

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 28, 2020
Time of Incident:	3:30 pm
Location of Incident:	1132 S. Campbell
Date of COPA Notification:	February 28, 2020
Time of COPA Notification:	4:54 pm

According to [REDACTED] Officers Bolanos and Gama stopped and detained him for no reason and racially profiled him during a traffic stop. However, BWC videos depicts [REDACTED] admitting to the traffic violations. During the traffic stop, [REDACTED] told officers he did not want to “get shot” and wanted them to retrieve his driver’s license from his pants pocket. When [REDACTED] exited the vehicle Officer Bolanos attempted to conduct a pat down, but [REDACTED] resisted, by pulling back. Officers attempted to de-escalate the situation by asking [REDACTED] to calm down, he refused. He made attempts to enter his vehicle, at which time he was escorted to the rear of his vehicle, patted down, and briefly handcuffed. [REDACTED] called for a supervisor to file a complaint against the officers. Sgt. Silva responded and failed to register a complaint or notify COPA of the complaint. Further, Sgt. Silva failed to activate his body worn camera. Subsequently, [REDACTED] was issued a citation and released.

II. INVOLVED PARTIES

Involved Sergeant #1:	Armando Silva Jr., Star #1908, Employee ID# [REDACTED] Date of Appointment: 06 Sep 1994, Sergeant, Unit:010, DOB: [REDACTED] 1967, Male, Hispanic
Involved Officer #2:	Adolfo Bolanos, Star 16767, Employee ID# [REDACTED], Date of Appointment: 28 Apr 2014, Police Officer, Unit:010, DOB: [REDACTED] 967, Male, Hispanic
Involved Officer #3:	Guillermo Gama Jr., Star 17268, Employee ID# [REDACTED], Date of Appointment: 31 Aug 2015, Police Officer, Unit:010 / 716, DOB: [REDACTED] 1984, Male, Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1981, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
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Sergeant Armando Silva Jr.	<p>1. Violation of General Order 08-01-02, failing to initiate a Complaint Log investigation after being notified of allegations of misconduct by [REDACTED]</p> <p>2. Violation of General Order 08-01-02, failing to notify COPA via telephone and in a written report after the allegations of misconduct were received; and</p> <p>3. Violation of Special Order 03-14, failing to activate your body worn camera.</p>	<p>Sustained /</p> <p>Sustained /</p> <p>Sustained /</p>
Officer Adolfo Bolanos	<p>1. Stopped and detained [REDACTED] without justification.</p> <p>2. Racially profiled [REDACTED] without justification.</p> <p>3. Pulled [REDACTED] out of the vehicle, without justification; and</p> <p>4. Shoved [REDACTED] against the vehicle, without justification.</p>	<p>Exonerated</p> <p>Unfounded</p> <p>Exonerated</p> <p>Unfounded</p>
Officer Guillermo Gama Jr.	<p>1. Stopped and detained [REDACTED] without justification,</p> <p>2. Racially profiled [REDACTED] without justification.</p>	<p>Exonerated</p> <p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
2. Rule 6: Disobedience of an order or directive, whether written or oral
3. Rule 9: Engaging in any verbal or physical altercation with any person, while on or off duty.
4. Rule 10: Inattention to duty

General Orders

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1. G02-04 – Racial Profiling and other Bias based Policing (effective 01 Dec 2017)
 2. G08-01-02 – Specific Responsibilities Regarding Allegations of Misconduct (effective 4 May 2018).
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Special Orders

1. S03-14 – Body Worn Cameras (effective 9 Jun 2017).
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V. INVESTIGATION

a. Interviews

In a **statement to COPA**¹ on September 6, 2019, **Officer Guillermo Gama Jr.** said he cannot recall the incident from memory because it has been too long. After reviewing BWC footage, Officer Gama said he along with Officer Bolanos conducted a traffic stop on a vehicle they observed using the alley ways to avoid traffic. They waited for the vehicle to approach the corner of Fairfield and Roosevelt. Eventually, they conducted a traffic stop at Roosevelt and Campbell. When the vehicle stopped, the driver, ██████ started exiting the vehicle and Officer Bolanos exited the squad car and approached him. Officer Gama said he placed the gear shift in park, exited the squad car and approached on the driver's side and did not observe ██████ out of his vehicle. He did see that there was a little girl in the rear driver's side seat.

