

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 20, 2019
Time of Incident:	9:15 p.m.
Location of Incident:	1245 West 87 th Street, Chicago, Illinois
Date of COPA Notification:	January 30, 2020
Time of COPA Notification:	12:55 p.m.

On September 20, 2019, at approximately 9:15 p.m., in the vicinity of 87th Street and Racine Avenue, Chicago, Illinois, [REDACTED] Complainant, was stopped by officers of the Chicago Police Department (CPD), while driving her vehicle. [REDACTED] was stopped for allegedly running a red light. In [REDACTED] statement to COPA, she claimed the light was green.¹ [REDACTED] was subsequently issued a citation for running the red light and was also issued a citation for having open beer in her vehicle, as there were several cans of beer on the floor of her vehicle. She claimed the beer cans were unopened, but not attached to a plastic ring. She also claimed that she was detained for approximately 25-30 minutes during the stop, and that the officers had illuminated her vehicle from the outside using flashlights and had observed the beer on the floor in the vehicle. She considers this an illegal search, as she had been pulled over for running a red light. She was subsequently issued a citation for having open alcohol in her vehicle. She went to court and the case concerning open alcohol was dismissed.

II. INVOLVED PARTIES

Involved Officer #1:	Solodine Jackson, Star #14851, Employee ID#: [REDACTED], Date of Appointment: April 1, 2013, Rank: PO, Unit of Assignment: 004, Bureau of Patrol (Area South) - 212, DOB: [REDACTED] 1979, Male, Black
Involved Officer #2:	Charles L. Spears, Star #19752, Employee ID#: [REDACTED], Date of Appointment: February 18, 2014, Rank: PO, Unit of Assignment: 004, Bureau of Patrol (Area South) - 212, DOB: [REDACTED] 1977, Male, Black
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1966, Female, Black

III. ALLEGATIONS

¹ Attachment #11

Officer	Allegation	Finding
<p>Officer Solodine Jackson</p>	<p>It is alleged by ██████████ that on or about September 20, 2019, at approximately 9:15 p.m., in the vicinity of 1245 West 87th Street, Chicago, Illinois, Officer Solodine Jackson:</p> <ol style="list-style-type: none"> 1. Detained ██████████ without justification. 2. Searched ██████████ vehicle, without justification. 3. Prolonged a traffic stop by ticketing ██████████ for having open liquor in her vehicle, without justification. 	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p>
<p>Officer Charles L. Spears</p>	<p>It is alleged by ██████████ that on or about September 20, 2019, at approximately 9:15 p.m., in the vicinity of 1245 West 87th Street, Chicago, Illinois, Officer Charles L. Spears:</p> <ol style="list-style-type: none"> 1. Detained ██████████ without justification. 2. Searched ██████████ vehicle, without justification. 3. Prolonged a traffic stop by ticketing ██████████ for having open liquor in her vehicle, without justification. 	<p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Federal Laws

1. 4th Amendment to the United States Constitution
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State Laws

1. Constitution of the State of Illinois, Article I, Section 6
 2. 625 ILCS 5/11-502, Section 11-502²
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Chicago Municipal Ordinances

1. Title 8. Offenses Affecting Public Peace and Welfare, Section 8-4-030 (Drinking in Public Ways)³
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V. INVESTIGATION⁴**a. Interviews**

In her interview with COPA on January 30, 2020,⁵ ██████████ **Complainant**, stated that on September 20, 2019, at approximately 9:15 p.m.,⁶ she was driving in her vehicle heading eastbound on 87th Street. She had gone through the traffic light on Racine Avenue when she was stopped by a CPD unit, having two officers, about a block through the intersection. She was alone at the time. The officers exited their vehicle, one of whom had a flashlight, and began checking her car from the outside. One of the officers asked her for her driver's license. She asked the officer why she was pulled over. The officer told her that she ran a red light. ██████████ maintained that the light was green when she approached the intersection. She stated that the officers searched her car, and then more officers arrived on the scene. Those officers also approached her vehicle with flashlights. One of the initial officers took her driver's license from her. She stated that she had a commercial driver's license at the time. She said she was detained for about 25-30 minutes.

