

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	May 30, 2018
Time of Incident:	7:00 pm
Location of Incident:	8700 South Stony Island Avenue, Chicago, Illinois 60619
Date of COPA Notification:	May 31, 2018
Time of COPA Notification:	1:54 pm

On May 30, 2018, at approximately 7:00 p.m., Chicago Police officers responded to a person with a gun call at or near 8700 South Stony Island Avenue. The caller indicated a male passenger aboard a Chicago Transit Authority (CTA) bus was armed with a firearm.

Several officers responded to this call including the accused officer, Officer Castaneda. The complainant, Ms. [REDACTED] (Ms. [REDACTED] was a passenger on the bus and one of several individuals seated in the rear of the bus who were searched. Ms. [REDACTED] alleged she was told to stand up and squat while Officer Castaneda searched her.

Ms. [REDACTED] informed COPA, she was never told the reason for the search and only found out upon boarding another bus a passenger on the previous bus called police because they saw someone with a gun.

**II. INVOLVED PARTIES**

Involved Officer #1:	Elizabeth Castaneda, Star #18214, Employee ID# [REDACTED], Date of Appointment: January 17, 2017, Police Officer, 6 <sup>th</sup> District, Date of Birth: [REDACTED], 1991, Female
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1982, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Castaneda	1. It is alleged that on May 30, 2018, in the vicinity of 8700 S. Prairie, on board a CTA Bus, you searched the person of [REDACTED] without cause.	Exonerated
	2. It is alleged following your May 30 <sup>th</sup> , 2018, encounter with [REDACTED] you failed to complete an investigatory stop report documenting the encounter.	Sustained

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
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Special Orders

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1. Special Order S04-13-09-Investigatory Stop System
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Federal Laws

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1. United States Constitution, Amendment IV: Prohibits unlawful searches and seizures
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## V. INVESTIGATION<sup>1</sup>

### a. Interviews

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In an interview with COPA on June 1, 2019, Ms. ██████████ ██████████ (Ms. ██████████) provided the following information. Ms. ██████████ was sitting near the rear of the 87<sup>th</sup> street bus on her way home when two police cars stopped the bus at Stony Island. Officers then entered the bus and spoke to a male sitting behind her. Officers then approached, searched, handcuffed, and escorted a different male off the bus through the rear exit.

Other officers, using flashlights, were on the bus looking for something. Ms. ██████████ described them as looking underneath the seats towards the floor. Ms. ██████████ said she knew the officers were looking for evidence and that perhaps someone dropped something. Ms. ██████████ said the only people who were searched were seated at the rear of the bus. Ms. ██████████ said a male officer told a female officer, she identified as Officer Castaneda, to search her.

Ms. ██████████ then described how Officer Castaneda conducted the pat down. Ms. ██████████ said she was asked to stand up, spread both arms out, bend and squat as Officer Castaneda patted her upper body (front and back) moving from her shoulders to her waist. Officer Castaneda did not go through her garments. Ms. ██████████ asked multiple times why she was being searched but was never given a reason. Ms. ██████████ said Officer Castaneda must have honestly thought one of the guys put something in her bag.

Ms. ██████████ initially said Officer Castaneda went through her bag but later clarified she gave her permission to search the bag. Ms. ██████████ said she was not asked for identification. Ms. ██████████ said all the passengers had to exit the bus and board another CTA bus. Ms. ██████████ said she did not know if the two males knew each other. After boarding the second bus Ms. ██████████ found out another passenger called police saying there was a person with a gun on the bus.

Ms. ██████████ said she did not understand why she was searched if police were looking for a male. Ms. ██████████ noticed she was the only female searched even though there were other women present on the bus. Ms. ██████████ said Officer Castaneda was in uniform. Ms. ██████████ described the officer who told Officer Castaneda to search her as a white male with glasses in plainclothes wearing a vest and blue jeans. Ms. ██████████ said there were approximately 10 officers on scene and maybe 3 to 5 officers on the bus.

### **Officer Elizabeth Castaneda**

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<sup>1</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>2</sup> Attachment 11 – Audio Statement of ██████████

In her accused officer interview on March 7, 2019, **Officer Castaneda**<sup>3</sup> provided the following information. She responded to a person with a gun call aboard a CTA bus. Officer Castaneda did not remember the description or what happened when boarding the bus.

After reviewing footage from her Body Worn Camera (BWC) Officer Castaneda provided the following information. Officer Castaneda did not remember who the person taken off the bus was but said he was taken off the bus based on a description someone provided. Officer Castaneda spoke with the bus driver and recalled the bus driver telling her the person who called police was still on the bus.