Officer Gama said he heard Officer Bolanos ask ██████ several times for his driver's license, ██████ response was something to the effect of "I have to pick up my child." He was not sure if ██████ heard Officer Bolanos ask for his driver's license because he kept repeating, he had to pick up his child. He said ██████ stepped out of the vehicle without being asked or with any assistance, raised his hands and said, "I don't want to get shot." Officer Gama said he observed ██████ turn slightly to the side as if he was directing Officer Bolanos to retrieve his license from his right front pants' pocket.

Officer Gama said when Officer Bolanos reached for ██████ he pulled back and tried to go back inside his vehicle. ██████ yelled that he was going to "shoot him." At which time, they grabbed ██████ hand and held him by the arm, guiding him to the rear of his vehicle to stop him from possibly retrieving a weapon from the vehicle. ██████ did clarify to the officers that he did not mean "shoot" and that he meant "sue" them.

Officer Gama stated that ██████ yelled constantly and refused to comply with their orders, and because of his behavior, Officer Bolanos handcuffed and patted ██████ down. He retrieved ██████ driver's license ran it through OEMC. He attempted to explain the situation to ██████ but ██████ refused to listen and continued yelling. He informed ██████ that he was being issued a citation and ██████ called for a supervisor, in which he and Officer Bolanos remained on location for Sergeant Silva. When Sergeant Silva arrived, he spoke to him and then ██████ Officer Gama denied

¹ Att. 41.

that either he or Officer Bolanos used any excessive force by yanking, pulling, or pushing [REDACTED] out or against the vehicle.

Officer Gama said during this incident, he approached the little girl sitting in [REDACTED] vehicle and told her that everything was okay and not to worry. Officer Gama stated that an ISR report was completed and an ISR receipt was given to [REDACTED] along with the traffic citation. Officer Gama denied the allegations against him and Officer Bolanos and related that they had justification in conducting the traffic stop.

In a **statement to COPA**² on September 6, 2019, **Officer Adolfo Bolanos** explained that while on patrol, he observed [REDACTED] driving through several alleys. He and Officer Gama followed and stopped [REDACTED] on Campbell near Roosevelt as he exited the alley. Officer Bolanos approached [REDACTED] as he opened the vehicle door and observed that part of his upper body was outside his vehicle. Officer Bolanos asked [REDACTED] if the vehicle was his, [REDACTED] refused to answer. He then asked [REDACTED] to exit his vehicle again in which [REDACTED] refused. He asked for his driver's license multiple times, which [REDACTED] initially ignored him. [REDACTED] positioned himself partially outside of the vehicle, leaving one foot inside. Officer Bolanos said [REDACTED] told him his driver's license was in his pants' pocket. Officer Bolanos said he asked [REDACTED] if he had any weapons and attempted to pat him down, but [REDACTED] pulled back and pushed his hand away, then attempted to re-enter his vehicle.

Officer Bolanos said he grabbed [REDACTED] by the wrist to stop him from re-entering his vehicle because, he did not know what [REDACTED] intentions were, or if he had any weapons on his person or in his vehicle. [REDACTED] pulled back and accused him of racial profiling and said he believed [REDACTED] to say, "he was going to shoot him". At this time, he, and Officer Gama escorted [REDACTED] to the rear of his vehicle, handcuffed and patted him down for weapons.

Officer Bolanos described [REDACTED] as being upset, acting irate, belligerent, and not listening to him or Officer Gama. Officer Bolanos related that from the initial contact with [REDACTED] he and Officer Gama explained the reason for the traffic stop. [REDACTED] was informed that he was getting a citation and then uncuffed. [REDACTED] called for a supervisor, and Sergeant Silva responded. [REDACTED] accused the officers of racially profiling him, stopping him for no reason and pulling him out of the vehicle.

