

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 18, 2018
Time of Incident:	7:17 pm
Location of Incident:	721 W. 72nd Street, Chicago, IL 60621
Date of COPA Notification:	September 19, 2018
Time of COPA Notification:	2:47 pm

Officers Jason Banning and Ryan Chulumovich (collectively “the Officers”) observed [REDACTED] improperly stop the stop sign on 72nd St at Emerald Ave. After crossing the intersection but prior to the Officers initiating a traffic stop [REDACTED] pulled his vehicle to the curb and parked. The Officers activated their emergency lights and conducted a traffic stop, during which [REDACTED] admitted that his driver’s license was suspended. A LEADS inquiry revealed that it was in fact revoked. [REDACTED] revoked driver’s license prompted the Officers to arrest [REDACTED] and impound his vehicle. Officer Banning returned to [REDACTED] vehicle, while Officer Chulumovich completed a name check of [REDACTED] passenger [REDACTED]. Officer Banning requested [REDACTED] to exit the vehicle and [REDACTED] complied. Once out of the vehicle, [REDACTED] was handcuffed and search, during which he informed Officer Banning that there was cannabis present in the center console of the vehicle. The front seat passenger ([REDACTED]) exited the vehicle and was informed that she was not being detained and was not subject to a search. [REDACTED] was secured in the CPD vehicle, and Officer Banning searched [REDACTED] vehicle, during which he located the cannabis in the center console and an open container of alcohol in the passenger compartment. After the search was completed, [REDACTED] and his vehicle were transported to the 007th District Station for processing. The Officer inventoried [REDACTED] personal property; however, neither documented nor inventoried the presence of cannabis in the vehicle.

During his statement to COPA, [REDACTED] alleged he was unlawfully stopped and that his vehicle was improperly impounded. Additionally, during our investigation COPA discovered the Officers’ failure to inventory the cannabis from [REDACTED] vehicle. COPA’s investigation found that the allegations made by [REDACTED] are **exonerated** and the inventory allegation is **sustained** for Officer Banning and **unfounded** for Officer Chulumovich.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Jason Banning / Star#9272 / Employee ID# [REDACTED] / DOA: June 27, 2016 / Unit: 007 / DOB: [REDACTED] 1984 / Male / White.
Involved Officer #2:	Officer Ryan Chulumovich / Star#4513 / Employee ID# [REDACTED] / DOA: April 25, 2016 / Unit: 007 / DOB: [REDACTED] 1992 / Male / White.

Involved Individual #1: [REDACTED] / DOB: [REDACTED] 1989 / Male / Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jason Banning	1. Stopped Mr. [REDACTED] without justification, in violation of Rule 1.	Exonerated.
	2. Improperly impounded Mr. [REDACTED] vehicle, in violate of Rule 6.	Exonerated.
	3. Failed to inventory the cannabis located within Mr. [REDACTED] vehicle, in violation of Rule 40.	Sustained / 1-day Suspension.
Officer Ryan Chulumovich	1. Stopped Mr. [REDACTED] without justification, in violation of Rule 1.	Exonerated.
	2. Improperly impounded Mr. [REDACTED] vehicle, in violation of Rule 6.	Exonerated.
	3. Failed to inventory the cannabis located within Mr. [REDACTED] vehicle, in violation of Rule 40.	Unfounded.

IV. APPLICABLE RULES AND LAWS

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- Rules
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1. Rule 1: Prohibits the violation of any law or ordinance.
 2. Rule 6: Prohibits the disobedience of any order or directive, whether oral or written.
 3. Rule 40: Prohibits the failure to inventory and process recovered property in conformance with Department orders.
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- General Orders
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1. G07-01 – Processing Property Under Department Control – effective April 14, 2015.
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- Special Orders
-
1. S07-03-05 – Impoundment of Vehicles for Municipal Code Violations – effective November 13, 2013.
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- Department Notices
-
1. D16-04 – Illinois Alternative to Cannabis Enforcement Program for Possession of Not More than 10 Grams of Cannabis – effective October 31, 2017.

