

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 12, 2019
Time of Incident:	7:04 a.m.
Location of Incident:	221 East 49 th Street, Chicago, Illinois 60615
Date of COPA Notification:	December 17, 2019
Time of COPA Notification:	9:34 a.m.

The alleged incident occurred on June 12, 2019, at approximately 7:04 a.m., in the vicinity of 221 East 49th Street, Chicago, Illinois 60615, when the Complainant, [REDACTED] was stopped for a traffic violation, specifically failure to wear a seatbelt, by officers of the Chicago Police Department (CPD). It was subsequently determined that [REDACTED] was driving on a suspended Illinois driver’s license and without proof of insurance. She was subsequently detained and transported to the 2nd District where she was issued three traffic citations and then released. Her vehicle was towed. At the time of the traffic stop, her son, [REDACTED] [REDACTED] a 17-year-old minor, was a passenger in the vehicle. He was removed from the vehicle and subjected to a pat down search. He was not handcuffed. The officers then transported him to school without incident prior to transporting [REDACTED] to the police station for processing. Review of body-worn camera (BWC) footage does not show that an Investigatory Stop Receipt was provided to the minor son, nor to her, nor has an Investigatory Stop Report (ISR) been located relative to this incident for either individual.

II. INVOLVED PARTIES

Involved Officer #1:	Moazam Rauf, Star #19610, Employee ID# [REDACTED] Date of Appointment: February 20, 2018, Rank: Police Officer, Unit of Assignment: 002, DOB: [REDACTED] 1992, Gender: Male, Race: API
Involved Officer #2: ¹	Rebecca Boggard, Star #12286, Employee ID# [REDACTED] Date of Appointment: May 6, 1996, Rank: Police Officer, Unit of Assignment: 002, DOB: Unknown, Gender: Female, Race: Black
Involved Officer #3	Katesa D. Hatten, Star #12413, Employee # [REDACTED] Date of Appointment: April 25, 2016, Rank: Police Officer, Unit of Assignment: 002, DOB: [REDACTED] 1985, Gender: Female, Race: Black

¹ Officer Boggard is presently retired. See Note CO-01066670 in CMS dated 10-18-21 and Attachment #30.

Involved Individual #1 [REDACTED] DOB: [REDACTED] 1983, Gender: Female, Race: Black

Involved Individual #2 [REDACTED] DOB: 17-years-old, Gender: Male, Race: Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Moazam Rauf, Star	It is alleged by [REDACTED] that on or about June 12, 2019, at approximately 7:04 a.m., in the vicinity of 221 East 49 th Street, Chicago, Illinois 60615:	
	1. She was detained by Officer Moazam Rauf, without justification.	Not Sustained
	2. She was subjected to a pat down search by Officer Moazam Rauf, without justification.	Exonerated
	3. Her vehicle was towed at the direction of Officer Moazam Rauf, without justification.	Exonerated
	It is alleged by COPA that on or about June 12, 2019, at approximately 7:04 a.m., in the vicinity of 221 East 49 th Street, Chicago, Illinois 60615, Officer Moazam Rauf:	
	4. Failed to prepare an ISR for the detention of [REDACTED] without justification.	Exonerated
	5. Failed to prepare an ISR for the detention of [REDACTED] without justification.	Sustained
6. Failed to provide an Investigatory Stop Receipt to [REDACTED] relative to her detention, without justification.	Exonerated	
7. Failed to provide an Investigatory Stop Receipt to [REDACTED] relative to his detention, without justification.	Sustained	

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action 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.
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Special Orders

1. S03-13-09²
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Federal Laws

1. 4th Amendment to U.S. Constitution
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State Laws

1. Illinois Constitution 1970, Art. I, § 6
 2. 625 ILCS 5/3-707³
 3. 625 ILCS 5/6-303⁴
 4. 625 ILCS 5/12-603.1⁵
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INVESTIGATION⁶**a. Interviews**

On January 7, 2020,⁷ COPA investigators interviewed Ms. [REDACTED] relative to the incident which occurred on or June 12, 2019, at approximately 7:04 a.m., in the vicinity of 221 East 49th Street, Chicago, Illinois, 60615.

Ms. [REDACTED] was taking her 17-year-old son, [REDACTED] to school, the Chicago Military Academy (CMA), located at 3519 South Giles Avenue, Chicago, Illinois. At approximately 6:00 am, CPD Officers pulled over her vehicle and two uniformed officers approached her vehicle. One was an older Black female, in her late 40's, with a husky build, who approached the passenger side of her vehicle. The other officer was a Hispanic male, 5'7, wearing glasses, in his 30's, and heavy-

² Investigatory Stop System: See Section VIII (A) (3): Upon completion of an Investigatory Stop that involves a Protective Pat down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member's name and star number.

