan that █████ was not the subject of either warrant. Sergeant Rigan made this determination within an hour of █████ arrest, and █████ was promptly released and given a ride to his home. The information

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<sup>20</sup> *Id.* at 5 (citing *Baker v. McCollan*, 443 U.S. 137, 145–46 (1979); *Mathews v. City of East St. Louis*, 675 F.3d 703, 707 (7th Cir. 2012); *Tibbs v. City of Chi.*, 469 F.3d 661, 665 (7th Cir. 2006)).

<sup>21</sup> COPA also credits Sergeant Rigan's statement – recorded on his BWC during the incident – that he intended to allow █████ to go on his way and to document the stop with an ISR while further investigating the Wisconsin warrant. Based on this statement, which Sergeant Rigan made while awaiting a response from OEMC, it is apparent that the OEMC dispatcher informing Sergeant Rigan of the local warrant was the primary motivating factor in Sergeant Rigan's decision to make a custodial arrest.

<sup>22</sup> Special Order S06-12-02, § IV.A.5. Attachment 25.

<sup>23</sup> *Id.* COPA notes that the directive, by placing final authority on the station supervisor, presumes that an officer may transport a subject to the station to conduct further investigation regarding an arrest warrant, so long as the officer's decision to detain and transport the subject was reasonable and so long as the investigation is conducted in a prompt and reasonable manner.

that Sergeant Rigan relied on when he decided to release ██████ was not available in the field; it was only available when the sergeant returned to the station.

Under these circumstances, COPA finds it highly probable that Sergeant Rigan acted reasonably when he placed ██████ into custody and that Sergeant Rigan’s actions were proper. Of course, ██████ was understandably aggrieved by this arrest as he was not the subject of either arrest warrant. However, the ultimate cause of his arrest was the unfortunate similarity between ██████ name, birthdate, and physical description to the subject wanted in Wisconsin and the apparent error made by the OEMC dispatcher when she associated ██████ driver’s license number with the local warrant.<sup>24</sup> Sergeant Rigan is not at fault for either the coincidental similarities between ██████ and the Wisconsin subject or the apparent error made by the OEMC dispatcher, and COPA finds that the allegation against Sergeant Rigan for making an unjustified arrest is EXONERATED.

**VIII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Sergeant Kristopher Rigan	1. It is alleged by ██████ that on or about August 24, 2019, at approximately 4:00 a.m., at or near 100 S Lake Shore Drive, the accused, Sergeant Kristopher J Rigan, Star #1279, committed misconduct through the following acts or omissions, by: Arresting ██████ without justification.	EXONERATED

Approved:



8/31/2021

\_\_\_\_\_  
 Matthew Haynam  
 Deputy Chief Administrator – Chief Investigator

\_\_\_\_\_  
 Date

<sup>24</sup> COPA does not have authority to investigate alleged misconduct by employees of OEMC, and the reason for the dispatcher’s seeming error is not known.

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	2
<b>Major Case Specialist:</b>	Greg Masters
<b>Supervising Investigator:</b>	Robert Coleman
<b>Deputy Chief Administrator:</b>	Matthew Haynam