

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 25, 2017
Time of Incident:	11:00 PM
Location of Incident:	701 N. Christiana, Chicago, IL
Date of COPA Notification:	November 27, 2017
Time of COPA Notification:	10:33 AM

On November 25, 2017, complainant [REDACTED] was sitting in a vehicle with occupants [REDACTED] and [REDACTED] (“[REDACTED]” at or near 701 N. Christiana Avenue. Officer Patrick Graney, (“Officer Graney”), Star #12995, working surveillance at that location, made observations with respect to [REDACTED] and communicated those observations to other officers. Officer Graney, along with Officer Michael Catalano (“Officer Catalano”), Star #17153, Officer Joseph Cunningham (“Officer Cunningham”), Star #9871, Officer Michael Hernandez (“Officer Hernandez”), Star #6529, and Officer Joel Lopez (“Officer Lopez”), Star #7613, an 11th District Tactical Unit, then conducted an investigative traffic stop of [REDACTED] vehicle. Upon further investigation, [REDACTED] was arrested for Possession of a Controlled Substance. [REDACTED] alleges she and the occupants were illegally detained and the vehicle they were in was illegally searched. Additionally, [REDACTED] alleges officers planted narcotics on [REDACTED] which led to his arrest. The Civilian Office of Police Accountability (“COPA”) reviewed the allegations and recommends they be Unfounded.

II. INVOLVED PARTIES

Involved Officer #1:	Michael Catalano, Star #17153, Employee ID # [REDACTED], DOA: 10/31/12, Rank: Police Officer, Unit of Assignment: 11th District, DOB: [REDACTED]/1987, Male, White
Involved Officer #2:	Joseph Cunningham, Star #9871, Employee ID # [REDACTED], DOA: 2/18/14, Rank: Police Officer, Unit of Assignment: 11 th District, DOB: [REDACTED]/1985, Male, White
Involved Officer #3:	Patrick Graney, Star #12995, Employee ID # [REDACTED], DOA: 10/31/12, Rank: Police Officer, Unit of Assignment: 11 th District, DOB: [REDACTED]/1986, Male, White
Involved Officer #4:	Martin Hernandez, Star #6529, Employee ID # [REDACTED], DOA: 06/03/13, Unit of Assignment: 11 th District, DOB: [REDACTED]/1983, Male, Hispanic

Involved Officer #5: Joel Lopez, Star #7613, Employee ID # [REDACTED], DOA: 3/15/13, Rank: Police Officer, Unit of Assignment: 11th District, DOB: [REDACTED]/1985, Male, Hispanic

Subject #1: [REDACTED] DOB: [REDACTED]/1981, Female, Black

Subject #2: [REDACTED] DOB: [REDACTED]/1995, Male, Black

Subject #3: [REDACTED] DOB: [REDACTED]/2000, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Catalano	<p>It is alleged that on or about November 25, 2017, at 3312 W. Huron St., Chicago, IL, at approximately 11:19 PM, that Officer Catalano:</p> <ol style="list-style-type: none"> 1. Stopped [REDACTED] without legal justification in violation of Rules 2 and 8. 2. Detained [REDACTED] without legal justification in violation of Rules 2 and 8. 3. Searched the vehicle of [REDACTED] without legal justification in violation of Rules 1 and 2; and 4. Placed narcotics on or around the person of [REDACTED] in violation of Rules 1 and 2. 5. Arrested [REDACTED] based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of [REDACTED] in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer Cunningham	<p>It is alleged that on or about November 25, 2017, at 3312 W. Huron St., Chicago, IL, at approximately 11:19 PM, that Officer Cunningham:</p> <ol style="list-style-type: none"> 1. Stopped [REDACTED] without legal justification in violation of Rules 2 and 8. 2. Detained [REDACTED] without legal justification in violation of Rules 2 and 8. 3. Searched the vehicle of [REDACTED] without legal justification in violation of Rules 1 and 2. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