³ Operation of an Uninsured Motor Vehicle

⁴ Driving on a Suspended or Revoked License

⁵ Each driver and passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt.

⁶ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁷ Attachment #13

set, who approached the driver's side of her vehicle. Ms. [REDACTED] was driving a white, Nissan Murano, SUV. She said the Hispanic officer told her that there was a problem with her rear light.⁸ She told the officer that there was no problem with her light. He asked her for her driver's license and insurance. She did not have the insurance card or driver's license with her and believed she had left them at home. She showed the officer a work I.D. and her SR22 document concerning insurance. The officer told her that it was not acceptable. She and her son were told to exit the vehicle and were handcuffed. The Hispanic male officer handcuffed her. The female officer handcuffed her son. She was searched but uncertain if her son was searched. She and her son were placed in the backseat of the officers' vehicle. The Hispanic officer then ran a namecheck on her which took approximately 15 minutes. She stated that at the time of the stop her license was okay.⁹ The Hispanic officer told her that her driver's license was suspended. The officers then dropped her son off at his school, where the female officer removed her son from the vehicle and unhandcuffed him. She was then transported to the police station located on 51st Street where she stayed for approximately three hours.

While she was being transported, she complained to the officers that her handcuffs were too tight. When they arrived at the police station they handcuffed her to a wall, for approximately an hour. She said she received a taillight ticket which she did not pay. Later, she received an impound letter and learned that her vehicle had been towed. She stated that she did not consent for the Officers to search her vehicle and could not remember if the officers, searched her vehicle. She also said these same officers had pulled her over 5-6 times before.

On November 16, 2021,¹⁰ COPA investigators interviewed Officer Moazam Rauf relative to the incident which occurred on June 12, 2019, at approximately 7:04 a.m., in the vicinity of 221 East 49th Street, Chicago, Illinois 60615.

Officer Rauf stated that he was on routine patrol in uniform, with Officer Rebecca Boggard, who is now retired from the CPD. He was the driver of the vehicle and Officer Boggard was the front seat passenger. He observed [REDACTED] driving her vehicle and not wearing a seatbelt. He stopped his vehicle and approached [REDACTED] vehicle, which was stopped on the side of the road. He approached her at the driver's side and Officer Boggard approached the vehicle on the passenger side. He told [REDACTED] that she was stopped for driving without a seatbelt and asked for her driver's license. He did not recall if she provided him with her driver's license or state-issued identification card, but she provided one or the other to him. He did not recall her providing any proof of insurance. He then returned to his vehicle to run her name and determined that her driver's license was suspended, which informed [REDACTED] of. She told him that she did not know it was suspended.¹¹ He then determined that she did not have valid insurance and decided to take her to the station to issue tickets for driving without a seatbelt, driving on a suspended license, failure to produce proof of insurance, and to obtain a Traffic Violator Bond (TVB); however, she did produce an SR-22.¹²

⁸ Attachment #13 at 8:19

⁹ Attachment #13 at 9:17 and 11:51

¹⁰ Attachment #35

¹¹ Attachment #35 at 17:50

¹² An SR-22 is a vehicle liability insurance endorsement required by most state Department of Motor Vehicles offices for "high-risk" drivers.

He asked [REDACTED] and her son to exit their vehicle and told her that she was not getting arrested. It appeared that her seatbelt was not secured on her person in the correct way, and that she appeared to be removing it.¹³ Because she was being taken to the station to receive a TVB, her vehicle was subject to being towed. Eventually, he directed [REDACTED] vehicle to be towed. He did not recall the name of the officer he had directed to tow the vehicle. He then recanted this statement and said he did not recall the particulars related to the towing of [REDACTED] vehicle. He then told [REDACTED] son that because he was going to be transported in a police vehicle, he needed to be searched. At 5:51 of his BWC, he acknowledged that he conducted a pat down search of [REDACTED] son, which is proper procedure for officer safety but did not handcuff him. [REDACTED] was also subjected to a pat down search and was handcuffed.

[REDACTED] was transporting her son, who was a passenger in the front seat, to school, so the officers volunteered to drop the son off at his school. He did not know if her son was a minor at the time, nor did he recall if he was told that her son was a minor, but the officers dropped the son off at his high school before transporting [REDACTED] to the police station.