Officer Castaneda spoke with the person who called police but could not recall what was being discussed. Officer Castaneda said initially the person with a gun call was for a male with a gun. Officer Castaneda did not know any of the officers on scene and said it was the first time she had seen them. Officer Castaneda did not know why more passengers were searched after the male was handcuffed and escorted off the bus. Officer Castaneda said the female passenger she spoke with changed the description of the person with the gun.

A gun was not recovered from the bus, and no one was arrested. When asked, Officer Castaneda admitted she should have completed Investigatory Stop Report but forgot. Officer Castaneda did not remember why the woman was searched. She said it could have been because the lady she spoke with changed the description of the person with a gun or it could have been based on what other officers observed.

Officer Castaneda said the officers believed there was a gun on the bus. Officer Castaneda said she did not recall conducting a pat down of other women present. Officer Castaneda said she conducted the pat down during the course of the male officer's investigation.

## **b. Digital Evidence**

### **Officer Castaneda BWC**

The duration of Officer Castaneda's BWC footage is 6 minutes and 33 seconds long.<sup>4</sup> Footage from Officer Castaneda's BWC depicts her along with uniformed and plainclothes officers inside the bus. Other officers can be seen searching the rear area of the bus with flashlights before a handcuffed male is escorted off of the bus through the rear exit by two uniformed police officers. Officer Castaneda follows behind them. After the buffer period is over, the handcuffed male can be heard denying he has a gun.

The handcuffed male, when asked by Officer Castaneda, denies having any issues with other passengers. Officer Castaneda then boards the front of the bus and speaks to the female bus driver. The two are discussing if the male in handcuffs got into an altercation with anyone on the bus. The bus driver then says a female passenger on the bus came up to her and told her there was a passenger with a gun on the bus. The bus driver then points out the female passenger to Officer Castaneda.

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<sup>3</sup> Attachment 10 – Statement of Accused Officer Castaneda

<sup>4</sup> Attachment 35 – Officer Castaneda BWC

Officer Castaneda then walks up to a female passenger and asks her if she was the one who told the bus driver there was a guy with a gun on the bus. The female passenger initially denies calling the police because she does not want others to know it was her. The female passenger tells Officer Castaneda the police told her to tell the bus driver to stop the bus but when she told the bus driver, the bus driver refused.

The female passenger then whispers to Officer Castaneda a description of the guy with the gun wearing an NBA jacket with a colorful bookbag who got on the bus at the Dan Ryan stop. The rest of the conversation between the female passenger and Officer Castaneda is unclear due to the female passenger's continued whispering. Another passenger tells Officer Castaneda they have the wrong guy without elaborating. Officer Castaneda begins to walk away when a male plainclothes officer calls her to the back of the bus and tells her to give a female passenger a pat down.

The female passenger says she does not appreciate this and says she does not have anything as Officer Castaneda conducts the pat down. After performing the pat down, Officer Castaneda speaks with another uniformed officer about her conversation with passenger who called the police. Officer Castaneda tells the officer the lady is changing the description of the person. Officer Castaneda then searches the purse with the consent of the female passenger she had just patted down.

### **Bus Surveillance Video**

The Chicago Transit Authority (CTA) provided COPA with video footage from Bus #1204.<sup>5</sup> The footage shows commuters boarding the bus at approximately 87<sup>th</sup> Street and State Street. The unidentified female caller dressed in orange is already seated on the bus. The complainant, Ms. [REDACTED] boards the bus at approximately 7:20 p.m. shortly followed by an unidentified black male who eventually is the subject of the person with a gun call. They both walk towards the rear of the bus with Ms. [REDACTED] taking a seat near the rear exit of the bus and the unidentified male standing near the rear exit doors holding onto the rail.

The bus continues on the route when the unidentified female caller stands up from her seat and makes her way towards the bus driver at approximately 7:21 p.m. A short conversation ensues between the two and concludes as the unidentified female caller returns to her seat at approximately 7:22 p.m.

The unidentified male takes a seat facing directly across the rear exit bus doors at approximately 7:25 p.m. As multiple passengers exit the bus at the Cottage Grove stop, Ms. [REDACTED] moves one space forward to an empty seat as the unidentified male moves to an empty seat along the rear exit doors.