	<ol style="list-style-type: none"> 4. Placed narcotics on or around the person of [REDACTED] in violation of Rules 1 and 2. 5. Arrested [REDACTED] based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of [REDACTED] in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer Graney</p>	<p>It is alleged that on or about November 25, 2017, at 3312 W. Huron St., Chicago, IL, at approximately 11:19 PM, that Officer Graney:</p> <ol style="list-style-type: none"> 1. Stopped [REDACTED] without legal justification in violation of Rules 2 and 8 2. Detained [REDACTED] without legal justification in violation of Rules 2 and 8. 3. Search the vehicle of [REDACTED] without legal justification in violation of Rules 1 and 2. 4. Placed narcotics on or around the person of [REDACTED] in violation of Rules 1 and 2. 5. Arrested [REDACTED] based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of [REDACTED] in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer Hernandez</p>	<p>It is alleged that on or about November 25, 2017, at 3312 W. Huron St., Chicago, IL, at approximately 11:19 PM, that Officer Hernandez:</p> <ol style="list-style-type: none"> 1. Stopped [REDACTED] without legal justification in violation of Rules 2 and 8. 2. Detained [REDACTED] without legal justification in violation of Rules 2 and 8. 3. Search the vehicle of [REDACTED] without legal justification in violation of Rules 1 and 2. 4. Placed narcotics on or around the person of [REDACTED] in violation of Rules 1 and 2. 5. Arrested [REDACTED] based on the planting of evidence in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

	<ol style="list-style-type: none"> 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of ██████ in violation of Rule 14. 	Unfounded
Officer Lopez	<p>It is alleged that on or about November 25, 2017, at 3312 W. Huron St., Chicago, IL, at approximately 11:19 PM, that Officer Hernandez:</p> <ol style="list-style-type: none"> 1. Stopped ██████ without legal justification in violation of Rules 2 and 8. 2. Detained ██████ without legal justification in violation of Rules 2 and 8 3. Search the vehicle of ██████ without legal justification in violation of Rules 1 and 2. 4. Placed narcotics on or around the person of ██████ in violation of Rules 1 and 2. 5. Arrested ██████ based on the planting of evidence in violation of Rule 14. 6. Generated a false report in violation of Rule 14; and 7. Made false statements with respect to the arrest of ██████ in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Violation of any law or ordinance.
2. **Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit to the Department.
3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 14:** Make a false report, written or oral.

Special Orders

1. **Special Order:** S04-13-09, Investigatory Stop System

Federal Laws

1. 4th Amendment, U.S. Constitution

V. INVESTIGATION¹

a. Civilian Interviews

On November 27, 2017, complainant [REDACTED] gave a digitally recorded interview to COPA. [REDACTED] stated on November 25, 2017, approximately a half-hour to an hour prior to the arrest of her boyfriend [REDACTED] she observed unknown plainclothes CPD police officers in an unmarked vehicle driving in the wrong direction on Huron Street, near Christiana Avenue, which is a one-way, westbound street. [REDACTED] stated she was in her vehicle along with [REDACTED]. She stated that [REDACTED] cousin, identified as [REDACTED] was standing outside the vehicle leaning in and talking. [REDACTED] stated she initially did not know that these were police officers or why they were looking at her, [REDACTED] or [REDACTED]. [REDACTED] stated [REDACTED] said the unknown persons were police officers that go after narcotics. [REDACTED] stated she, [REDACTED] and [REDACTED] left the area of Christina and Huron to run errands. At some unknown time later, [REDACTED] stated she returned to the location where the police officers she saw earlier and another police vehicle surrounded her vehicle. [REDACTED] stated the four to five plainclothes CPD officers approached her vehicle and instructed her to turn the vehicle off and exit the car. [REDACTED] stated she asked the officers if everything was okay. [REDACTED] stated the officers again ordered everyone out of the vehicle.