Federal Laws

1. United States Constitution: Amendments IV and XIV.

V. INVESTIGATION¹**a. Interviews**

In a **statement to COPA²** on September 19, 2018, **Mr. ██████████** stated he was driving with ██████████ as a passenger on 72nd St. near the intersection of Emerald Ave., when he observed a marked CPD vehicle behind him. ██████████ stopped at the stop sign, proceeded through the intersection and pulled to the curb, all prior to the CPD vehicle activating any emergency equipment. Once ██████████ was stopped, the CPD vehicle activated its emergency equipment. The Officers approached the vehicle and Officer Banning requested identification and informed ██████████ that he was being stopped for failing to stop at a stop sign and failing to use a turn signal. ██████████ provided Officer Banning an Illinois Identification Card, proof of insurance and informed Officer Banning that his driver's license was revoked. Officer Banning returned to the CPD vehicle. When Officer Banning returned to ██████████ vehicle, he requested ██████████ exit the vehicle. ██████████ requested a supervisor prior to exiting the vehicle. Officer Banning again requested ██████████ to exit while implying if a supervisor responded to the location he would be arrested. ██████████ complied and was handcuffed.

Once ██████████ was handcuffed, the Officers searched his vehicle, during which they located an open bottle of Hennessy on the floor under the passenger seat. After the search of the vehicle the Officers inquired if he was willing to call someone to come pickup the car. ██████████ contacted his wife ██████████ and she responded to the location within 5-minutes. ██████████ vehicle was not released to ██████████ rather it was impounded. ██████████ was transported to the 007th District, processed and released.

██████████ was clear he used his turn signal when he turned right from Halsted Ave. on to 72nd St. and that he stopped at the stop sign at 72nd St and Emerald Ave.³

In a **statement to COPA⁴** on May 13, 2019, **Officer Ryan Chulumovich** stated he and his partner, Officer Banning, observed ██████████ vehicle fail to come to a stop prior to crossing the stop bar painted at the intersection on 72nd St at Emerald Ave. Additionally, the vehicle exited the intersection and without signaling pulled to the right-hand curb and parked. Officer Chulumovich exited the CPD vehicle and approached the female passenger (██████████) Officer Chulumovich obtained ██████████ information while Officer Banning obtained ██████████ information. The Officers returned to their vehicle and completed a name checks. The name checks revealed that ██████████ driver's license was revoked, and it was determined ██████████ would be

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 10.

³ Upon review of the ICC and BWC footage, COPA determined that ██████████ request for a supervisor was related to his dispute over the enforcement of traffic violations, and therefore elected not to serve allegations.

⁴ Att. 41.

arrested and his vehicle impounded. After completing the name checks, Officer Chulumovich exited the CPD vehicle, took control of [REDACTED] who had already been handcuffed and searched by Officer Banning, and placed him in the rear of the CPD vehicle. Officer Chulumovich returned to [REDACTED] vehicle and requested [REDACTED] exit. [REDACTED] complied and was informed that she was not being arrested and she was not going to be searched. Simultaneously, Officer Banning began to search the vehicle, during which he remarked to Officer Chulumovich that he had located “green”⁵ in the vehicle and asked if Officer Chulumovich wished to check.⁶ Officer Chulumovich responded with “I trust you.” Additionally, Officer Chulumovich assisted in searching the trunk of the vehicle but located no contraband of any kind. After completing the search, Officer Chulumovich drove [REDACTED] vehicle to the 007th District so it could be towed to an impound lot.

Officer Chulumovich was clear he had no personal knowledge of the any cannabis being in [REDACTED] vehicle. Further, Officer Chulumovich was clear Officer Banning completed [REDACTED] Arrest Report. Additionally, Officer Chulumovich explained that no cannabis was inventoried from [REDACTED] arrest. Finally, Officer Chulumovich relayed that after receiving the allegations for this investigation, he discussed the presence of cannabis in the vehicle with Officer Banning because he did not remember cannabis being in the vehicle.

In a **statement to COPA**⁷ on May 15, 2019, **Officer Jason Banning** stated essentially the same information as Officer Chulumovich. Additionally, Officer Banning was clear that he was the lead officer in the investigation while Officer Chulumovich provided minimal assistance. Officer Banning admitted to locating cannabis in the center console of [REDACTED] vehicle, but could not recall the exact amount. Officer Banning was clear the amount was likely less than 15 grams otherwise he would have charged [REDACTED] with possession of the cannabis. Additionally, Officer Banning acknowledged that cannabis is contraband regardless of the amount. Further, Officer Banning acknowledged and accepted responsibility for his failure to inventory the cannabis in accordance with Department policies. Additionally, when Officer Banning was asked what he stated in the hushed tone on the BWC footage, he could not recall what his remarks were. Finally, Officer Banning explained that after he and Officer Chulumovich received their allegations for this investigation, they discussed the presence of cannabis in the vehicle because neither recalled cannabis being in the vehicle.