Officer Bolanos saw Sergeant Silva speaking with [REDACTED] but does not know if he initiated a CR log number complaint. [REDACTED] signed the citation, and his license was returned. Officer Bolanos denied the allegations against him.

In a **statement to COPA**³ on September 6, 2019, **Sergeant Armando Silva Jr.** explained that he had no independent recollection of the interaction with [REDACTED] but after reviewing Officer Bolanos and Officer Gama's body worn camera footage his memory was refreshed.

Sergeant Silva stated that he spoke with one of the officers upon arrival, then spoke with [REDACTED]. Sergeant Silva related that during his conversation with [REDACTED] there was on-going traffic. The officers were also talking which made it difficult for him to clearly hear what [REDACTED] was

² Att. 37.

³ Att. 41.

complaining about. [REDACTED] was upset because he was pulled over by the officers. He said he was advised by “Eddie Johnson” not to reach into his pockets because he was going to get shot. [REDACTED] did inform Sergeant Silva that he was pulled out of the vehicle and that the officers were racially profiling him. Sergeant Silva stated he does not recall [REDACTED] making those complaints on the date of the incident. However, Sergeant Silva acknowledged that he did hear on the body worn cameras [REDACTED] complaints. Sergeant Silva admitted that he forgot to activate his body worn camera during this incident. He further related that he did not realize at the time that [REDACTED] was complaining about the officers, he believed that [REDACTED] was venting and wanted to get out of the citation. Sergeant Silva reiterated that at the time that he responded to the scene and was talking to [REDACTED] he did not realize that [REDACTED] was making a complaint. However, Sgt. Silva acknowledged that he now realizes after watching the BWC videos and being presented with the allegations that he failed to register a complaint on behalf of [REDACTED] and he failed to notify COPA.

b. Digital Evidence

The **Body Worn Camera (BWC)**⁴ of Officer Bolanos depicts the officers’ interaction with [REDACTED] upon conducting the traffic stop near Campbell and Roosevelt. Officer Bolanos can be heard explaining to [REDACTED] that he cannot use the alley ways to avoid traffic. Officers Bolanos asked [REDACTED] if the vehicle was his, however [REDACTED] refused to answer and appeared argumentative, he accused Officer Bolanos of racial profiling.⁵ Officer Bolanos asked [REDACTED] several times for his driver’s license, [REDACTED] kept saying that he had to pick up his son. After several requests from Officer Bolanos, [REDACTED] stepped out of his vehicle, and told Officer Bolanos to retrieve his license from his pants’ pocket because he did not want them to shoot him. [REDACTED] stepped out of his vehicle leaving the right foot inside and the rest of his body outside of his vehicle. Officer Bolanos asked [REDACTED] if he had any weapons on him, he then attempted to pat his waist area and pants pockets. [REDACTED] pulled back and refused to allow Officer Bolanos to pat him down. Officer Bolanos told [REDACTED] not to go back inside his vehicle as [REDACTED] attempted to retreat back inside.

Officer Bolanos grabbed [REDACTED] left arm/hand as [REDACTED] accused Officer Bolanos that he was racially profiling him. [REDACTED] then threatened to sue Officer Bolanos, however the comment made by [REDACTED] appeared to sound as if [REDACTED] threatened to “shoot” Officer Bolanos. Officer Bolanos asked [REDACTED] if he was threatening to shoot him, and [REDACTED] told him that he said “sue” not “shoot.”⁶ [REDACTED] pulled again and attempted to go back into his vehicle. Officer Gama told [REDACTED] to stop his actions and to calm down. When [REDACTED] failed to comply, Officer Gama grabbed [REDACTED] right arm. Officer Gama along with Officer Bolanos escorted [REDACTED] to the back of his vehicle and Officer Bolanos handcuffed him. Officer Bolanos conducted a pat down of [REDACTED] and continued to ask him to relax as [REDACTED] continued to accuse the officers of pulling him out of the vehicle and racially profiling him.

Officer Bolanos retrieved [REDACTED] wallet from his pants’ pocket to obtain his driver’s license. [REDACTED] continued yelling at the officers as they tried to explain that there was no need for his behavior. Officer Bolanos provided Officer Gama with [REDACTED] license to check the status while

⁴ Att. 10 - Officer Bolanos.