[REDACTED] stated she exited the vehicle and the officers immediately put her, [REDACTED] and [REDACTED] in handcuffs. [REDACTED] stated she asked if she was being arrested. [REDACTED] stated the officers replied she was being detained. [REDACTED] stated she asked the officers over and over what was happening. [REDACTED] stated the officers moved her and [REDACTED] to one side of the vehicle and took [REDACTED] to the other side. [REDACTED] stated two officers looked in her vehicle saying, "It smells like weed in here."² [REDACTED] stated she admitted to the officers she had weed in her back pocket and "a blunt" inside the vehicle.³ [REDACTED] stated she told the officers the vehicle was a rental car, and they looked throughout the vehicle and the trunk. [REDACTED] stated there was a knife in her purse and another knife in the vehicle's side compartment, but the officers said nothing about it. [REDACTED] stated the officers found rolled weed in the vehicle, but put it back. [REDACTED] stated she complied with all the directives given to her by the officers.

[REDACTED] stated several officers were searching around the vicinity of 701 N. Christiana. [REDACTED] stated the officers searched the rear of 701 N. Christiana and believed they found something. [REDACTED] stated the officers were not in the rear yard that long and that she did not see what was recovered. [REDACTED] stated the officers said she and [REDACTED] were fine, but [REDACTED] was under arrest. [REDACTED] stated she asked the officers what [REDACTED] was being arrested for, but that the officers refused to divulge information to her. [REDACTED] stated [REDACTED] called her in two hours from

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 Attachment 7 @5:36

³ Ibid @5:40

the 11th District saying officers said he had heroin on him. ██████ stated she knew for a fact that ██████ did not have heroin on his person. ██████ also stated at no time did her boyfriend go into the rear yard of 701 N. Christiana.

██████ stated when ██████ called her, he said he was arrested for \$900 worth of heroin. ██████ stated she heard from unknown individuals at 701 N. Christiana that \$135 worth of heroin was at the searched location. ██████ stated ██████ said in his call to her that the drugs were found on the side of 701 N. Christiana. ██████ stated ██████ said the police planted drugs on his person. ██████ stated that approximately several weeks earlier, ██████ and ██████ had gotten arrested together, and that drugs were found on ██████. ██████ stated the officers in that arrest said to ██████ they were going to “pin the drugs on him [██████]. ██████ stated officers “have a thing with him [██████] because he runs” from them.⁵ ██████ said the police always “mess with him [██████] every single time they see him.”⁶ ██████ stated her main complaint against the Chicago Police Department was that the accused officers had no probable cause to search her things and the car and that the officers planted drugs on ██████.

On March 23, 2018, ██████ (“██████”) gave a digitally recorded telephone interview to COPA. ██████ stated that on November 25, 2017, he was in the area of Christiana and Huron. ██████ stated he was sitting in a vehicle with his girlfriend ██████ and cousin, ██████. ██████ stated he was visiting his grandmother who lives at 701 N. Christiana. ██████ stated he was sitting in the front passenger seat, and ██████ in the back seat, of the vehicle driven by ██████. ██████ stated the vehicle was parked at that time. ██████ stated, “four trucks [CPD vehicles] pulled up, and tapped on our windows, and asked all of us to exit the vehicle.”⁸ ██████ stated everyone got out of the vehicle and was handcuffed by the officers. ██████ stated the officers searched him, ██████ and ██████ and did not find anything. ██████ stated an officer went on the side of his grandmother’s house and came back to where he was being detained, and made a nodding head movement to another officer. ██████ stated he was arrested while ██████ and ██████ were released by officers at the scene. ██████ stated he was taken to the 11th District and “from that point forward, I realized drugs were being planted on me.”⁹ ██████ stated the accused officers never showed him the recovered narcotics, nor asked him if the narcotics belonged to him. ██████ stated the officers never told him why he was arrested. ██████ stated he repeatedly asked the officers why he was being arrested. ██████ stated the officers said, “You’ll figure it out when we get to the station.”¹⁰

⁴ Ibid @17:20

⁵ Ibid @17:23

⁶ Ibid @17:31

⁷ Ibid.