⁵ Officer Chulumovich explained that “green” is a term for cannabis.

⁶ Initially Officer Chulumovich did not recall this exchange with Officer Banning; however, after reviewing the ICC footage he acknowledged it occurred.

⁷ Att. 45.

b. Digital Evidence⁸

In-Car Camera⁹ (ICC) and **Body Worn Camera**¹⁰ (BWC) footage depict ██████ turning right from Halsted Ave onto 72nd St.,¹¹ stopping beyond the clearly painted stop bar and while inside of the crosswalk¹² at the intersection of 72nd St and Emerald Ave.,¹³ and pulling to the curb, without using a signal, prior to the Officers activating their emergency equipment.¹⁴ The Officers approach the vehicle and Officer Banning requests ██████ identification and insurance, while informing him that he failed to stop at the stop sign and to use his turn signal. ██████ provides his identification to Officer Banning while explaining that he is in the process of getting his driver's license reinstated.¹⁵ Officer Banning inquires if the front seat passenger (██████) has a valid driver's license, ██████ informs him that she does not.¹⁶ Officer Banning suggests that ██████ contact someone to come pickup his vehicle, or the vehicle may be impounded, and ██████ explains he will call his child's mother ██████.¹⁷ The Officers return to their vehicle, complete a name checks, and learn ██████ driver's license was revoked.¹⁸ While in the vehicle the Officers complete a local criminal history check on ██████ learn that he has been arrested and convicted of vehicle theft.¹⁹ The Officers determine they will impound the car.²⁰

Officer Banning returns and requests ██████ exit the vehicle, and ██████ complies.²¹ ██████ is handcuffed and searched, during which Officer Banning asks ██████ if he has any contraband in the vehicle, ██████ explains he has four or five bags of cannabis in the center console of the vehicle.²² ██████ is requested to exit the vehicle and informed that she is not being detained and not subjected to a search. ██████ is placed in the rear of the CPD vehicle.²³ Officer Banning conducts a search of ██████ vehicle to include the trunk, during which he discovers cannabis in the center console and an open bottle of Hennessy in the passenger compartment.²⁴ Simultaneously, a female (possibly ██████) arrives on scene and asks if ██████ has been arrested. Officer Banning informs the bystander female why ██████ was stopped and that the

⁸ COPA notes that the ICC and BWC footage clearly show that Officer Banning in the lead officer in this interaction and that he is conducting the investigation, while Officer Chulumovich assists by monitoring ██████ and ██████ and transporting the vehicle to the district. Further, COPA notes that all of the ICC and BWC footage all depict essentially the same information, therefore the below citations are to only one of the various pieces of footage.

⁹ Atts. 16 and 17.

¹⁰ At no time does any of the BWC capture any signs of cannabis in the vehicle. Atts. 14, 15, 29, and 30.

¹¹ The lighting conditions and the distance from ██████ vehicle prohibited COPA from determining if ██████ used a turn signal on prior to and during the turn. Relevant portion at 00:32 of Att. 14.

¹² A driver is required to come to a full stop prior to "entering the crosswalk." 625 ILCS 5/11-1204(b). Alternatively, a driver is required to come to a full stop "at the [stop] sign or at a clearly marked stop line before entering the nearest crosswalk." 92-4-010(b) Municipal Code of Chicago.

¹³ Relevant portion at 00:49 of Att.16.

¹⁴ Relevant portion at 00:58 of Att.16.

¹⁵ Relevant portion at 01:29 of Att. 14.

¹⁶ Relevant portion at 01:32 of Att. 14.

¹⁷ Relevant portion at 02:22 of Att. 14.

¹⁸ Relevant portion from 03:19 to 04:15 of Att. 14.

¹⁹ Relevant portion from 04:45 to 06:14 of Att. 14.

²⁰ Relevant portion from 06:15 to 06:27 of Att. 14.

²¹ Relevant portions from 06:45 to 06:52 of Att. 14.

²² Relevant portions from 07:35 to 07:45 of Att. 14.

²³ Relevant portion at 08:44 of Att. 14.