The officer then came back to her car, illuminated the inside of her car with a flashlight, and told her that she had open beer in the backseat of the passenger side of her car. He then opened the door and searched her car without her permission.⁷ She told the officer that it wasn't her beer,

² From Chapter 95 ½, paragraph 11-502: Transportation or possession of alcoholic liquor in a motor vehicle: (a) ... no driver may transport, carry possess, or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this State except in the original container and with the seal unbroken.

³ See Section (a)(2): It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle upon any public way in the city except: (1) in the original package and with the seal unbroken, or (2) in a package properly sealed, bagged and receipted pursuant to Section 6-33 of the Liquor Control Act of 1934, added by P.A. 94-1047, effective January 1, 2007, and codified at 235 ILCS 5/6-33, as amended, or (3) in compliance with Section 11-502 of the Illinois Vehicle Code, codified at 625 ILCS 5/11-502.

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

⁵ Attachment #11

⁶ Attachment #7: ██████████ affidavit lists the time of the stop as 9:15 p.m.

⁷ Attachment #11 at 6:08

and that she had just dropped her son off at his girlfriend's house. The officer then told her to reach inside of the car and retrieve a can of beer. She did so and reached her hand underneath the seat on the passenger side of the vehicle and retrieved a can of beer, and then gave it to the officer. The beer was not opened. The officer then went back to his vehicle and began writing a citation. The officer came back and told her that he was going to write her a citation for having uncontained alcohol in the car. The officer told her that the alcohol was not supposed to be within arms-reach. The officer told her not to worry because he was not going to be there (i.e., at court), and that she should just plead not guilty, and the judge would throw the case out.

After she was given the citations, she then went to the police station located at 78th Street and Racine Avenue and spoke with a sergeant. She explained the situation to the sergeant, who told her that the officers should not have written her a ticket for the alcohol. Subsequently, she went to court on November 15, 2019, and the case was dismissed. No officers appeared at the hearing.

Relative to finding beer in her vehicle, she said the officers were looking from outside of her vehicle and shining their flashlights into her vehicle.⁸ They observed cans of beer on the floor of her vehicle. She stated that there were three cans of unopened, 12-ounce Miller High Life beer on the floor of her vehicle. The cans were not attached to a plastic ring. She remained in her vehicle throughout the entire incident. The officers did not identify themselves to her. They just gave her a ticket. She did not provide the ticket to COPA but said that she had retained it. She described the officer who wrote her the ticket as a dark-skinned, African American male, 30-40 years old, and having a beard. All the officers were in uniform, and they had arrived in blue-and-white vehicles.

In his interview with COPA on September 9, 2020,⁹ Officer Solodine Jackson, stated that relative to the incident which occurred on September 20, 2019, at approximately 9:15 p.m., in the vicinity of 1245 West 87th Street, Chicago, Illinois, he did not recall anything about the incident. He stated, however, that if he had issued a traffic ticket, there would be a reason for it. In this case, he does not recall issuing a traffic ticket. He was shown a photograph of [REDACTED] the complainant in this matter, and was unable to identify her.¹⁰ With respect to the stop of [REDACTED] for running a red-light, he does not recall the incident. Therefore, he does not know if his partner at the time, Officer Charles Spears, had issued a citation to [REDACTED] even though Officer Spears' name appears on the Traffic Stop Statistical Study relative to the incident.¹¹ Officer Jackson stated that the document indicates that Officer Spears conducted a stop, but not necessarily that a traffic citation was issued. Officer Jackson identified his name, and Officer Spears' name, on the A&A sheet for Unit 212, Watch 4, for September 20, 2019, acknowledging that both officers were on duty that day, and partnered in vehicle #7439.¹²

With respect to Ticket # [REDACTED] issued to [REDACTED] on September 20, 2019, for transporting alcohol not properly contained,¹³ he confirmed his signature on the ticket; and,

⁸ Attachment #11 at 10:57

⁹ Attachment #18

¹⁰ Attachment #6

¹¹ Attachment #3

¹² Attachment #13

¹³ Attachment #21

that the ticket indicated that he had observed a can of Miller High Life beer within arm's reach of the driver, and not properly stored. This indicated that it was an open can of beer. By open, he meant that the flip-top (seal) of the can was broken. If the can of beer had simply been removed from the plastic ring, but with the seal intact, this would still constitute improper transportation of alcohol. Again, he does not recall the incident. This is simply information from the ticket he wrote. Typically, in situations like these, because it was at night, he would approach the stopped vehicle with a flashlight in order to see inside of the vehicle. Since Officer Spears' name appears on the citation for running a red-light, the initial stop, Officer Jackson, in this instance, most probably approached [REDACTED] vehicle from the passenger side. Officer Spears was probably driving the vehicle. The citations do not indicate whether [REDACTED] was alone in the vehicle, and Officer Jackson does not recall the incident.