⁸ Attachment 38 @3:55

⁹ Attachment 28 @4:26

¹⁰ Attachment 28 @12:42

COPA made attempts to contact and interview witness ██████████ to no avail.¹¹

b. Officer Interviews

On March 22, 2018, **Officer Patrick Graney**, (“Officer Graney”), Star #12995, gave a digitally recorded interview to COPA. Officer Graney stated at approximately 11:00 PM, he and the other officers were in the 700 block of N. Christiana. Officer Graney stated that area is a known narcotics sales location. Officer Graney stated at some point that evening, a decision was made to set up surveillance in the area on Spaulding, one block east of Christiana, at Huron. Officer Graney stated he was alone on foot surveillance near Spaulding and Huron, visually observing west towards Christiana. Officer Graney stated that he observed an unknown male approach complainant ██████████ vehicle when the passenger, identified as ██████████ exited the vehicle and proceeded to the rear of 701 N. Christiana. Officer Graney stated ██████████ proceeded down the gangway at the side of the residence and retrieved an unknown item by a traffic cone. Officer Graney stated he observed a suspected hand-to-hand transaction between ██████████ and the unknown male, with ██████████ receiving an unknown amount of U.S. currency and giving the unknown male a small item. Officer Graney stated he was approximately thirty feet away from ██████████ and the unknown male visually observing the activity. Officer Graney stated there was artificial lighting from the rear of 701 N. Christiana and the alleyway that illuminated his observation of this activity. Officer Graney stated ██████████ got back in ██████████ vehicle, left the location for approximately five to ten minutes, and then returned. During that approximate five-to-ten-minute time period, Officer Graney stated he called his partners to pick him up. Officer Graney stated when he and his partners returned to the location where the suspected narcotic activity occurred, ██████████ vehicle had returned. Officer Graney stated based upon his observation of the suspected hand-to-hand narcotic activity between ██████████ and the unknown male, the officers initiated an investigatory stop of ██████████ vehicle.

Officer Graney stated after the investigatory stop of ██████████ vehicle, he and Officer Cunningham proceeded to the backyard by the gangway of 701 N. Christiana. Officer Graney stated at that location, he retrieved a plastic bag containing smaller bags of suspected heroin next to a traffic cone. Officer Graney stated he then went back to the location of the investigatory stop of ██████████ vehicle and arrested ██████████ for possession of a controlled substance.¹²

On March 16, 2018, **Officer Martin Hernandez** (“Officer Hernandez”), Star #6529, gave a digitally recorded interview to COPA. Officer Hernandez stated on November 25, 2017, he was in the area of the 700 block of N. Christiana Avenue. Officer Hernandez stated based on his knowledge and experience, that area is a high narcotics gang sales location. Officer Hernandez

¹¹ On March 23, 2018, letters requesting an interview were sent via U.S. first class and certified mail to two known addresses for ██████████. See Attachments 35 and 36

¹² Attachment 25

stated all he could recall from November 25, 2017, was assisting in the arrest of a person, identified as [REDACTED] (“[REDACTED]”). Officer Hernandez stated he escorted [REDACTED] to a CPD vehicle.¹³

On March 19, 2018, **Officer Joseph Cunningham**, (“Officer Cunningham”), Star #9871, gave a digitally recorded interview to COPA. Officer Cunningham stated on November 25, 2017, he was working in the 700 block of N. Christiana Avenue. Officer Cunningham stated based on his knowledge and experience, the area is known for heavy hand-to-hand heroin sales activity. Officer Cunningham stated Officer Graney established a surveillance location to observe narcotics sales activity at that location. Officer Cunningham stated his role that date was as an enforcement officer to assist Officer Graney during his surveillance. Officer Cunningham stated that with respect to this incident, Officer Graney went to a location where he could observe narcotics related activity, and after he made observations, the officers picked up Officer Graney. He stated that Officer Graney then identified [REDACTED] to the other officers and they detained [REDACTED] and the other vehicle occupants. Officer Cunningham stated while the vehicle and its occupants were detained, he and Officer Graney proceeded to the gangway near 701 N. Christiana. Officer Cunningham stated at that location, Officer Graney recovered the suspected narcotics belonging to [REDACTED]. Officer Cunningham stated [REDACTED] was placed under arrest and conveyed to the 11th District. Officer Cunningham stated he did not place any narcotics on [REDACTED] person.¹⁴