²⁴ Relevant portions from 08:54 to 13:40 of Att. 14.

vehicle is being impounded because [REDACTED] had cannabis and an open container of alcohol in the vehicle while he is driving on a revoked driver's license.²⁵ Officer Chulumovich determines he will drive the [REDACTED] vehicle to the 007th District Station, so it can be impounded. After speaking to the bystander, Officer Banning states that he is going to inventory [REDACTED] phone, issue an ANOV for the open bottle of Hennessy, and then whispers something that is inaudible while handing the keys for the vehicle to Officer Chulumovich.²⁶

c. Documentary Evidence²⁷

An **OEMC License Plate Search**,²⁸ **Name Search**,²⁹ and **Event Query**³⁰ detail that approximately 11-minutes before the traffic stop, an inquiry on Illinois license plate [REDACTED] was completed by Officer Chulumovich.³¹ Further, approximately 5-minutes before the traffic stop, an inquiry on [REDACTED] was completed by Officer Chulumovich.³² Finally, the start time of the traffic stop is detailed as 7:17 pm on September 18, 2018.

[REDACTED] **Arrest Report**³³ details he failed to use a turn signal which lead the Officers to stop him. Once [REDACTED] was stopped a name check revealed that his driver's license was revoked. [REDACTED] was arrested and transported to the 007th District. Additionally, [REDACTED] vehicle was searched and impounded. During the search an open bottle of Hennessy was discovered under the front passenger seat. [REDACTED] was charged with failing to use a signal, driving on a revoked license and carrying an open container of alcohol. [REDACTED] was issued citations TN-709-900, TN-907-901, and TN-907-902. There is no mention of cannabis in the report.

[REDACTED] **Tow Report**³⁴ and **Motor Vehicle Inventory Sheet**³⁵ detail that his 4-door blue 2003 Buick, bearing Illinois License Plate [REDACTED] was towed from the 007th District because he was driving on a suspended or revoked driver's license. Additionally, the vehicle is detailed to have a damaged driver's side fender, and driver's door. There is no reference to cannabis in either document.

[REDACTED] **Inventory Sheet**³⁶ details his personal property. There is no reference to cannabis.

²⁵ Relevant portions from 14:15 to 14:31 of Att. 14.

²⁶ COPA attempted to determine Officer Banning's inaudible comment but was unsuccessful. Relevant portion from 15:00 to 15:10 of Att. 14

²⁷ Based on a review of the relevant evidence, COPA determined that [REDACTED] was incidentally detained because she was a passenger in [REDACTED] and that at no time did the Officers engage with her in any manner that would cause a reasonable person to believe they were being detained for an investigatory stop. Based on this determination, the Officers were not required to complete and Investigatory Stop Report (ISR) for [REDACTED]

²⁸ Att. 21.

²⁹ Att. 25.

³⁰ Att. 5.

³¹ Att. 21.

³² Att. 25.

³³ Att. 4.

³⁴ Pg. 1 of Att. 13.

³⁵ Pg. 2 of Att. 13.

³⁶ Att. 18.

eTrack Records³⁷ for the Officers detail that between September 17, 2018 and September 19, 2018 neither Officer inventoried any cannabis.

VI. ANALYSIS

COPA finds that Allegation #1 against the Officers is **Exonerated**. In Illinois, a driver is required to come to a full stop prior to “entering the crosswalk.”³⁸ Additionally, in the City of Chicago a driver is required to come to a full stop “at the [stop] sign or at a clearly marked stop line before entering the nearest crosswalk.”³⁹ Here, the ICC footage conclusively depicts that [REDACTED] vehicle stopping past the clearly visible stop line and only after entering the crosswalk. Therefore, the Officers’ decision to stop [REDACTED] was reasonable and proper, despite [REDACTED] insistence he stopped at the stop sign.

COPA finds that Allegation #2 against the Officers is **Exonerated**. Department Members are permitted to impound a vehicle when there is “probable cause to believe that a vehicle” was being operated by a driver with a “[r]evoked or [s]uspended [I]cense.”⁴⁰ Here, it is undisputed that [REDACTED] was driving his vehicle with a revoked driver’s license. [REDACTED] informed the Officers his license was not valid, and the Officers confirmed, via LEADS, that [REDACTED] driver’s license was revoked. Therefore, the Officers’ decision to impound the vehicle was reasonable and proper.