The bus continues until officers stop it near the Stony Island stop at approximately 7:32 p.m. A plainclothes officer, entering from the front, walks to the rear of the bus, begins a pat down of one unidentified black male and searches his backpack at approximately 7:33 p.m. Simultaneously, another unidentified plainclothes officer and two unidentified uniformed officers

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<sup>5</sup> Attachment 34 – CTA Bus 1204 Surveillance Footage

enter the bus through rear exit and observe the first unidentified plainclothes officer perform the search.

At approximately 7:34 p.m. the first unidentified plainclothes officer begins another pat down and backpack search of another unidentified black male. At the same time, the second unidentified plainclothes officer begins to interact with a third unidentified black male who matches the description provided by the unidentified female caller. Another uniformed officer walks to the rear of the bus. The two unidentified plainclothes officers then begin to pat down the third unidentified black male who is then escorted off the bus through the rear exit by the unidentified uniformed officers at approximately 7:35 p.m. The two unidentified plainclothes officers, using flashlights, search the area of where the third unidentified black male was seated.

The two plainclothes officers exit the rear of the bus at approximately 7:36 p.m. Officer Castaneda enters the front of bus and speaks to the bus driver at approximately 7:37 p.m., and after short conversation speaks to the unidentified female passenger seated near the front of the bus. At 7:38 p.m. the first unidentified plainclothes officer enters the front of the bus and walks to the rear near where he searched the first unidentified black male who is then escorted off the bus through the rear exit by a third and fourth unidentified plainclothes officers.

The first unidentified plainclothes officer, accompanied by the second unidentified plainclothes officer, then searches the purse belonging to Ms. [REDACTED] at approximately 7:39 p.m. Officer Castaneda then appears to have a conversation with the second unidentified plainclothes officer and begins the pat down of Ms. [REDACTED]. Officer Castaneda and Ms. [REDACTED] appear to be speaking to each other when Officer Castaneda searches Ms. [REDACTED] purse at approximately 7:40 p.m.

At approximately 7:41 p.m., Officer Castaneda and the first two unidentified plainclothes officers appear to be having a conversation near the rear exit as all the passengers begin to deboard the bus. Everyone except the bus driver is off the bus at approximately 7:42 p.m.

### c. Documentary Evidence

An **Office of Emergency Management and Communications (OEMC) Event Query Report**<sup>6</sup> indicates there was a person with a gun call at approximately 7:25 p.m. on May 30, 2018. The remarks section of the OEMC event query annotates a female caller on the 87<sup>th</sup> Street bus stated there was a person aboard who had a gun in his waistband and in a backpack. The caller provided a description of a black male wearing a black NBA jacket with a colorful backpack.

While on the call the caller informed the bus driver but indicated the bus driver refused to stop. Additional remarks reveal Bus #1204 heading East Bound, the caller no longer on the bus, last seen at Cottage Grove. The bus is stopped at 87<sup>th</sup> and Stony.

Further information from the OEMC Event Query shows the number of police units responded to the call.

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<sup>6</sup> Attachment 18 – OEMC Event Query 1815014531

**Attendance and Assignment Records**<sup>7</sup> (A&A) search for responding units reveals Officer Elizabeth Castaneda star #18214 was assigned to beat #647, vehicle #7000 on May 30, 2018.

Geospatial Position System (GPS) data from Chicago Police Department (CPD) mapping software **Caboodle**<sup>8</sup> indicates beat #647, vehicle #7000 was located near the vicinity of 8700 South Stony Island on May 30, 2018, at 7:33 p.m. and 7:45 p.m.

## 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 complied with 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 conduct complied with Department 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. *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

### **Allegation 1 against Officer Castaneda**

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<sup>7</sup> Attachment 21 – Attendance and Assignment Record for responding units

<sup>8</sup> Attachment 31 – Caboodle GPS data

COPA finds **Allegation 1**, Officer Castaneda searched the person of [REDACTED] without cause, **EXONERATED**.

Officer Castaneda had no independent recollection of the incident and answered relevant questions only after reviewing footage from her BWC. There is no disputing Officer Castaneda came into contact with the complainant, Ms. [REDACTED] on May 30, 2018. There is ample digital evidence which captures their interaction on the CTA bus. Additionally, Ms. [REDACTED] was clear in her statement Officer Castaneda was the officer she came into contact with.

Once officers arrived, a person matching the description provided by the 911 caller was placed in handcuffs and escorted off the bus. While investigating the matter, Officer Castaneda spoke with the CTA bus driver who informed Officer Castaneda a passenger came to her indicating there was a passenger armed with a firearm and the passenger who relayed that information was still on the bus.