On March 19, 2018, **Officer Joel Lopez**, (“Officer Lopez”), Star #7613, gave a digitally record interview to COPA. Officer Lopez stated on November 25, 2017, he recalled working with Officers Catalano, Cunningham, Graney and Hernandez, but does not recall anything about the incident.¹⁵

On March 22, 2018, **Officer Michael Catalano** (“Officer Catalano”), Star #17153, gave a digitally recorded interview to COPA. Officer Catalano stated on November 25, 2017, he was in the area of the 700 block of N. Christina. Officer Catalano stated the area is a high narcotics sales location. Officer Catalano stated a surveillance was established in the area, and that Officer Graney proceeded on foot to a location for observing hand-to-hand narcotic sales activity. Officer Catalano stated Officer Graney contacted the team via two-way radio saying he observed a hand-to-hand transaction. Officer Catalano stated the team members he was with went to Officer Graney’s location and picked him up. Officer Catalano stated the tactical team then performed an investigatory stop of [REDACTED] vehicle. Officer Catalano stated after the investigatory stop, the team arrested [REDACTED] for possession of a controlled substance.¹⁶ Officer Catalano stated during the investigatory stop, he ran the names of the vehicle occupants, identified as [REDACTED]

¹³ Attachment 39

¹⁴ Attachment 28

¹⁵ Attachment 29

¹⁶ Attachment 9

██████████ and ██████████ Officer Catalano stated he did not recall if or what officers searched ██████████ vehicle. Officer Catalano stated he did not place any narcotics on ██████████ person.¹⁷

c. Digital Evidence

The **Body Worn Camera (“BWC”) video of Officer Graney** on November 25, 2017, shows Officer Graney, accompanied by Officer Cunningham, in the rear and gangway of 701 N. Christiana. The BWC shows Officer Graney recovering from the side yard gangway a large ziploc bag. The footage further shows that inside the large ziploc bag is smaller ziploc baggies.¹⁸

The **BWC of Officer Cunningham** on November 25, 2017, shows him and Officer Graney walking from 3312 W. Huron St. to the rear and side yard of 701 N. Christiana. The BWC video shows Officer Graney recovering a large ziploc bag containing smaller baggies, from the gangway.¹⁹ The video also captures the interaction of Officer Cunningham with ██████████ as he is transported to the 11th District. ██████████ is heard asking the conveying officers the reason he is being detained.²⁰

The **BWC video of Officer Catalano** on November 25, 2017, shows his interaction with complainant ██████████ along with witnesses ██████████ and ██████████ at 3312 W. Huron St.²¹ After ██████████ is arrested and placed into the CPD vehicle driven by Officer Catalano, accompanied by his partner Officer Cunningham, ██████████ is heard asking Officer Catalano why he was being arrested. Officer Catalano tells ██████████ that he will explain everything to him in the station.²²

d. Documentary Evidence

The **CPD Arrest Report CB# 19568633** states that Officers Graney and Cunningham set up a point of surveillance on the 700 block of N. Christiana. The report states the officer on surveillance, Officer Graney, observed a male wearing a black jacket and black pants, identified as ██████████ engage in conversation with an unknown male. The report states ██████████ exited a vehicle, identified as 4-door gray 2016 Chrysler 200 sedan, walked into the gangway at 701 N. Christiana and picked up a small plastic bag. The report further states that ██████████ removed a small item from that plastic bag and tendered it to an unknown male in exchange for an unknown amount of U.S. currency. The report states Officer Graney believed he observed a narcotics transaction. It also states that Officer Graney informed the enforcement officers of the information and broke surveillance. The report states ██████████ was detained and Officer Graney went to the gangway where he observed ██████████ retrieve the plastic bag and recovered eight small ziploc bags containing ██████████ powdery substance of suspected heroin all in a larger ziploc bag. The report

¹⁷ Attachment 27

¹⁸ Attachment 34

¹⁹ Attachment 32

²⁰ Attachment 28 @3:49

²¹ Attachment 33

²² Ibid @5:24

states [REDACTED] was placed into custody and charged with Possession of a Controlled Substance and transported to the 11th District for further processing.²³

The CPD Investigative Stop Report (ISR), Card No. ISR000384832, states on November 25, 2017, at 3312 W. Huron St., complainant Ayesha [REDACTED] was in a 4-door gray 2016 Chrysler 200 sedan, with the arrestee, identified as [REDACTED] who was seen in that vehicle and observed getting suspected narcotics from the gangway of 701 N. Christiana.²⁴

VI. ANALYSIS

[REDACTED] alleges that the accused officers stopped, detained and searched her vehicle without legal justification. Initially, it must be determined if the officers had a basis in which to make an investigatory stop of [REDACTED] vehicle.