⁵ Att. 10, file AXON-Body_2_Video_2020-02-28_1541 at 04:10

⁶ Att. 10, file AXON-Body_2_Video_2020-02-28_1541 at 03:20

he stood by with [REDACTED] Officer Bolanos attempted to explain the traffic stop to [REDACTED] however, [REDACTED] appeared argumentative by yelling and accusing Officer Bolanos of racially profiling him.

Officer Gama attempted to allow [REDACTED] to leave without any further interaction. Officer Bolanos uncuffed [REDACTED] who requested a supervisor to the scene. While the officers and [REDACTED] waited for the supervisor, Officer Gama issued [REDACTED] a traffic citation and completed an ISR receipt. Sergeant Silva responded and briefly spoke with Officer Gama, and then spoke to [REDACTED] [REDACTED] told Sergeant Silva that he was racially profiled and pulled out of his vehicle for no reason by the officers. He threatened to sue the officers if a citation was issued. Sergeant Silva can be heard explaining the procedures to [REDACTED] [REDACTED] was released shortly thereafter without any further incident.

The **BWC of Officer Gama**⁷ depicted a similar angle as that of Officer Bolanos. Nothing further of evidentiary value to note.

c. Physical Evidence

The **911 OEMC Transmissions** were obtained, at 1:46 minutes, Officer Gama called the dispatcher to verify [REDACTED] driver's license and a call from the dispatcher to Sgt. Silva requesting a supervisor for [REDACTED]

d. Documentary Evidence

The **Event Query**⁸ documented a traffic stop conducted near Campbell and Roosevelt by Beat 1065C at 3:43 pm, a citation was issued.

The **Investigatory Stop Report (ISR)**⁹ documented that after [REDACTED] was curbed for minor traffic violation, he partially exited his vehicle and began to talk in an aggressive manner toward the officers. Officers asked [REDACTED] for a valid driver's license to what he replied not verbatim, "It's in my pocket get it, cause I don't want to get shot." [REDACTED] exited the vehicle and upon the officers attempting to conduct a pat down for weapons around his waistband which was concealed by a bulgy puffy jacket. [REDACTED] quickly pulled away and attempted to sit back in the driver seat while yelling. [REDACTED] was escorted out of the vehicle and based on his aggressive demeanor was detained while the officers conducted a pat down and verified [REDACTED] driver's license. Upon clearing the name check, officers issued [REDACTED] a citation for violation and issued ISR receipt to [REDACTED]

A **Traffic citation**¹⁰ was given to [REDACTED] (TU-[REDACTED]) for using the alley ways as a thru traffic road.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

⁷ Att. 11.

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⁹ Att. 7.

¹⁰ Att. 6.

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.

VII. ANALYSIS

COPA finds that Allegations #1 and #2 against Sergeant Silva as Sustained. Sergeant Silva violated Rule 6 and General Order 08-01-02, when he failed to initiate a Complaint Log investigation after being notified of allegations of misconduct by [REDACTED] and when he failed to notify COPA via telephone, and by written report. According to General Order 08-01-02, all Department members will perform the duties and assume the obligations of their rank and/or position in the investigation of allegations of misconduct against any Department member. When incidents regarding allegations of misconduct subject to the Log number process received, the supervisor who first receives the information of the alleged misconduct will report the information to COPA by telephone within an hour and record all the information in a written report, then forward said report to COPA. Due to the preponderance of evidence, COPA finds these allegations against Sergeant Silva as Sustained.

COPA finds that Allegations #3 against Sergeant Silva as Sustained. Sergeant Silva was in violation of Rule 6 and Special Order 03-14, when he failed to activate his body worn camera when he responded to a call for a supervisor by [REDACTED] during this traffic stop. According to Special Order 03-14, Department members will activate the system at the beginning of the incident and will record the entire incident which includes and not limited to calls for service, traffic stops, use of force incidents, statements made by individuals in the course of an investigation, during an

encounter with the public that becomes adversarial after the initial contact, and so on. Department members are required and mandated to record a law-enforcement encounter, and do not have discretion to make the decision not to unless where specifically indicated. Due to the preponderance of evidence, COPA finds these allegations against Sergeant Silva as **Sustained**

COPA finds that Allegation #1 against both officers is Exonerated. Department members are permitted to conduct traffic stops and a lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law,” including traffic law. Articulable and reasonable suspicion means that the police “must be able to identify some ‘particularized and objective basis’s for thinking that the person to be stopped is or may be about to engage in unlawful activity,” amounting to more than a hunch.