In his interview with COPA on September 10, 2020,¹⁴ Officer Charles L. Spears, stated that relative to the incident which occurred on September 20, 2019, at approximately 9:15 p.m., in the vicinity of 1245 West 87th Street, Chicago, Illinois, he could not recall the incident. He was shown a copy of the CPD A&A sheet for that day, and he identified both his name and his partner's name, Solodine Jackson, as listed on the sheet, and on duty during the time of the incident.¹⁵ The officers had not been issued BWCs at that time. They were assigned to Unit #7439. He was then shown a photograph of [REDACTED] and he stated that he did not recognize this individual.¹⁶ He was shown a copy of CPD Traffic Stop Statistical Study, Stop No. 19810468, for September 20, 2019, for [REDACTED] which reflected that [REDACTED] had run a red light at approximately 9:17 p.m. near 1245 West 87th Street, Chicago, Illinois; and that Spears was the preparing officer.¹⁷ Although Spears did not remember the incident, he acknowledged that this report reflected that he was the officer who had stopped [REDACTED]. As such, he was probably the driver of the police vehicle. With respect to the other citation issued to [REDACTED] which involved the illegal transportation of liquor, he stated that he did not issue that citation. After being shown City of Chicago Administrative Notice of Ordinance Violation – Ticket #P005662776, issued to [REDACTED] on September 20, 2019, for transporting alcohol not properly stored,¹⁸ he identified the name of his partner at the time, Officer Solodine Jackson, as appearing on the citation as the preparing officer, along with his Star #14851. Typically, when traffic stops are made at night, Officer Spears will approach the vehicle with his flashlight, and shine the flashlight inside of the vehicle.

b. Documentary Evidence

CPD A&A Sheet, Bureau of Patrol (Area South), Unit 212, for Watch 4, September 20, 2019¹⁹

Sworn Affidavit of [REDACTED] at COPA on January 30, 2020²⁰

¹⁴ Attachment #24

¹⁵ Attachment #13

¹⁶ Attachment #6

¹⁷ Attachment #3

¹⁸ Attachment #21

¹⁹ Attachment #13

²⁰ Attachment #7

TRIMS Search, Clerk of the Circuit Court of Cook County, for ██████████ DOB: ██████████ 1966²¹

CPD Traffic Stop Statistical Study, Stop No. 19810468, for September 20, 2019, for ██████████²²

City of Chicago Administrative Notice of Ordinance Violation – Ticket ██████████, issued to ██████████ on September 20, 2019, for transporting alcohol not properly stored²³

Photograph of ██████████ from her CPD Arrest History²⁴

VI. ANALYSIS

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. *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). 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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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.” *Id.* at ¶ 28.

²¹ Attachment #2: Per this report, two tickets were issued to ██████████ on October 20, 2019: TU ██████████ and TU ██████████. This date is most probably a clerical error; the true date being September 20, 2019.

²² Attachment #3: The stop lasted from 21:17 to 21:23 (6 minutes); the citation issued was for running a red light at 1245 West 87th Street, Chicago, Illinois. The terminal from which the license plate was queried is ██████████ and is associated with Officer Charles L. Spears.

²³ Attachment #21

²⁴ Attachment #14

With respect to **Allegation #1**, [REDACTED] was alone in her vehicle at the time, and there is a lack of corroborating evidence, eyewitness or otherwise, to justify her claim. Further, there is no video footage of the incident, as the officers were not equipped with BWCs. On the other hand, the officers who were involved in the stop, and the subsequent detention of [REDACTED] and who were involved in the issuance of the traffic citations to [REDACTED] have documented their observations relevant to the event.²⁵ As such, **Allegation #1** alleged against **Officer Charles L. Spears**, and **Officer Solodine Jackson** are **NOT SUSTAINED**.

