

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	12/07/2019, 12:00 pm, 5039 N. Kimball Ave.
Date/Time of COPA Notification:	12/11/19, 1:30 pm
Involved Officer #1:	Cartwright, Jason C., Star# 9197, Employee# [REDACTED], Date of Appointment: 04/29/2002, Police Officer, UOA: 341, DOB: [REDACTED]1971, Male White
Involved Individual #1:	[REDACTED]/1970, Male, Black
Case Type:	Illegal Detention and Search

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer Cartwright	It is alleged that on or about December 7, 2019, at approximately 12:00 pm, at or near 5039 N. Kimball Ave., Chicago, IL, Officer Cartwright:	
	1. Detained [REDACTED] without justification. 2. Searched the personal property of [REDACTED] without justification.	Exonerated  Not Sustained

**II. SUMMARY OF EVIDENCE<sup>1</sup>**

On December 11, 2019, the **complainant** [REDACTED] made a complaint to COPA alleging he was illegally detained and searched by **accused Police Officer Jason Cartwright** without justification. After investigation, COPA finds the allegation of detained without justification **Exonerated** and the search of personal property to be **Not Sustained**.

In his December 11, 2019 COPA interview<sup>2</sup>, [REDACTED] stated that his son’s basketball team attended a tournament at Von Steuben High School on December 7, 2019. While waiting with his son and the team for their game to start, [REDACTED] was approached by CPS security, claiming that his son stole a purse from the gymnasium.

<sup>1</sup> COPA conducted a full and complete investigation of this matter, including interviewing all pertinent civilian and officer witnesses and collecting and reviewing digital, documentary, and forensic evidence.

<sup>2</sup> Att. 19

Mr. ██████ denied that his son stole a purse, claiming they and the team were in the hallway waiting for their game to start. CPS security had a video of the incident and showed it to ██████. From his observation, ██████ considered the video grainy and inconclusive. As he was leaving the security office, ██████ was stopped on the stairs by an unidentified police officer in full uniform. The officer repeatedly asked ██████ where the purse was. ██████ said he wanted to leave to get his son, but the officer told him he could not leave. ██████ told the officer about the video. Believing he could not leave, ██████ the officer, and CPS security went back to the security office and viewed the video again. Based on his son's attire that day, ██████ told CPS security and the officer that the person in the video was not his son. The officer said that he could not really see anything. ██████ learned that the officer was the ██████ of the lady who had lost her purse. He felt the ██████ should not have been involved in the investigation or detaining him. ██████ said he needed to go to his son who had been left unsupervised during this period and left the security office to go see his son's basketball game. The officer and CPS security followed him. While gathering his bag and other belongings in the gym, the police officer told ██████ to "take the stuff out [of] the bag."<sup>3</sup> ██████ was embarrassed that other parents of kids on his son's team were around and could see him being searched by a police officer. ██████ removed the items from the bag, but the purse was not discovered inside.

COPA did an audio-recorded interview with witness **Officer Fernando Flores**<sup>4</sup> on April 28, 2022. Officer Flores was on-duty December 7, 2019, in full uniform, driving a marked CPD vehicle, when he was dispatched to Von Steuben High School on a theft report. Upon arrival, he spoke with Officer Cartwright who told Officer Flores that he never detained or arrested ██████. Officer Flores spoke to CPS security, who believed that ██████ had taken the property belonging to Officer Cartwright's ██████. Upon further investigation, Officer Flores watched the CPS security video. Flores stated that the video was grainy, and he could not tell, "who was who."<sup>5</sup>

Officer Flores asked ██████ for any kind of identification, but he refused. Officer Flores asked ██████ if he had been detained or stopped. ██████ responded several times that he was not detained or stopped by Officer Cartwright. Afterward, a police report was generated regarding the event.

COPA did an audio-recorded interview of **Officer Cartwright** on April 28, 2022. Officer Cartwright was on-duty December 7, 2019, in full uniform, driving an unmarked CPD vehicle, working citywide as a one-person K9 unit. He received a phone call from his ██████ at his ██████ basketball game at Von Steuben High School. Officer Cartwright recollected his ██████ purse "either fell out or was taken out of her coat draped over her chair in—in a grandstand."<sup>6</sup> The purse contained house and car keys, and identification. He drove to Von Steuben High School to assist

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<sup>3</sup> Att. 19, pgs.18, 27

<sup>4</sup> Att. 18

<sup>5</sup> Att. 18, pg.10

<sup>6</sup> Attachment 17, p.11

his [REDACTED] Upon arrival, his [REDACTED] told him that CPS security thought a gentleman, identified as [REDACTED] had taken the purse. He observed a “pretty upset gentleman by the time I walked into the hallway...because there were some CPS security officers accusing him of taking my [REDACTED] purse.”<sup>7</sup> Noticing Officer Cartwright in full CPD uniform, [REDACTED] says, “Well, that’s great, this [REDACTED]—the—the—this lady’s [REDACTED] is a Chicago policeman.”<sup>8</sup> Officer Cartwright and [REDACTED] viewed a black-and-white video in the CPS security office. Officer Cartwright considered it inconclusive. At no time did Officer Cartwright accuse [REDACTED] of anything. He believed that CPS security officers escalated the situation by implicating [REDACTED] before he got there. At some point, [REDACTED] said, “well, now I’m being detained.”<sup>9</sup>

Officer Cartwright requested a beat car from the 17<sup>th</sup> District to the Von Steuben High School. Upon arrival, he informed Officer Flores what had transpired for completing a case report. Officer Cartwright denied that he detained or searched [REDACTED]<sup>10</sup>