Here, is clear that the interaction between [REDACTED] and the officers was due to the traffic violations committed by [REDACTED] by using the alley ways as a mean of transport to avoid regular traffic. [REDACTED] admitted to the officers that he always takes the alleys to cut through traffic and the officers explained to him that it was illegal to do so. Both officers lawfully conducted a traffic stop and detained [REDACTED] and issued him a traffic citation. Therefore, COPA find this allegation against Officers Bolanos and Gama as **Exonerated**.

COPA finds that Allegation #2 against both officers is Unfounded. The Department prohibits “racial profiling or other bias-based policing.” Department members will respect and protect each person’s human rights and comply with all laws relating to human rights. Members making routine or spontaneous law enforcement decisions, such as investigatory stops, traffic stops and arrests, may not use race, ethnicity, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, marital status, parental status, military discharge status, financial status, or lawful source of income, except that officer may rely on the listed characteristics in a specific suspect description. Members must be able to clearly articulate the specific police or public safety purpose of any traffic or street stop.

Officers Bolanos and Gama possessed reasonable articulable suspicion to stop [REDACTED] after they observed him committing traffic violations. The BWC videos of both officers depicted the verbal interaction between [REDACTED] and the officers. There is no objective verifiable evidence to support the allegation of [REDACTED] being racially profiled. Therefore, COPA find this allegation against Officers Bolanos and Gama as **Unfounded**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Armando Silva Jr.

i. Complimentary and Disciplinary History

Sergeant’s Silva Jr. complimentary history consists of the following; (1) 2004 Crime Reduction Ribbon, (1) 2009 Crime Reduction Award, (1) 2019 Crime Reduction Award, (1) Attendance Recognition Award, (5) Complimentary Letter, (1) Democratic National Award, (13) Department Commendation, (156) Honorable Mention, (1) Joint Operations Award, (1) NATO Summit Service Award, (1) Police Officer of the Month Award, (1) Presidential Election

Deployment Award, 2008, (1) Problem Solving Award, (1) Special Commendation, (2) Unit Meritorious Performance Award. Total of (187) Awards.

Sergeant Silva Jr. does not have a disciplinary history as of July 9, 2021. No SPAR’s are noted.

ii. Recommended Penalty

COPA has determined that Sergeant Armando Silva Jr. failed to initiate a complaint log investigation after being notified and failed to notify COPA. Sgt. Silva is a supervisor, held to a higher standard and should have been aware of CPD rules which mandate BWC to be activated when having an encounter with a citizen. COPA recommends an overall penalty of 6 days suspension.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant Armando Silva Jr.	1. Violation of General Order 08-01-02, failing to initiate a Complaint Log investigation after being notified of allegations of misconduct by [REDACTED]	Sustained /
	2. Violation of General Order 08-01-02, failing to notify COPA via telephone and in a written report after the allegations of misconduct were received; and	Sustained /
	3. Violation of Special Order 03-14, failing to activate your body worn camera.	Sustained /
Officer Adolfo Bolanos	1. Stopped and detained [REDACTED] without justification.	Exonerated
	2. Racially profiled [REDACTED] without justification.	Unfounded
	3. Pulled [REDACTED] out of the vehicle, without justification; and	Exonerated
	4. Shoved [REDACTED] against the vehicle, without justification.	Unfounded
Officer Guillermo Gama Jr.	1. Stopped and detained [REDACTED] without justification,	Exonerated
	2. Racially profiled [REDACTED] without justification.	Unfounded

Approved:



8-9-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Maira Webb
Supervising Investigator:	Valiza Nash
Deputy Chief Investigator:	Angela Hearts-Glass