Officer Castaneda can be seen on bus surveillance footage engaging with this female passenger. Officer Castaneda's BWC captures the two speaking about the person with gun, though at times their conversation is inaudible. Prior to terminating her BWC, Officer Castaneda can be overheard speaking with another officer that she, the female passenger, keeps changing the description of the offender.

According to the department's special order regulating the investigatory stop system, S04-13-09, protective pat-downs will be conducted by a member who is the same gender as the person that is the subject of the Investigatory Stop unless officer and public safety is compromised.

The officers on scene complied with this portion of the special order when the male officer asked Officer Castaneda to perform the pat-down of Ms. [REDACTED] Ms. [REDACTED] was clear in her statement Officer Castaneda did not go into her garments when Ms. [REDACTED] described how the pat-down was performed and herself thought officers reasonably believed she might have had a weapon.

When asked for an explanation as to why Ms. [REDACTED] was subject to a pat-down, Officer Castaneda indicated she was asked by a male officer in furtherance of his investigation into the person with a gun call. Officer Castaneda also cited her conversation with the female passenger and how that passenger changed descriptions of the person with a gun. Based on the totality of circumstances mentioned, COPA finds Allegation 1 against Officer Castaneda is **EXONERATED**.

### **Allegation 2 against Officer Castaneda**

COPA finds **Allegation 2**, Officer Castaneda failed to complete an investigatory stop report documenting the encounter, **SUSTAINED**.

Department members who complete an investigatory stop are required to complete an Investigatory Stop Report that details "[a]ll of the factors that support" the detention of the subject.<sup>9</sup>

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<sup>9</sup> S04-13-09 VIII (A)(1), Investigatory Stop System (effective July 10, 2017 to current)



However, if the member completes a detention based on probable cause and there is any other Department report that details the probable cause for the stop, the member is not required to complete an Investigatory Stop Report.<sup>10</sup>

Furthermore, Department members “are required to provide” an Investigatory Stop Receipt to any individual subjected to a “[p]rotective [p]at [d]own or any other search” during an Investigatory Stop.<sup>11</sup>

In her statement, Officer Castaneda stated she should have completed an ISR but simply forgot. The decision to complete an ISR is not discretionary but rather required<sup>12</sup> to ensure “sworn members document the facts and circumstances of a protective pat down or other search including a statement of facts establishing Reasonable Articulate Suspicion to pat down an individual for potential weapons.”<sup>13</sup> Given Officer Castaneda’s admission, **Allegation 2** against her is SUSTAINED.

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Elizabeth Castaneda**

**i. Complimentary and Disciplinary History**

Officer Castaneda’s complimentary history consists of the following: (1) 2019 Crime Reduction Award; (1) Annual Bureau Award of Recognition; (3) Honorable Mention; (1) Joint Operations Award; (1) Problem Solving Award; (1) Special Commendation. Total of (8) Awards

As of October 4, 2022, there is no Sustained Complaints History. There is no SPAR History.

**ii. Recommended Penalty, by Allegation**

**1. Allegation No. 2: Violation Noted**

**IX. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Castaneda	1. It is alleged that on May 30, 2018, in the vicinity of 8700 S. Prairie, on board a CTA Bus, you searched the person of [REDACTED] without cause.	Exonerated

<sup>10</sup> S04-13-09 VII (B)(1)(a), Investigatory Stop System (effective July 10, 2017 to current)

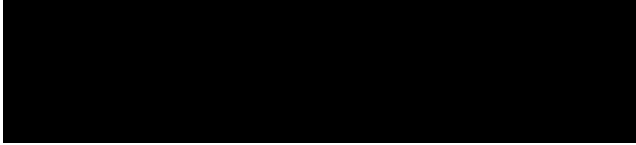
<sup>11</sup> S04-13-09 VIII (A)(3), Investigatory Stop System (effective July 10, 2017 to current)

<sup>12</sup> S04-13-09 VIII (C), Investigatory Stop System (effective July 10, 2017 to current)

<sup>13</sup> S04-13-09 VIII (D)(1)(c), Investigatory Stop System (effective July 10, 2017 to current)

	2. It is alleged following your May 30 <sup>th</sup> , 2018, encounter with [REDACTED] you failed to complete an investigatory stop report documenting the encounter.	Sustained
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Approved:



10-4-2022

\_\_\_\_\_  
Angela Hearts-Glass  
*Deputy Chief Investigator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	17
<b>Investigator:</b>	Orlando Ortiz
<b>Supervising Investigator:</b>	Gregory Little
<b>Deputy Chief Investigator:</b>	Angela Hearts-Glass