Officer Rauf did not produce an ISR for the detention and pat down of [REDACTED] son because, in his opinion, he was not investigating him. His understanding of the process was that if he was going to investigate an individual further, an ISR would be required. He did, however, admit that he was required to do it, and he apologized for not doing it.¹⁴ With respect to [REDACTED] he did not prepare an ISR for her detention, nor did he issue her an Investigatory Stop Receipt. He believed that the issuance of the three traffic tickets superseded the need to prepare an ISR and issue an Investigatory Stop Receipt. He did acknowledge, however, that the issuance of the three traffic tickets to [REDACTED] did not reflect that she had been handcuffed, nor did it reflect that she had been subjected to a pat down search.

Officer Katesa D. Hatten was involved in the towing of [REDACTED] vehicle;¹⁵ however, she was not interviewed in this matter because there is no issue with respect to the legality of the towing of the vehicle. Thus, an interview of Officer Hatten is unnecessary.

b. Digital Evidence

BODY WORN CAMERA (BWC)

Officer Rauf BWC is initiated in the police vehicle.¹⁶ Officer Rauf pulls onto the scene in police vehicle #7383, parks his vehicle, exits, and approaches a white, 4-door, Nissan Murano, SUV, Illinois license plates [REDACTED] which is parked on the side of the street. He engages [REDACTED] who is seated in the driver's seat. He asks her if she knows why she was pulled over. She responds no. Her son, [REDACTED] is seated in the passenger seat. Officer Rauf tells her that she was not wearing a seatbelt.¹⁷ She responds that she still has her seatbelt on and had the

¹³ Attachment #35 at 18:39

¹⁴ Attachment #35 at 25:27

¹⁵ See Attachments #3 and #10

¹⁶ Attachment #23

¹⁷ Attachment #23 at 0:36

seatbelt pulled to the side because she was not wearing a bra. He tells her that she does not have a front license plate. She responds that she was involved in an accident and indicates with her fingers that she has authorization to drive without the plate. She tells Officer Rauf that she is taking her son to school, a military academy. Officer Rauf responds that he will give the son a ride to school. She hands a form of identification to Officer Rauf. He asks her if she has insurance, and she responds that she has an SR22.¹⁸

Officer Rauf returns to his vehicle where he queries [REDACTED] identification. Officer Boggard is observed entering the passenger side of the police vehicle. Officer Rauf tells Officer Boggard that [REDACTED] driver's license is suspended.¹⁹ He tells her that he will place both [REDACTED] and her son in the police vehicle and transport the son to his school, and then transport [REDACTED] to the police station to receive her traffic citations. Officer Rauf returns to [REDACTED] vehicle and tells her that her driver's license is suspended and that she has to accompany him to the police station to receive her traffic tickets. He tells her that he will drop her son off at school first and then transport her to the station, and that she is not going to be arrested. He directs both [REDACTED] and her son to exit their vehicle. She is observed unfastening her seatbelt.²⁰ She repositions her car and they both exit their vehicle. Officer Rauf conducts a pat down search of [REDACTED] son,²¹ who is then placed in the backseat of the police vehicle, not handcuffed. Officer Boggard handcuffs [REDACTED]²² [REDACTED] tells the officers that she did not know that her driver's license was suspended. [REDACTED] is then placed in the back of the police car by Officer Boggard. Officer Rauf then takes possession of some her personal belongings and places them in the trunk of his vehicle. Both officers then enter their vehicle. Officer Rauf notifies Dispatch that he is heading to CMA, 39th Street and Giles Avenue, to drop [REDACTED] son off there. After dropping off [REDACTED] son at CMA, they proceed to the police station without incident.

Officer Boggard BWC shows ²³ Officer Boggard escorting [REDACTED] into the police station without incident, places her in a waiting room, unhandcuffs one of her cuffs, and then handcuffs her to a bench, without incident. Officer Boggard then works at a computer terminal. Officer Rauf appears, and she tells Officer Rauf that she will write the traffic tickets for [REDACTED]. She writes on a pink piece of paper, exits the building and goes to her police vehicle, which is parked in the parking lot.

c. Documentary Evidence

Traffic Citations:²⁴ (1) [REDACTED] (Driving on a Suspended or Revoked License); (2) [REDACTED] (Seatbelt Usage – Driver); (3) [REDACTED] (Operating an Uninsured Motor Vehicle).