In accordance with Chicago Police Department (“CPD”) policy, reasonable articulable suspicion is required for an investigatory stop. CPD policy states reasonable articulable suspicion for an investigatory stop requires a sworn member to possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that a suspect is committing, is about to commit, or has committed a criminal offense.²⁵

First, the accused officers’ initial actions were justified at their inception. Officer Graney, on foot surveillance at Spaulding, near Christiana and Huron, observed [REDACTED] a passenger in [REDACTED] vehicle, exit the vehicle, make a hand-to-hand suspected narcotics transaction with an unknown male, and then re-enter [REDACTED] vehicle. Officer Graney observed [REDACTED] proceeded down the gangway of 701 N. Christiana and retrieve an unknown item by a traffic cone. Then, Officer Graney watched [REDACTED] engage in a suspected hand-to-hand transaction with an unknown male; [REDACTED] received an unknown amount of U.S. currency and gave the unknown male a small item. This information was communicated to the other accused officers. Based upon the totality of the circumstances, Officer Graney’s belief that he observed a potential hand-to-hand narcotics transaction was reasonable. At this point, articulable suspicion existed to believe [REDACTED] had committed a crime and gave the officers the basis to conduct an investigatory stop of [REDACTED] vehicle to either dispel or confirm his suspicion that [REDACTED] was engaged in selling narcotics.

After approaching the vehicle, the accused officers smelled the odor of marijuana. This is corroborated by the body worn footage of the incident which depicts contemporaneous statements by the officers that they detected an odor of cannabis. The officers then asked all the occupants to exit the vehicle to conduct the investigatory stop. The occupants of the vehicle were handcuffed

²³ Attachment 9

²⁴ Attachment 19. ISRs were also completed for [REDACTED] #ISR000384838 and [REDACTED] #ISR000384831.

²⁵ Special Order 4-13-09. *See, also, People v. Ross*, 317 Ill. App. 3d 26, 30 (1st App. Dist. 2000); 725 ILCS 5/107-14 (West 2016).

during the investigation.²⁶ ██████ admitted to the officers she had weed in her back pocket and “a blunt” inside the vehicle.

In instances in which an officer smells marijuana, the officer has probable cause to investigate if contraband is present, and this probable cause may extend to a search of the involved vehicle. *People v. Zayed*, 2016 IL App (3d) 140780 (2016). In such instances, it is appropriate to ask the occupants to exit the vehicle. Further, if the smell of marijuana is enough to form the basis of probable cause, it may be reasonable to infer that the officers could detain the occupants of the vehicle during the search.²⁷ In this instance, the accused officers had probable cause to search ██████ vehicle. Firstly, the accused officers were engaged in a lawful *Terry* stop when they approached ██████ vehicle to investigate the suspected narcotic activity. Upon approaching the vehicle, the accused officers smelled marijuana. At that point, the officers had probable cause to search the vehicle. In addition, ██████ admitted to the accused officers that she had marijuana in the vehicle. Based on the totality of the circumstances, it was reasonable for the officers to conclude there was contraband in the vehicle based on the smell of marijuana and ██████ statement.

Further, because ██████ exited the vehicle that ██████ was driving, conducted a suspected hand-to-hand narcotics transaction, and then reentered the vehicle, it was reasonable for the officers to believe that any occupants of the vehicle could have been associated with the suspected criminal activity. Therefore, it was reasonable to detain the occupants of the vehicle while the accused officers conducted the investigation into the suspected narcotic transaction.