With respect to whether the officers' use of their flashlights, which illuminated the interior of [REDACTED] vehicle, and which ultimately led to the discovery of the beer cans on the floor of her vehicle, was a search which implicated the Fourth Amendment, one must consider the relevant case law involving police use of flashlights in the context of automobile searches. It has been held that the use of flashlights in illuminating vehicles does not trigger the Fourth Amendment. In *Derr v. Commonwealth*, 6 Va. App. 215, 217, 368 S.E.2d 916, 917 (1988), a police officer used a flashlight to see inside a parked vehicle. The Court stated this "implicates no fourth amendment concerns." Other cases have held that the use of a flashlight did not preclude application of the plain view doctrine.²⁶ Further, in *Taylor v. Commonwealth*, 10 Va. App. 260, 265, 391 S.E.2d 592, 595 (1990), the Court found that an officer shining a flashlight into a truck bed did not violate the Constitution. In *Texas v. Brown*, 460 U.S. 730, 103 S.Ct. 1535, 75 L.Ed.2d 502 (1983), the Court held that the officer's action in shining his flashlight to illuminate the interior of the defendant's car trenching upon no right secured to the defendant by the Fourth Amendment. Other cases have held that because there is no legitimate expectation of privacy shielding the passenger compartment of an automobile from the public, the fact that a police officer uses a flashlight to investigate the car does not cause the viewing to become a search.²⁷

Thus, it is clear and convincing that the officers, by shining their flashlights into [REDACTED] vehicle, did not conduct an illegal search, as [REDACTED] alleged. Thus, the accused officers, **Officer Charles L. Spears**, and **Officer Solodine Jackson**, are **EXONERATED** relative to **Allegation #2**.

With respect to **Allegation 3**,

[REDACTED] claimed she was detained for approximately 25-30 minutes. Conversely, event query data indicated the stop duration was less than 10 minutes. Furthermore, in allegation 1 above COPA was unable to determine if the initial detention was justified. In considering the propriety of the initial detention and uncertainty as to the total duration of the stop, **Allegation #3** alleged against both officers is **NOT SUSTAINED**.

²⁵ Attachments #2 and #3

²⁶ See *Effler v. Rose*, 535 F.2d 980, 981 (6th Cir.) cert. denied, 429 U.S. 982, 97 S.Ct. 496, 50 L.Ed.2d 591 (1976); *Gibson v. Commonwealth*, 653 S.E.2d 626, 50 Va. App. 744 (Va. App. 2007). In *Wells v. Commonwealth*, 6 Va. App. 541, 371 S.E.2d 19 (1988), the Court held that police did not violate the Fourth Amendment by using flashlights to observe the interior of a car.

²⁷ *People v. Glick*, 250 P.3d 578 (Colo. 2011); *People v. Romero*, 767 P.2d 1225, 1227, (Colo. 1989); *People v. Dickinson*, 928 P.2d 1309, 1313 (Colo. 1996).

CONCLUSION

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

Officer	Allegation	Finding
Officer Solodine Jackson	It is alleged by [REDACTED] that on or about September 20, 2019, at approximately 9:15 p.m., in the vicinity of 1245 West 87 th Street, Chicago, Illinois, Officer Solodine Jackson:	NOT SUSTAINED
	1. Detained [REDACTED] without justification.	
	2. Searched [REDACTED] vehicle, without justification.	EXONERATED
	3. Prolonged the traffic stop by ticketing [REDACTED] for having open liquor in her vehicle, without justification.	NOT SUSTAINED
Officer Charles L. Spears	It is alleged by [REDACTED] that on or about September 20, 2019, at approximately 9:15 p.m., in the vicinity of 1245 West 87 th Street, Chicago, Illinois:	
	1. Detained [REDACTED] without justification.	NOT SUSTAINED
	2. Searched [REDACTED] vehicle, without justification.	EXONERATED
	3. Prolonged the traffic stop by ticketing [REDACTED] for having open liquor in her vehicle, without justification.	NOT SUSTAINED

Approved:

[REDACTED]

Matthew Haynam
Deputy Chief Administrator

Date: 2/8/2023