City of Chicago Documents Relating to the Towing of [REDACTED] Vehicle (Inventory No. G031949)²⁵

¹⁸ Proof of Financial Responsibility

¹⁹ Attachment #23 at 2:45

²⁰ Attachment #23 at 3:42

²¹ Attachment #23 at 5:51

²² Attachment #23 at 6:23

²³ Attachment #25

²⁴ Attachment #14

²⁵ Attachment #3

OEMC²⁶ Event Query Report No. 1916302978:²⁷ This report reflects that Officer Moazam Rauf, Star #19610, conducted a traffic stop on June 12, 2019, at approximately 7:04 a.m., near 4900 South Prairie Avenue, Chicago, Illinois, for a Nissan Utility vehicle, Illinois license plates [REDACTED], registered to [REDACTED] the Complainant in this matter. The report also reflects that the vehicle will be towed.

Illinois Secretary of State Proof of Financial Responsibility (SR22) for [REDACTED]²⁸ Two SR22's was provided by [REDACTED] and dated April 6, 2019, and May 11, 2019, respectively. No SR22 was received for June 2019, the month relating to this incident.

ISR Search Results for Officer Rauf Moazam, Star #19610:²⁹ This report reflects that Officer Moazam submitted no ISRs during the month of June 2019.

V. 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 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.

²⁶ Office of Emergency Management and Communication

²⁷ Attachment #15

²⁸ Attachment #4

²⁹ Attachment #31

VI. ANALYSIS

With respect to the issue of whether [REDACTED] was detained by the officers without justification, Officer Rauf stated that his basis for stopping [REDACTED] was that she was not wearing a seatbelt.³⁰ BWC footage shows that Officer Rauf engages [REDACTED] in conversation while she is seated in her vehicle and tells her that she was stopped for not wearing a seatbelt. During this conversation, it appears that [REDACTED] is wearing a seatbelt;³¹ however, it is uncertain if she fastened her seatbelt after she was pulled over by Officer Rauf. Notwithstanding [REDACTED] wearing a seatbelt on approach, Officer Rauf, may have had reasonable suspicion, from his perspective when he initially viewed [REDACTED] that [REDACTED] was not wearing a seatbelt. Therefore, COPA finds [REDACTED] possible could have been detained to investigate aa seatbelt violation.³² As such, Allegation #1 is Not Sustained.

In the course of the traffic stop it was discovered that [REDACTED] was driving on a suspended license and could not produce proof of insurance. The officers subsequently arrested [REDACTED] by handcuffing her and transporting her to the district. The search of [REDACTED] was incident to her arrest, and therefore allegation 2 is Exonerated.

The Illinois driver's license for [REDACTED] was suspended on the date of the incident in this matter³³ and proof of insurance was not provided. Hence, the towing of [REDACTED] vehicle was within policy. As such, Allegation #3 is exonerated.

[REDACTED] was detained, arrested, transported to the district, and issued tickets. Because she was arrested an ISR in this instance would not have been the required paperwork to document this encounter. Accordingly, allegations 4 and 6 are not sustained.

[REDACTED] was transported as a non-arrestee and officer safety, in and of itself, is not sufficient to perform a protective pat-down. In this instance, the pat-down would have required the consent of [REDACTED]. In the absence of consent, an officer needs reasonable articulable suspicion that Steve [REDACTED] was armed and dangerous or presents a danger of attack to the officer or others. Officer safety is a conclusion, and therefore, needs to be articulated with specific reasons why the officer's safety is in jeopardy. Nevertheless, [REDACTED] was subjected to a pat-down, which was not documented in an ISR. Accordingly, allegations 5 and 7 are sustained.

³⁰ Attachment #35 at 18:39

³¹ Attachment #23 at 3:42

³² *People v. Ramsey*, 362 Ill.App.3d 610, 614, 298 Ill.Dec. 446, 839 N.E.2d 1093 (2005)

³³ See Case Note CO-0107189 for October 21, 2021.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Moazam Rauf

i. Complimentary and Disciplinary History³⁴

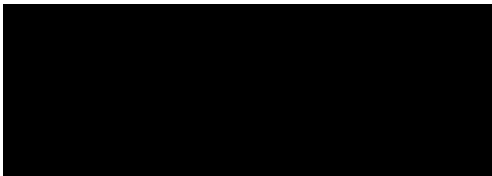
a. The following is a summary of disciplinary incidents of Officer Rauf:
No disciplinary history, as of November 17, 2021.

b. The following is a summary of the complimentary history of Officer Rauf:

1. 2019 Crime Reduction Award (1) and 2. Honorable Mention (5).

ii. Recommended Penalty: Reprimand

Approved:



2/9/2023

Matthew Haynam
Deputy Chief Administrator

Date

³⁴ See Attachment #37