██████ also alleged that CPD officers planted narcotics on or around the person of ██████ which led to his false arrest. The BWC video of Officer Graney and Officer Cunningham show the recovery of the suspected narcotics from the location where Officer Graney observed ██████ retrieve the contraband for the narcotics transaction. Additionally, CPD officers found no narcotics on ██████ person. Based upon Officer Graney’s surveillance observation, it is reasonable to conclude the recovered suspected narcotics belonged to ██████ establishing the probable cause to arrest ██████²⁸

Lastly, based on the events and COPA’s investigation, there is no evidence to suggest that Officers Graney, Cunningham, Catalano, Hernandez and Lopez made false oral statements or written reports in the arrest of ██████

VII. CONCLUSION

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

²⁶ The mere restraint of an individual during a lawful *Terry* stop does not automatically turn the investigatory stop into a formal arrest. *See People v. Young*, 306 Ill.App.3d 350 (1st App. Dist. 1999).

²⁷ Further, a police officer’s detection of controlled substances by their smell has been held to be a permissible method of establishing probable cause supporting a warrantless arrest. *People v. Redman*, 386 Ill. App. 3d 409 (4th Dist. 2008). In this instance, no one was arrested for the marijuana found in the vehicle. However, it stands to reason that if the smell of marijuana alone provides sufficient basis to form probable cause to support a warrantless arrest, then the limited detention to conduct the investigation was reasonable.

²⁸ Attachment 34

Officer	Allegation	Finding
Officer Catalano	<ol style="list-style-type: none"> 1. Stopped [REDACTED] without legal justification in violation of Rules 2 and 8. 2. Detained [REDACTED] without legal justification in violation of Rules 2 and 8. 3. Search the vehicle of [REDACTED] without legal justification in violation of Rules 1 and 2. 4. Placed narcotics on or around the person of [REDACTED] in violation of Rules 1 and 2. 5. Arrested [REDACTED] based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of [REDACTED] in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer Cunningham	<ol style="list-style-type: none"> 1. Stopped [REDACTED] without legal justification in violation of Rules 2 and 8. 2. Detained [REDACTED] without legal justification in violation of Rules 2 and 8. 3. Search the vehicle of [REDACTED] without legal justification in violation of Rules 1 and 2. 4. Placed narcotics on or around the person of [REDACTED] in violation of Rules 1 and 2. 5. Arrested [REDACTED] based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of [REDACTED] in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Officer Graney	<ol style="list-style-type: none"> 1. Stopped [REDACTED] without legal justification in violation of Rules 2 and 8. 2. Detained Ayesha Johnny without legal justification in violation of Rules 2 and 8. 3. Search the vehicle of [REDACTED] without legal justification in violation of Rules 1 and 2. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

	<ol style="list-style-type: none"> 4. Placed narcotics on or around the person of ██████████ in violation of Rules 1 and 2. 5. Arrested ██████████ based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of ██████████ in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer Hernandez</p>	<ol style="list-style-type: none"> 1. Stopped ██████████ without legal justification in violation of Rules 2 and 8. 2. Detained ██████████ without legal justification in violation of Rules 2 and 8. 3. Search the vehicle of ██████████ without legal justification in violation of Rules 1 and 2. 4. Placed narcotics on or around the person of ██████████ in violation of Rules 1 and 2. 5. Arrested ██████████ based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of ██████████ in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Officer Lopez</p>	<ol style="list-style-type: none"> 1. Stopped ██████████ without legal justification in violation of Rules 2 and 8. 2. Detained ██████████ without legal justification in violation of Rules 2 and 8. 3. Search the vehicle of ██████████ without legal justification in violation of Rules 1 and 2. 4. Placed narcotics on or around the person of ██████████ in violation of Rules 1 and 2. 5. Arrested ██████████ based on the planting of evidence in violation of Rule 14. 6. Generated a false police report in violation of Rule 14; and 7. Made false statements with respect to the arrest of ██████████ in violation of Rule 14. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

Approved:



Shannon Hayes
Acting Deputy Chief Administrator

5/18/18
Date

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator	Mark A. Glenn
Supervising Investigator:	Erica Sangster
Acting Deputy Chief Administrator:	Shannon Hayes
Attorney:	Christina Chojnacki