COPA finds that Allegation #3 against Officer Banning is **Sustained**. When Department Members encounter subjects in possession of cannabis they are required to “take custody of the cannabis” and “without delay ... inventory the cannabis” at the District Station.⁴¹ Further, Department policy is clear that “[a]ll property which is seized, recovered, or *found*, or otherwise *taken into custody* by Department [M]embers will be inventoried as soon as it is practical to do so.”⁴² Here, while the amount of cannabis is unknown, it is undisputed that Officers Banning *found* cannabis in [REDACTED] impounded vehicle. Further it is undisputed that Officer Banning failed to inventory the cannabis in any manner as required by policy. Officer Banning’s failure is in direct opposition to numerous Department Policies.

COPA finds that Allegation #3 against Officer Chulumovich is **Unfounded**. Here, while COPA discovered the presence of cannabis in the vehicle upon review of the ICC and BWC footage, COPA does not find that Officer Chulumovich had any direct knowledge of the cannabis. Despite the footage capturing [REDACTED] informing Officer Banning there was four or five bags of cannabis in the center console and Officer Banning commenting on locating “green” in the vehicle, the footage is clear that Officer Chulumovich was not present for [REDACTED] remark about the cannabis and only learned of the cannabis from Officer Banning’s remark about “green” in the vehicle. Additionally, COPA finds Officer Chulumovich’s assertion that he had no personal knowledge about the presence of cannabis in the vehicle to be credible, because: (1) Officer Chulumovich was not present for the conversation Officer Banning had with [REDACTED] about

³⁷ Att. 26.

³⁸ 625 ILCS 5/11-1204(b).

³⁹ 92-4-010(b) Municipal Code of Chicago.

⁴⁰ S07-03-05 III(B)(1); (A)(4).

⁴¹ D16-04 III(B)(1); (7).

⁴² G07-01 II(A).

cannabis; (2) Officer Chulumovich did not accept Officer Banning’s offer to see the “green” located in the vehicle; (3) at no time is Officer Chulumovich depicted remarking about observing cannabis; (4) the ICC and BWC footage and Officer Banning were clear that Officer Chulumovich’s role in this incident was minimal while Officer Banning conducted the investigation and search of the vehicle; (5) Officer Chulumovich’s interaction with ██████ was limited; (6) in their statements the Officers explained that they discussed this investigation with each other – specifically because they did not recall the presence of any cannabis in the vehicle; and (7) Officer Chulumovich’s recollection of Officer Banning remarking about “green” being in the vehicle only occurred after review of the ICC footage during his statement. For these reasons, COPA determined that Officer Chulumovich had no personal knowledge of the presence of cannabis and therefore would not have reasonably known it needed to be seized and inventoried.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jason Banning

i. Complimentary and Disciplinary History

- 1. **Complimentary:**13 Honorable Mentions; 1 Complementary Letter; 1 Superintendent’s Honorable Mention; and 1 Unit Meritorious Performance Award.
- 2. **Disciplinary:** None

ii. Recommended Penalty, by Allegation

- 1. **Allegation No. 3** – 1-day Suspension.

ICC footage clearly details ██████ admission to Officer Banning that there was cannabis in the vehicle, and Officer Banning remarking to his fellow officers that he located cannabis in the vehicle during the search. While it is unclear the quantity of cannabis contained in the vehicle, there is no reference to cannabis on any Departmental records – all of which were authored by Office Banning. During his statement Officer Banning admitted to observing cannabis in the vehicle and failing to inventory the cannabis.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Jason Banning	1. Stopped Mr. ██████ without justification, in violation of Rule 1.	Exonerated.
	2. Improperly impounded Mr. ██████ vehicle, in violate of Rule 6.	Exonerated.

	3. Failed to inventory the cannabis located within Mr. [REDACTED] vehicle, in violation of Rule 40.	Sustained / 1-day Suspension.
Officer Ryan Chulumovich	1. Stopped Mr. [REDACTED] without justification, in violation of Rule 1. 2. Improperly impounded Mr. [REDACTED] vehicle, in violation of Rule 6. 3. Failed to inventory the cannabis located within Mr. [REDACTED] vehicle, in violation of Rule 40.	Exonerated. Exonerated. Unfounded.

Approved: [REDACTED]

James Murphy-Aguilu
 Deputy Chief Administrator – Chief Investigator

10/6/20

Date

Appendix A

Assigned Investigative Staff

Squad#:	2
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	James Murphy-Aguilu