**The body-worn camera (BWC) belonging to Officer Flores**, before the audio begins, shows him speaking with Officer Cartwright. Officer Flores then walks down the hall to speak to [REDACTED]<sup>11</sup> [REDACTED] tells Officer Flores he was approached by CPS security, claiming that his son stole a purse from the gymnasium. [REDACTED] told Officer Flores that CPS security told him to return the purse they believed his son had stolen. Initially, [REDACTED] said he was detained by Officer Cartwright, who told him not to go anywhere.<sup>12</sup> Moments later, [REDACTED] told Officer Flores he had not been stopped and detained, but it was unclear whether he was referring to being detained by Officer Cartwright or by CPS Security. [REDACTED] refused to provide any identification to Officer Flores to document the event and walked away. [REDACTED] never mentioned that his personal effects were searched by Officer Cartwright.

Next, an unidentified CPS official<sup>13</sup> told Officer Flores that other boys who were unsupervised were circling the purse, while [REDACTED] and his son were mostly playing ball in the hallway. Officer Cartwright stated, “that would’ve been helpful to know when I walked in here.”<sup>14</sup>

Officer Cartwright prepared a “John Doe” **Investigative Stop Report (ISR)**<sup>15</sup> of his interaction with [REDACTED] since [REDACTED] refused to identify himself. In it, Officer Cartwright checked the boxes indicating that “John Doe” was stopped based on reasonable suspicion in that he “fit the

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<sup>7</sup> Att. 17, p. 11

<sup>8</sup> Att. 17, p. 13

<sup>9</sup> Att. 17, p. 14

<sup>10</sup> Att. 17, p. 19

<sup>11</sup> Att. 3

<sup>12</sup> Att. 3 at 3:20

<sup>13</sup> Att. 3 at 5:20; COPA went to Von Steuben High School to speak with the CPS officials in the BWC video but was informed they no longer work for CPS.

<sup>14</sup> Att. 3 at 6:25

<sup>15</sup> Att. 14

description of an offender as described by victim or witness.”<sup>16</sup> Officer Cartwright checked the boxes that indicated that he conducted a nonconsensual protective pat down of “John Doe.”<sup>17</sup> In the narrative portion, Officer Cartwright stated that he was informed that his [REDACTED] purse was taken during her son’s basketball game at Von Steuben High School. He went to the school where CPS Security informed him that the person standing next to them was the individual observed on video sitting next to his [REDACTED] when the purse was taken. The subject refused to identify himself, at which time Officer Cartwright requested a CPD beat unit to the location to make a theft report. According to his report, Officer Cartwright no longer had contact with the subject. The ISR further stated that CPS Security continued to investigate the subject telling him that he was seen in video sitting next to the victim. The subject cooperated with CPS security and watched the video. Upon viewing the video, the subject initially denied he was the person sitting next to the victim. The subject later recanted and admitted that he was sitting next to the victim, but denied taking the purse.<sup>18</sup>

### III. 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.

### IV. ANALYSIS AND CONCLUSION

Allegation #1 – that Officer Cartwright detained [REDACTED] without justification is **Exonerated**.

CPD defines an Investigatory stop as: “[t]he temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”<sup>19</sup> “Reasonable Articulate Suspicion is an objective legal standard that is less than probable cause, but more than a hunch or general suspicion. Reasonable Articulate Suspicion depends on the

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<sup>16</sup> Att. 14, pg. 1.

<sup>17</sup> Att. 14, pg. 1.

<sup>18</sup> Att. 14, pg. 2.

<sup>19</sup> Att. 22, S04-13-09(II)(A) Investigatory Stop System (Effective July 10, 2017 to present).

totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member’s training and experience.” A member must complete and Investigatory Stop Report (ISR) when they perform an Investigatory Stop and include “a statement of facts establishing Reasonable Articulate Suspicion to stop the individual.”<sup>20</sup>

Here, although ██████ made unclear statements about whether he felt he had been detained by Officer Cartwright, and Officer Cartwright denied that he had detained ██████ Officer Cartwright completed an ISR to document his encounter with ██████ Thus, by the very act of completing an ISR, which is done for precisely the purpose of documenting an investigatory stop, it would appear that Officer Cartwright did, in fact, detain ██████ In fact, Officer Cartwright, provided his reasoning for doing so – as is required – which was reasonable suspicion in that ██████ “fit the description of an offender as described by victim or witness.”<sup>21</sup> Indeed, ██████ statements to COPA and on Officer Flores’s BWC that the security officers told him he had been accused of being in possession of the victim’s purse, supports that there was reasonable articulable suspicion to support any brief detention. As such, COPA finds by clear and convincing evidence that the allegation that Officer Cartwright detained ██████ without justification is **Exonerated**.

COPA finds that Allegation #2, that Officer Cartwright searched ██████ without justification is **Not Sustained**.

██████ described to COPA that Officer Cartwright demanded ██████ show him what was in ██████ bag. ██████ emptied the contents to show that he did not have the purse. ██████ did not mention this search immediately after the fact to Officer Flores at the high school, as seen on Officer Flores’s BWC. Officer Cartwright denied that he searched ██████ Officer Cartwright’s ISR reflects that he conducted a pat down, but not a search or ██████ or his personal effects. Due to insufficient evidence, COPA finds this allegation **Not Sustained**.

Approved:

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4/13/2023

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

<sup>20</sup> Att. 22, S04-13-09(III)(D)(1)(a)

<sup>21</sup> Att. 14, pg. 1.