



Log # 2020-0000657

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 7, 2020, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ (██████████) alleged that on February 7, 2020, Officers Rene Saucedo and Humberto Gomez stopped and arrested him, without justification.² Following its investigation, COPA reached exonerated findings regarding the allegations of initiating a traffic stop and arresting ██████████ without justification.

II. SUMMARY OF EVIDENCE³

On February 7, 2020, Officers Rene Saucedo and Humberto Gomez⁴ (the Officers) initiated a traffic stop near 5300 N. Broadway, after observing ██████████ operating a vehicle without wearing a seatbelt.⁵ After ██████████ parked and exited his vehicle,⁶ he was approached by the Officers, who asked him for his driver's license.⁷ Instead of providing a driver's license, ██████████ presented a state identification card.⁸ As Officer Gomez conducted a LEADS query, Officer Saucedo ordered ██████████ to sit in his vehicle.⁹ The LEADS query revealed that ██████████ vehicle registration had expired, and his driver's license was suspended.¹⁰ ██████████ told the Officers that his driver's license was suspended due to unpaid parking tickets.¹¹ Then, the officers arrested ██████████ for driving with a suspended license.¹²

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body worn camera footage, a LEADS query, and police reports.

⁴ Att. 14 - Officer Gomez resigned from the Department prior to being served with allegations.

⁵ Att. 2 at 9:49 – 10:14

⁶ Red Pontiac Montana with Illinois license plates ██████████.

⁷ The officers were dressed in plain clothing, with CPD issued ballistic vest, emblazoned with CPD insignia.

⁸ Att. 1 at 16:52-17:01

⁹ Att. 2 at min. 2:28-2:35

¹⁰ Att. 6-7

¹¹ Att. 2 at 4:23-5:03 and Att. 3 at min 4:24 -5:02

¹² Att. 4

In addition to being arrested, [REDACTED] vehicle was impounded, and he was issued three citations.¹³ After [REDACTED] was taken into custody, his vehicle was searched to ensure that no valuables were left in the inside; [REDACTED] was searched as a safety precaution.¹⁴

III. ALLEGATIONS

Officer Rene Saucedo:

1. It is alleged by the above [REDACTED] that on or about February 7, 2020, at approximately 12:00 P.M. at or near 5300 N. Broadway Ave. that you, Officer Rene Saucedo #7611, committed misconduct through the following acts or omission by:
 - Stopping [REDACTED] without justification.
2. It is alleged by the above [REDACTED] that on or about February 7, 2020, at approximately 12:00 P.M. at or near 5300 N. Broadway Ave. that you, Officer Rene Saucedo #7611, committed misconduct through the following acts or omission by:
 - Arresting [REDACTED] without justification

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. The credibility assessments in this report have been determined by reviewing the statements made by [REDACTED] and Officer Saucedo during their interviews and compared with related video footage and other evidentiary materials.

In this case, [REDACTED] credibility suffers because he provided an embellished account of the incident leading up to and after his arrest. During his statement to COPA, [REDACTED] said he was in police custody for 10 hours. However, the Arrest Report established that [REDACTED] was arrested at 12:06 pm and released from lockup at 5:05 pm. Further, [REDACTED] filed a complaint with COPA at 6:30 pm on the same day.¹⁵ [REDACTED] stated that the Officers asked him to present a driver's license, or a state ID. However, video footage established that Officer Saucedo asked [REDACTED] for a driver's license; Officer Saucedo did not request a state ID as an alternative to a driver's license. [REDACTED] stated that the officers ordered him to sit in the driver's seat of his vehicle. [REDACTED] explained that the officers wanted him to sit in the driver's seat because it gave the appearance of a traffic stop. Video footage established that Officer Saucedo ordered [REDACTED] to return to his vehicle; however, video footage also established that [REDACTED] was not ordered to sit in a designated seat. COPA found

¹³ Att. 22

¹⁴ Att. 17 at min. 29:09 - 30:33

¹⁵ There are no documented phone calls on [REDACTED] Arrest Report.

that [REDACTED] statement was not credible and inconsistent with the evidentiary materials obtained by COPA.

Conversely, COPA found that Officer Saucedo's statement was credible and consistent with the evidentiary materials obtained by COPA.

V. ANALYSIS¹⁶

COPA finds the allegations that Officer Saucedo stopped and arrested [REDACTED] without justification are **exonerated**. "Probable cause to arrest exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject had committed it."¹⁷ In this case, Officer Saucedo had probable cause to conduct a traffic stop after he observed [REDACTED] operating a vehicle without wearing a seat belt. Illinois law and the Chicago Municipal Code require that drivers wear a seat safety belt while operating a motor vehicle.¹⁸ Further investigation revealed that [REDACTED] driver's license was suspended, and his vehicle registration was expired.¹⁹ After the status of [REDACTED] vehicle registration and driver's license were revealed, he acknowledged that his driver's license was suspended at the time of arrest. Based on the information available to Officer Saucedo at the time of the traffic stop, the decision to stop, then arrest [REDACTED] was reasonable and proper, and the allegations are exonerated.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

April 27, 2023

Date

¹⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁷ S04-13-09 II(D)

¹⁸ 625 ILCS 5/12-603.1 and Chicago Municipal Code § 9-76-180(a)

¹⁹ Atts. 6-7 and 625 ILCS 5/6-303(a)

Appendix ACase Details

Date/Time/Location of Incident:	February 7, 2020 / 12:00 PM / 5300 N. Broadway
Date/Time of COPA Notification:	February 7, 2020/ 6:30 PM
Involved Member #1:	Rene Saucedo / Star #7611 / Employee ID# [REDACTED] DOA: September 29, 2003/ Unit: 020/ Male / Hispanic
Involved Individual #1:	[REDACTED] Male/ Latino/Hispanic

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- 625 ILCS 5/12-603.1: Driver and passenger required to use safety belts, exceptions, and penalty. (Effective August 16, 2013 - to present)
- Chicago Municipal Code § 9-76-180(a)
- 625 ILCS 5/6-303: Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked. (Effective July 12, 2019 – July 1, 2023)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.²⁰ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”²¹

²⁰ 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 is found to be more probably true than not).

²¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation