

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 13, 2017
Time of Incident:	10:00 P.M.
Location of Incident:	900 West 81 st Street
Date of COPA Notification:	July 24, 2017
Time of COPA Notification:	3:59 P.M.

Officers Shadi Sweiss and Thomas Durkin, who were on-duty and working as a tactical unit, stopped [REDACTED] (driver) and [REDACTED] (passenger) after observing [REDACTED] fail to dim his car's high-beam headlights for oncoming traffic. Officer Durkin observed open containers of alcoholic beverages in the rear passenger compartment of [REDACTED] car, and both officers ordered [REDACTED] and [REDACTED] to exit the car to investigate. [REDACTED] refused to exit the car, and the officers called for assistance. Sgt. Raymond Boyd and Officer Constantino Martinez, among others, responded to the call. After multiple further orders to exit the vehicle, [REDACTED] continued to refuse, and Officer Martinez broke the front driver-side window. Just as Officer Martinez broke [REDACTED] window, [REDACTED] unlocked the front passenger-side door. Both [REDACTED] and [REDACTED] were then taken into custody. The stop was captured on each of the involved CPD members' body-worn cameras. [REDACTED] alleged that he was stopped for no reason, that his car was searched and towed for no reason, and that excessive force was used when officers removed him from his car. [REDACTED] also alleged that over \$800 in United States currency was seized by the involved officers and not returned to him when he was released from custody. COPA's investigation determined that the officers had probable cause to stop [REDACTED] for a traffic violation, that the officers were justified in ordering [REDACTED] and [REDACTED] to exit the car, and that only a reasonable amount of force was used during [REDACTED] arrest. COPA's investigation also determined that the involved officers had reason to believe that [REDACTED] currency was linked to unlawful narcotics sales, and the officers followed CPD directives in seizing and accounting for the currency. COPA sustained allegations against Officer Durkin and Officer Martinez for directing profanity at [REDACTED] and/or [REDACTED] during the stop and ensuing arrests, and sustained an allegation against Sgt. Boyd because he failed to act after observing Officer Martinez's misconduct.

II. INVOLVED PARTIES

Involved Officer #1:	Police Officer Shadi Sweiss ; Star #18529; Employee ID # [REDACTED]; Appointed April 1, 2013; Unit #006; Date of Birth [REDACTED], 1982; Male; White
----------------------	---

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendations set forth herein are the recommendations of COPA.

Involved Officer #2:	Police Officer Thomas Durkin ; Star #2873; Employee ID # [REDACTED]; Appointed April 1, 2013; Unit #006; Date of Birth [REDACTED], 1979; Male; White
Involved Officer #3:	Police Officer Constantino Martinez ; Star #12428; Employee ID # [REDACTED]; Appointed January 29, 2015; Unit #002; ² Date of Birth [REDACTED], 1992; Male; White
Involved Officer #4:	Sergeant of Police Raymond Boyd ; Star #1429; Employee ID # [REDACTED]; Appointed April 26, 2004; Seniority Date June 1, 2016; Date of Birth [REDACTED], 1981; Male; Asian/Pacific Islander
Subject #1:	[REDACTED] Date of Birth [REDACTED], 1988; Male; Black
Subject #2:	[REDACTED] Date of Birth [REDACTED], 1998; Female; Black

III. ALLEGATIONS

Officer	Allegation	Finding
Police Officer Shadi Sweiss	<p>It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81st Street, that PO Shadi Sweiss:</p> <ol style="list-style-type: none"> 1. Conducted a traffic stop and detained [REDACTED] without reasonable suspicion that crime was afoot or probable cause to believe that a crime or a civil traffic violation had been committed, in violation of Rules 1, 2, 3, 6, 8, 10, and 11, and; 2. Arrested [REDACTED] without probable cause to believe that [REDACTED] had committed a criminal offense, in violation of Rules 1, 2, 3, 8, 10, and 11, and; 3. Seized approximately \$800.00 in United States currency from [REDACTED] and did not cause the currency to be returned to [REDACTED] at the time of his release or transfer from custody without probable cause to believe that the currency was subject to forfeiture under the Illinois Controlled Substance Act, in violation of Rules 1, 2, 3, 6, 10, and 11. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Police Officer Thomas Durkin	It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81 st Street, that PO Thomas Durkin:	

² Police Officer Martinez was detailed to Unit #006 at the time of the incident under investigation.

	<p>1. Conducted a traffic stop and detained [REDACTED] without reasonable suspicion that crime was afoot or probable cause to believe that a crime or a civil traffic violation had been committed, in violation of Rules 1, 2, 3, 6, 8, 10, and 11, and;</p> <p>2. Arrested [REDACTED] without probable cause to believe that [REDACTED] had committed a criminal offense, in violation of Rules 1, 2, 3, 8, 10, and 11, and;</p> <p>3. Directed profanity at [REDACTED] and [REDACTED] by saying words to the effect of "Get out of the fuckin' car right now," in violation of Rules 2, 3, 8, and 9, and;</p> <p>4. Directed profanity at [REDACTED] by saying words to the effect of "What the fuck?" after [REDACTED] exited the vehicle in which she had been a passenger, in violation of Rules 2, 3, 8, and 9, and;</p> <p>5. Directed profanity at [REDACTED] by saying words to the effect of "You're making this a lot harder than it needs to be, shit," while handcuffing [REDACTED] in violation of Rules 2, 3, 8, and 9, and;</p> <p>6. Directed profanity at [REDACTED] by saying words to the effect of "Why did you reach in and grab the god-damn phone" while handcuffing [REDACTED] in violation of Rules 2, 3, 8, and 9.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
<p>Police Officer Constantino Martinez</p>	<p>It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81st Street, that PO Constantino Martinez:</p> <p>1. Directed profanity at [REDACTED] by saying words to the effect of "Get the fuck out" after PO Martinez broke the front driver-side window of [REDACTED] car, in violation of Rules 2, 3, 8, and 9, and;</p> <p>2. Used more force than reasonably necessary during the arrest of [REDACTED] by excessively twisting [REDACTED] arm behind his back, in violation of Rules 1, 2, 3, 6, 8, 9, and 10.</p>	<p>Sustained</p> <p>Unfounded</p>

<p>Sergeant Raymond Boyd</p>	<p>It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81st Street, that Sgt. Raymond Boyd:</p> <p>1. Used more force than reasonably necessary during the arrest of [REDACTED] by excessively twisting [REDACTED] arm behind his back, in violation of Rules 1, 2, 3, 6, 8, 9, and 10, and;</p> <p>2. Did not initiate an investigation into misconduct that Sgt. Boyd observed when, in Sgt. Boyd's presence, Chicago Police Department members directed profanity at [REDACTED] and [REDACTED] in violation of Rules 2, 3, 5, and 10.</p>	<p>Unfounded</p> <p>Sustained</p>
------------------------------	---	-----------------------------------

IV. APPLICABLE RULES AND LAWS³

Rules

1. Rules and Regulations of the Chicago Police Department⁴

Article V, Rules of Conduct, of the Rules and Regulations of the Chicago Police Department includes the following prohibitions:

Rule 1: Violation of any law or ordinance.

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.

³ Rules and laws applicable to this investigation are discussed in the Analysis section of this report. Relevant excerpts from the rules and laws listed below are presented in Appendix B of this report.

⁴ The version of the Rules and Regulations of the Chicago Police Department referenced in this summary report was adopted on April 16, 2015. These Rules were in effect at the time of the incident under investigation.

Rule 11: Incompetency or inefficiency in the performance of duty.

General Orders

1. **General Order G03-02,⁵ Use of Force Guidelines**
 2. **General Order G03-02-02,⁶ Force Options**
 3. **General Order G07-01,⁷ Processing Property Under Department Control**
 4. **General Order G08-01,⁸ Complaint and Disciplinary Procedures**
 5. **General Order G08-01-02,⁹ Specific Responsibilities Regarding Allegations of Misconduct**
-

Special Orders

1. **S07-01-02,¹⁰ Inventorying Money**
 2. **S08-01-02,¹¹ Special Situations Involving Allegations of Misconduct**
-

Federal Laws

1. **Fourth Amendment to the United States Constitution**
-

State Laws

1. **Illinois Constitution, Section 6. Searches, Seizures, Privacy and Interceptions**
 2. **625 ILCS 5/12-210**
 3. **720 ILCS 5/7-5**
 4. **720 ILCS 570/505**
 5. **725 ILCS 5/107-2(1)(c)**
-

Municipal Ordinance

1. **CHI., ILL., MUNICIPAL CODE § 2-84-230**
 2. **CHI., ILL., MUNICIPAL CODE § 8-4-010(e)**
-

⁵ This order was issued on September 23, 2002, became effective on October 1, 2002, and was rescinded on October 16, 2017. This order was in effect at the time of the incident under investigation.

⁶ This order was issued on January 1, 2016, and was rescinded on October 16, 2017. This order was in effect at the time of the incident under investigation.

⁷ This order was issued on April 14, 2015, and was in effect at the time of the incident under investigation.

⁸ This order was issued on June 7, 2017, and was in effect at the time of the incident under investigation.

⁹ This order was issued on March 11, 2013, and became effective on March 17, 2013. This order was in effect at the time of the incident under investigation.

¹⁰ This order was issued on April 14, 2015, and was in effect at the time of the incident under investigation.

¹¹ This order was issued on July 17, 2015, and was rescinded on December 1, 2017. This order was in effect at the time of the incident under investigation.

V. INVESTIGATION¹²

a. Interviews

1. Statement of Complainant [REDACTED]

[REDACTED] was interviewed by IPRA on July 25, 2017. [REDACTED] said that he had been arrested by CPD officers on July 13, 2017, at about 10:00 p.m. during a traffic stop near 900 W. 81st Street. [REDACTED] said that he was driving with an acquaintance named [REDACTED]¹⁴ heading towards 81st Street and Sangamon to visit a friend. [REDACTED] was driving the car, a white 2006 Chevy Impala SS, and [REDACTED] was sitting in the front passenger seat. There were no other occupants.

[REDACTED] was driving on 80th Street, heading west from Vincennes Avenue towards Halsted Street. As [REDACTED] began to turn left onto Halsted, he noticed that an unmarked CPD patrol car was heading east on 80th Street, facing his car head-on. [REDACTED] believed that the patrol car was about to turn left onto Halsted, heading north towards the 6th District police station, but the officers decided to head south instead after they saw [REDACTED] drove south on Halsted with the patrol car behind him. When [REDACTED] arrived at the corner of Halsted and 81st Street, he slowed down at the traffic light and signaled a right turn. [REDACTED] said that he was obeying all traffic laws and that he had his seatbelt fastened. [REDACTED] drove west on 81st Street towards Green Street, and the patrol car followed him. [REDACTED] stopped at the stop sign at 81st and Green, then continued west towards Peoria Street. When [REDACTED] approached 81st and Peoria, he saw the blue lights on the patrol car activate, and he pulled over.

[REDACTED] said that when he stopped, his car's windows were up because he was running the air conditioner. [REDACTED] lowered the driver's side window about 2½ to 3 inches as a police officer approached. The officer told [REDACTED] to lower the window, and [REDACTED] lowered it "a couple more inches." The officer asked for [REDACTED] license, insurance, and registration. [REDACTED] retrieved his driver's license and insurance card and handed the documents to the officer. [REDACTED] said that he believed the officers already knew his identity "from the neighborhood" and because he had been in trouble with law enforcement in the past. [REDACTED] said that Chicago Police officers continually stop him on sight, both when he is on foot and when he is driving, even though he has not done anything wrong.

After [REDACTED] gave the officer his license and insurance card, both officers "immediately" told [REDACTED] to get out of the car. [REDACTED] asked, "What did I do wrong?" and the officers ordered him out of the car again. [REDACTED] replied "No," and asked again for an explanation. [REDACTED] then saw one of the officers speaking into his portable police radio; a few minutes later, many additional patrol cars arrived at the scene. [REDACTED] then took out his phone and began recording the incident on Facebook Live.¹⁵ An officer asked him, "[REDACTED] why you always do this?" [REDACTED] responded,

¹² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

¹³ Attachments 7, 67.

¹⁴ [REDACTED] did not know [REDACTED] surname at the time of his interview. She was later identified as [REDACTED] based on a CPD Original Case Incident Report, RD# JA-347029. (Attachment 11)

¹⁵ [REDACTED] told IPRA investigators that he would forward this video, but it was never received.

“Why you always messing with me?” ██████ again asked why he was being ordered to exit the car. A police sergeant¹⁶ that ██████ recognized from the neighborhood then pulled out a stick and told ██████ that his window would be broken if he failed to exit the car.

██████ said that another officer, who was standing on the passenger side of the car, ordered ██████ to open her door. ██████ told ██████ not to open the door and to wait for ██████ mother to arrive with his attorney. ██████ said that ██████ got scared and opened the door against his wishes. As ██████ watched police enter the car from the passenger side, he heard the driver-side window break, and he turned around. ██████ did not see which officer broke the window because he was facing the other direction. An officer reached into the car and opened the driver’s door. Three or four officers grabbed ██████ simultaneously and pulled ██████ out of the car; his phone dropped onto his seat. ██████ said that he was not injured by the breaking glass, but that there were some small marks on his arm. ██████ said that he did not seek medical treatment because of the incident.

██████ said that he was thrown on the back of his car, and an officer twisted his arm, causing ██████ to cry out in pain. ██████ shouted that the officer was breaking his arm and that he was not resisting arrest, hoping that his phone was still recording the incident. An officer told ██████ that he was going to jail and told him, “Shut the fuck up.” ██████ was then handcuffed, placed in the back of a patrol car, and driven to the police station, where he was held overnight before being released the next morning. When he was released, ██████ was told that his car had been impounded and that his money, \$800, had been confiscated after being sniffed by a drug dog. ██████ said that he was given a receipt for the money. ██████ also said that he was ticketed for failing to insure his car, even though he provided the officers with valid proof of insurance.

██████ said that his grandfather, Moe Kelly, was standing on the street corner during the incident, along with many other people from the neighborhood. ██████ also said that he believed his grandfather had video-recorded the incident,¹⁷ and that others in the crowd, including his childhood friend Rashad Gibson,¹⁸ also appeared to have been recording.

When asked if there had been any alcohol in his car, ██████ replied that there were “two coolers,” but they were never opened. ██████ said that when he retrieved his car from the tow lot, the two coolers were still “in a box, in a bag, in my back seat.” ██████ also said that photographs of his son that had been in the car had been “balled up” and thrown into the back seat, and that the contents of the car were generally in disarray.

¹⁶ ██████ could not recall the sergeant’s name at the time of his interview. Upon further investigation, the sergeant was identified as Sgt. Raymond Boyd.

¹⁷ ██████ provided Kelly’s cell-phone number to IPRA. When contacted by telephone, Kelly said that he did not know anything about an incident involving his grandson and that he did not have any video recordings. (Attachment 68)

¹⁸ ██████ said that he would provide contact information for Gibson later, but ██████ did not speak with investigators again after his initial statement.

2. Statement of Accused Police Officer Shadi Sweiss¹⁹

COPA interviewed Officer Sweiss on December 19, 2017. Officer Sweiss said that he was working with his partner, Officer Durkin, on July 13, 2017, on Beat 664B, which is a tactical team assignment. The officers were in civilian dress, but identified by CPD vests with the word "POLICE" across the back, and they were driving an unmarked Ford Explorer. At about 10:00 p.m., while driving near South Peoria Street and West 81st Street, the officers observed a white Chevrolet Impala driving with "high beam" headlights illuminated. Officer Sweiss did not remember exactly where he first observed the Impala, but he remembered following it for less than a block before initiating a traffic stop.

Once the Impala stopped, Officer Sweiss activated his body-worn camera and approached the Impala's driver, while Officer Durkin approached the Impala from the passenger side. The driver, later identified as [REDACTED] handed Officer Sweiss his driver's license and insurance card through a partially opened window upon Officer Sweiss's request. Officer Sweiss also observed a female passenger, later identified as [REDACTED] seated to the right of the driver in the front passenger seat. As [REDACTED] handed over the documents, Officer Sweiss observed an open bottle of alcohol in the rear seat of the vehicle behind the passenger. Officer Sweiss recalled that it was a "vodka mix type of alcohol" that he recognized by looking at the label. The seal and cap were off the bottle, and some liquid was visible inside the bottle. Officer Sweiss asked [REDACTED] to step out of the car multiple times, but [REDACTED] refused. Officer Sweiss then asked for additional officers and a sergeant to assist. Several other tactical cars and the tactical-team sergeant, Sgt. Raymond Boyd, quickly arrived.

Officer Sweiss recalled explaining to [REDACTED] through the partially opened window, that the United States Supreme Court has held that a police officer can order a driver to exit a car during a traffic investigation. Officer Sweiss also recalled telling [REDACTED] that the officers needed to investigate the open container of suspected alcohol that they saw in the car. Officer Sweiss said that this conversation with [REDACTED] was repeated "a couple of times" while they waited for assisting officers. When Sgt. Boyd arrived to assist, Sgt. Boyd also ordered [REDACTED] out of the car, and he eventually pulled out a baton and told [REDACTED] that he would break the window if [REDACTED] continued refusing the order. Another officer who had arrived to assist, Officer Constantino Martinez, then used his hand to pull on [REDACTED] window, causing the window to shatter. After Officer Martinez broke the window, Officer Sweiss and Officer Martinez reached into the car and pulled [REDACTED] out, each grabbing one of [REDACTED] wrists in an "escort hold." Officer Sweiss recalled that [REDACTED] did not resist, and that no significant force was needed to guide [REDACTED] out of the car. Once [REDACTED] was out of the car, Officer Sweiss applied handcuffs, again without using any significant force and without any resistance on [REDACTED] part. After [REDACTED] was handcuffed, he was placed in a transport vehicle and driven to the District 006 station for processing. As [REDACTED] was placed in the transport vehicle by other officers, Officer Sweiss searched [REDACTED] car.

Officer Sweiss told investigators that his basis for arresting [REDACTED] was [REDACTED] refusal to exit his car after being given a lawful order to do so, along with [REDACTED] telling his female passenger to lock her door and remain in the vehicle. Officer Sweiss believed that [REDACTED] actions constituted disorderly conduct, a criminal offense, and that this was the sole basis for [REDACTED] arrest. When

¹⁹ Attachments 57, 63.

Officer Swiss searched [REDACTED] car, he recovered the open bottle of alcohol that he previously observed upon approaching the car, along with a six-pack of additional, un-opened, alcoholic beverages. Officer Swiss also found small baggies in the car's glove compartment, and Officer Swiss believed that the baggies were "consistent with narcotics packaging." After the search, Officer Durkin drove [REDACTED] car to the District 006 station, and the car was then towed to a secure facility.

At the station, Officer Swiss inventoried [REDACTED] personal property, including \$836.00 that was seized from [REDACTED] and sent to the Asset Forfeiture Unit (AFU). Officer Swiss said that he and Officer Durkin both made the decision to seize the currency based on all the following factors: (1) a police canine sniffed the money and indicated "positive" for traces of narcotics, (2) [REDACTED] had "multiple previous narcotics convictions," (3) small baggies consistent with narcotics packaging were found in [REDACTED] car, and (4) [REDACTED] had no legitimate source of income, based on [REDACTED] telling the officers that he was unemployed. Officer Swiss told investigators that he understood CPD policy to allow officers to seize money "when it's co-mingled with narcotics."

Officer Swiss watched his body-worn camera video recording of the traffic stop and subsequent events, and he confirmed that the recording accurately depicted the events of July 13, 2017. Officer Swiss said that he did not recall hearing any other CPD member direct profanity at [REDACTED] or [REDACTED] on the night of the incident, and he denied observing any CPD member use excessive force against [REDACTED]. When confronted with each of the allegations against him, Officer Swiss denied engaging in all the alleged misconduct.

3. Statement of Accused Police Officer Thomas Durkin²⁰

COPA interviewed Officer Durkin on December 11, 2017. Officer Durkin's account of [REDACTED] traffic stop and subsequent events was substantially the same as Officer Swiss's account. Officer Durkin said that he had never encountered [REDACTED] before the night of the stop, but he remembered recognizing [REDACTED] name from a list of documented gang members after he and Officer Swiss obtained [REDACTED] identification.

When asked if he directed profanity at [REDACTED] Officer Durkin responded, "Yes, I did," and Officer Durkin further explained that he said, "Get the fuck out of the car." After watching his body-worn camera video recording, Officer Durkin acknowledged that he had actually used the phrase, "Get out of the fuckin' car right now." Officer Durkin explained that [REDACTED] had been using profanity and that [REDACTED] was ignoring more polite entreaties to exit the car; Officer Durkin believed that stronger language might convince [REDACTED] to open his door and might eliminate the need to use force against [REDACTED]. Officer Durkin said that under the circumstances of this event, his language was appropriate.

Officer Durkin admitted to saying, "What the fuck," after [REDACTED] exited [REDACTED] car, but Officer Durkin denied directing his words towards [REDACTED]. Officer Durkin explained that he was surprised when [REDACTED] made a sudden movement back towards the car, and his words were in reaction to her sudden movement. Officer Durkin also recalled saying, "You're making this a lot harder than it needs to be, shit," to [REDACTED] but he explained, "It was just a, I just uttered that word,

²⁰ Attachments 51, 62.

and it certainly was not directed at her.” Officer Durkin also admitted to saying, “Why did you reach in and grab the Goddamn phone,” to [REDACTED] Officer Durkin explained using this language: “I was caught up in . . . the situation . . . because the adrenaline was going and . . . there were a lot of people on the scene, and I would say it’s understandable under that circumstance, in my opinion.”

When confronted with each of the allegations against him, Officer Durkin admitted to directing profanity at [REDACTED] when he said, “Get out of the fuckin’ car right now.” Officer Durkin also admitted to saying, “Why did you reach in and grab the Goddamn phone,” to [REDACTED] [REDACTED] Officer Durkin denied the other allegations of directing profanity at [REDACTED] explaining that he said the words he is alleged to have said, but denying that the words were specifically directed at [REDACTED] Officer Durkin denied each allegation related to improper search and seizure and also denied observing any other CPD member use excessive force.

4. Statement of Accused Police Officer Constantino Martinez²¹

COPA interviewed Officer Martinez on December 28, 2017. Officer Martinez’s account of the events of July 13, 2017, was consistent with the accounts provided by Officer Swiss, Officer Durkin, and Sgt. Boyd. When asked if he gave any verbal direction to [REDACTED] Officer Martinez replied, “I told him to get the fuck out the car.” Officer Martinez said that he broke [REDACTED] window after [REDACTED] repeatedly refused to exit the car, and Officer Martinez explained that he pulled the window outwards so that [REDACTED] would not be struck by glass. Officer Martinez also recalled that he sustained a minor cut to his own hand when he broke the window. Officer Martinez explained his use of profanity, saying that he initially ordered [REDACTED] to “get out of the car,” and he only interjected the word “fuck” after “other sources of communication were exhausted.” Officer Martinez further explained that he could not simply keep repeating “get out of the car,” and he had to try something different to gain [REDACTED] compliance. Officer Martinez also recounted guiding [REDACTED] out of the car and holding one of [REDACTED] arms while Officer Swiss applied handcuffs, but Officer Martinez said that he did not forcefully twist [REDACTED] arm behind his back.

Officer Martinez watched a recording from his body-worn camera and confirmed that the recording accurately depicted the events of July 13, 2017. Officer Martinez did not remember what happened to [REDACTED] immediately after [REDACTED] was placed in handcuffs, as Officer Martinez handed [REDACTED] off to other officers. Officer Martinez explained that his attention shifted after he heard “shots fired” in the area of the stop and after a large crowd began forming on the street. When confronted with the allegation that he directed profanity towards [REDACTED] Officer Martinez admitted that he had done so. When confronted with the allegation that he used excessive force in handcuffing [REDACTED] Officer Martinez denied having done so.

5. Statement of Accused Sergeant Raymond Boyd²²

COPA interviewed Sgt. Boyd on December 11, 2017. Sgt. Boyd’s account of [REDACTED] [REDACTED] arrest was consistent with the accounts provided by Officers Swiss, Durkin, and Martinez. At the time of the incident, Sgt. Boyd was working as the supervisor of the 664 tactical team, and

²¹ Attachments 61, 65.

²² Attachments 48, 64.

he responded to assist officers on his team when the officers said they needed a supervisor. Sgt. Boyd said that he knew [REDACTED] for approximately twelve years and that [REDACTED] was a “documented, self-admitted, known Vice Lord in the 6th District . . . known to carry weapons and to sell drugs.” Sgt. Boyd explained that he obtained his knowledge of [REDACTED] through his own experience working in the district and through a CPD data warehouse containing gang information. Sgt. Boyd recognized [REDACTED] as soon as he arrived at the scene of the traffic stop, and he addressed [REDACTED] by name when he asked [REDACTED] to exit the car.

Sgt. Boyd said that he was standing next to Officer Martinez when Officer Martinez broke the front driver-side window of [REDACTED] car, and Sgt. Boyd believed that Officer Martinez was justified in breaking the window after [REDACTED] repeatedly refused lawful, verbal orders to get out of the car. Sgt. Boyd explained that he took out his baton and threatened to break the window, hoping that [REDACTED] would decide to open the door and avoid damage to his car. Although Officer Martinez’s actions were justified, Sgt. Boyd said that he was surprised when Officer Martinez broke the window, as Sgt. Boyd would have been more patient and allowed [REDACTED] more time to comply with verbal commands. Sgt. Boyd said that he was trying to be very patient with [REDACTED] based on his long history of dealing with [REDACTED]. Sgt. Boyd stood by as Officer Sweiss and Officer Martinez guided [REDACTED] out of the car and handcuffed [REDACTED]. Sgt. Boyd did not observe any officer use excessive force while handcuffing [REDACTED] or while placing [REDACTED] in the transport vehicle.

Sgt. Boyd watched a recording from his body-worn camera and confirmed that the recording accurately depicted the events of July 13, 2017. After watching the recording, Sgt. Boyd acknowledged that Officer Martinez said, “Get out of the fuckin’ car right now,” to [REDACTED] but Sgt. Boyd explained that he had not heard Officer Martinez use those words on the night of the incident:

I did not hear it, due to my focus paying attention to the driver, glass being shattered, officers are everywhere. People are standing around . . . videotaping us on their cell phone, and it was a . . . large scene. So . . . I didn’t hear any profanity . . . at that time.

Sgt. Boyd also explained that Officer Martinez’s use of profanity was understandable based on the circumstances of this incident:

I don’t think it’s appropriate, but . . . it’s an excited utterance, it’s a command. Uh, when you stub your toe, what do you do? I mean, it comes out of your mouth. . . . This is – adrenaline was going, high intense situation, we’re dealing a known drug dealer, gangbanger, who was known to carry weapons. It’s a high-risk traffic stop. So . . . I don’t think it’s necessary, but it’s also, it was uttered.

Sgt. Boyd said that if he had heard Officer Martinez use profanity, he would not have initiated any formal disciplinary action against the officer, but he would have verbally counseled Officer Martinez to be more circumspect in the future. After reviewing Officer Durkin’s body-worn camera video recording, Sgt. Boyd acknowledged hearing Officer Durkin use profanity on the recording, but denied having heard Officer Durkin use profanity on the night of the incident.

When confronted with the allegation that he used excessive force, Sgt. Boyd denied having done so: “The body camera showed that I didn’t excessively twist his arm behind his back.” When confronted with the allegation that he did not initiate an investigation into misconduct that he observed when CPD members directed profanity at [REDACTED] and [REDACTED] Sgt. Boyd responded, “I did not hear that, at that event . . . because my attention was focused on the driver.”

b. Digital Evidence

1. OEMC Recording – Zone 8 Radio Transmissions²³

An audio recording of police radio transmissions on Zone 8, serving CPD District 006, was obtained by COPA and made part of this investigation. The recording covers a 1-hour period beginning at 10:07 p.m. and ending at 11:07 p.m. on July 13, 2017. Beat 664B²⁴ contacts the OEMC police dispatcher and announces a traffic stop at 81st Street and Peoria and requests a supervisor and one additional car. Beat 664B also reports “loud reports” from a “block or two west” of the location of 81st Street and Peoria. Beat 611R²⁵ and Beat 610R²⁶ inform the dispatcher that they are each transporting one person to District 006 for Beat 664B. The radio transmissions captured on this recording are consistent with the associated Original Case Incident Report and the associated OEMC Event Query.²⁷

2. Body-Worn Camera and In-Car Camera Video Recordings²⁸

COPA obtained body-worn camera video recordings depicting the traffic stop and subsequent events at issue in [REDACTED] complaint, and the recordings from each of the accused CPD members,²⁹ as well as from two additional officers who assisted in managing the scene,³⁰ were made part of this investigation. Two in-car-camera video recordings from CPD members who responded to assist with the stop were also obtained by COPA.³¹

Officer Swiss’s body-worn camera recording³² begins with Officer Swiss in the driver’s seat of a patrol car traveling west on 81st Street. Officer Swiss activates the patrol car’s blue flashing lights and comes to a stop at the corner of 81st Street and Peoria. Officer Swiss

²³ Attachment 35.

²⁴ The Attendance and Assignment Sheet for District 6, 4th Watch, on July 13, 2017, indicates that PO Durkin was assigned to Beat 664B. (Attachment 21)

²⁵ The Attendance and Assignment Sheet for District 6, 1st Watch, on July 14, 2017, indicates that PO Keith Gardner and PO Brian Moylan were assigned to Beat 611R. (Attachment 19)

²⁶ The Attendance and Assignment Sheet for District 6, 1st Watch, on July 14, 2017, indicates that Sgt. Timothy Balasz was assigned to Beat 610R. (Attachment 19)

²⁷ Attachment 12.

²⁸ Body-worn camera and in-car camera video recordings were requested from the CPD Records Division based on potentially involved officers and vehicles identified in the Original Case Incident Report, Arrest Report, Attendance and Assignment sheets, OEMC Event Query, and a GPS Report. (Attachments 10, 11, 12, 16, 17, 18, 19, 20, 21, 23, 24).

²⁹ Attachments 28, 29, 31, and 32.

³⁰ The two additional officers are Officer Blocker, Star #14472, and Officer Moylan, Star #11135. (Attachments 27 and 30)

³¹ In-car camera video recordings from Beats 610R and 611R were reviewed by COPA. The in-car-camera recordings did not reveal any additional evidence relevant to COPA’s findings. (Attachments 25 and 26)

³² Attachment 31.

exits the patrol car and walks up the driver's window of a stopped Chevrolet Impala while Officer Durkin approaches the passenger side. Officer Swiss talks to the driver of the Impala, complainant [REDACTED] and asks for [REDACTED] driver's license and insurance. As [REDACTED] produces the documents, Officer Swiss tells [REDACTED] that he was stopped because he was driving with his "bright lights" on. A small blue indicator light is visible on the right-hand side of the Impala's instrument cluster.

As [REDACTED] hands Officer Swiss his driver's license through the partially open driver's-door window, Officer Swiss asks [REDACTED] to step out of the car. [REDACTED] asks, "What for?" and Officer Swiss initially responds that he does not need a reason to order [REDACTED] out of the car. Officer Swiss then tells [REDACTED] that he sees an open container of alcohol in the back of the car. [REDACTED] responds, "That's not nothing," and remains inside the car. Officer Swiss then remarks to Officer Durkin, "He just locked the doors," and [REDACTED] window rolls up, leaving just a small opening at the top. Officer Swiss again orders [REDACTED] out of the car and tells [REDACTED] that he will be arrested for "obstruction of justice" if he refuses. The conversation continues, and [REDACTED] refuses repeated orders to exit the car and tells Officer Swiss that the containers in the rear seat are "old." Officer Swiss shines a flashlight into the rear passenger compartment of the Impala and then returns to his patrol car, where he checks [REDACTED] driver's license through the police data terminal (PDT). At the same time, additional police officers begin to arrive and can be seen walking around the Impala.

After checking [REDACTED] driver's license, Officer Swiss walks back to the driver's side window of [REDACTED] car. [REDACTED] is holding up a cell phone and appears to be creating a video recording. Officer Swiss contacts OEMC and reports "loud reports west of us, maybe a block or two." Officer Swiss remarks to other officers that he is going to wait for a sergeant before taking further action. Sgt. Boyd arrives moments later, and Officer Swiss tells the sergeant that the driver of the Impala has open alcohol and is refusing to get out of the car. Sgt. Boyd addresses [REDACTED] by name and repeatedly asks [REDACTED] to get out of the car, and Sgt. Boyd tells [REDACTED] that if the police have to break [REDACTED] window, [REDACTED] will be arrested. Sgt. Boyd also says, "You do this all the time . . . you never get out of the car," and tells [REDACTED] that [REDACTED] brother was arrested the prior week for refusing to get out of a car and for possessing a gun. Sgt. Boyd also tells [REDACTED] that if he exits the car voluntarily, "If you are legit, you'll be free to go." Officer Swiss again says that he hears "loud reports" in close proximity, towards the west.

Officer Durkin, still on the passenger side of the car, shouts, "Get out of the fuckin' car right now." [REDACTED] turns his head towards his passenger, and Officer Martinez, who is standing to the left of Sgt. Boyd, uses his hand to pull outward on [REDACTED] window, causing the window to shatter.³³ Officer Martinez shouts, "Get the fuck out!" and reaches inside the car to open [REDACTED] door. After Officer Martinez opens the door, [REDACTED] steps out of the car without any apparent physical contact with CPD members. Immediately after [REDACTED] exits the car and begins to stand straight up, Sgt. Boyd, Officer Martinez, and Officer Swiss grab hold of [REDACTED] arms and hands, and Officer Martinez moves [REDACTED] arms behind his back as Officer Swiss applies handcuffs. At the same time, [REDACTED] steps sideways towards the rear of the Impala and leans against the car. Officer Swiss tells [REDACTED] to relax, and [REDACTED] tells the officers, "Check my car, I

³³ The elapsed time between Officer Swiss giving the initial order to exit the car and Officer Martinez breaking the window is 7 minutes and 22 seconds.

don't have nothing." [REDACTED] does not cry out or complain of any pain from the handcuffing procedure, and the amount of force used to guide [REDACTED] out of his car and to apply the handcuffs appears to be minimal.

Moments later, Officer Swiss begins to search inside of [REDACTED] car, and is standing next to other officers at the rear of the car. [REDACTED] can be heard shouting, "What you're twisting my arm for, you're gonna break my arm!" The officers standing adjacent to [REDACTED] do not appear to be moving when [REDACTED] shouts. Officer Swiss searches the rear passenger compartment of the car and places bottles onto the car's roof. Officer Swiss also searches the glove compartment and front console, and removes a red plastic bag from the glove compartment. After searching [REDACTED] car, Officer Swiss gets back into his patrol vehicle and turns off his body-worn camera.

Officer Durkin's body-worn camera recording³⁴ documents the same sequence of events described above, but from Officer Durkin's perspective on the passenger's side of [REDACTED] car. Officer Durkin tells Officer Swiss that there are open bottles in the back of the car, and Officer Durkin repeatedly asks the female passenger, [REDACTED] to open her door. At some points, Officer Durkin speaks to [REDACTED] through the partially open passenger-side window and asks [REDACTED] to get out of the car. [REDACTED] repeatedly tells [REDACTED] not to open the door, but [REDACTED] eventually unlocks the door, and Officer Durkin pulls the door open. Officer Durkin then shouts, "Get out of the fuckin' car right now!" and repeats, "Get out of the fuckin' car" as Officer Martinez breaks [REDACTED] window on the opposite side of the car.

[REDACTED] steps out, and Officer Durkin tells her to come with him towards the rear of the car. As Officer Durkin speaks with [REDACTED] reaches back into the car, and Officer Durkin says, "No, no, no, don't reach for anything." [REDACTED] backs away from the car, and Officer Durkin says, "What the fuck?" and asks [REDACTED] why she was reaching for her phone. Officer Durkin then orders [REDACTED] to place her hands behind her back, and Officer Durkin says, "Miss, you're making this a lot harder than it needs to be, shit," while handcuffing [REDACTED]. Officer Durkin explains to [REDACTED] that he had not been planning to handcuff her until she reached back into the car, and Officer Durkin asks [REDACTED] "Why did you reach in and grab the Goddamn phone?" Officer Durkin then walks with [REDACTED] to the rear of the Impala and obtains [REDACTED] identification. [REDACTED] can be standing between two uniformed officers on the driver's side of the Impala, and the officers hold [REDACTED] arms while removing his hat and patting down his pockets and waistband. Multiple people can be seen standing across the street, apparently recording the incident with their camera-phones. [REDACTED] shouts that the officers are twisting his arm, but the uniformed officers holding [REDACTED] do not appear to be exerting any significant force. The officers walk with [REDACTED] to the rear of a marked CPD patrol vehicle, and [REDACTED] shouts, "Let go of my arm, you're gonna break my arm," as he is placed in the rear passenger seat of the vehicle, but the officers placing [REDACTED] in the vehicle do not appear to be exerting any unusual level of force. The transport vehicle drives away while Officer Durkin continues speaking with [REDACTED] explaining the reason for the stop and the officers' subsequent actions. The recording ends just after Officer Durkin turns [REDACTED] over to a female officer for a search.

³⁴ Attachment 28.

Sergeant Boyd's body-worn camera recording³⁵ documents the same sequence of events described above, but from Sgt. Boyd's perspective as he speaks to [REDACTED] and attempts to coax [REDACTED] out of his car. After Officer Martinez breaks [REDACTED] window, Officer Martinez shouts "Get the fuck out!" Sgt. Boyd moves to the side as Officer Martinez and Officer Sweiss handcuff [REDACTED]. From Sgt. Boyd's position, now facing [REDACTED] arms can be seen hanging loosely as the handcuffs are applied. Sgt. Boyd examines a small cut to Officer Martinez's hand while [REDACTED] can be heard shouting in the background, outside of the camera's view, that his arm is being twisted. Sgt. Boyd turns around and speaks with [REDACTED] again, and Sgt. Boyd tells two uniformed officers to place [REDACTED] in the transport vehicle. Sgt. Boyd faces the transport vehicle as [REDACTED] is placed inside, shouting that his arm is being twisted. From this angle, it continues to appear that the officers placing [REDACTED] inside the vehicle are not using force beyond holding [REDACTED] and guiding him as he sits. Sgt. Boyd speaks with other CPD members briefly, and the recording ends.

Officer Martinez's body-worn camera recording³⁶ documents the same sequence of events described above, but from Officer Martinez's perspective standing adjacent to Officer Sweiss and Sgt. Boyd. This recording also captures Officer Martinez shouting, "Get the fuck out!" after Officer Martinez breaks [REDACTED] window. Body-worn camera recordings from Officer Blocker³⁷ and Officer Moylan³⁸ are also consistent with the events described above.

c. Documentary Evidence

1. Original Case Incident Report – July 13, 2017³⁹

An incident report written by Officer Durkin documents the traffic stop and later arrest of [REDACTED] on July 13, 2017, beginning at 10:10 P.M. Per the report, Officers Durkin and Sweiss were on patrol when they observed a white Chevy Impala driven by a man later identified as [REDACTED] turn south on Halsted Street from 80th Street with bright headlights illuminated. Based on the observed traffic violation, the officers conducted a traffic stop. When the officers approached [REDACTED] car, they observed open containers of what appeared to be an alcoholic beverage in the passenger compartment of the car. After observing the open containers, the officers ordered [REDACTED] and his passenger, [REDACTED] to exit the car. [REDACTED] locked the doors and refused to exit the car.

The officers requested a supervisor and additional officers to assist with the stop, and Sgt. Boyd responded. After repeated orders to open the doors, [REDACTED] unlocked the passenger door and exited the car. [REDACTED] continued to refuse orders to open his door, and PO Martinez broke the driver's-side front window, allowing officers to open the door and place [REDACTED] into custody. [REDACTED] was also arrested. The officers then noted that a hostile crowd was forming on the street, so they decided to bring [REDACTED] and [REDACTED] to the District 006 station to avoid any confrontations with the crowd. At the district, the officers decided to release [REDACTED] without charges based on her belated

³⁵ Attachment 32.

³⁶ Attachment 29.

³⁷ Attachment 27.

³⁸ Attachment 30.

³⁹ Attachment 11.

cooperation. [REDACTED] was searched, and \$826.00 was recovered from [REDACTED] person and placed in inventory, along with an additional \$10.00 that was found on the center console in [REDACTED] car.

The officers decided to call for a K9 unit to sniff [REDACTED] currency based on [REDACTED] prior narcotics convictions, [REDACTED] lack of a verifiable source of income, and “multiple small red baggies known to be used in the packaging and distribution of narcotics” that were found in [REDACTED] car. The K9 sniff was positive for the odor of narcotics, and the currency was seized for possible asset forfeiture. In addition to the currency, suspected alcohol, a Seagram’s bottle, and red baggies were also seized as evidence and inventoried.

2. Arrest Report – July 13, 2017⁴⁰

An arrest report initiated by Officer Sweiss documents that [REDACTED] was arrested and charged with disorderly conduct – fail to obey police; dimming headlights required; operating a motor vehicle without insurance; and transporting, carrying, or possessing an open container of alcoholic liquor in a motor vehicle. The incident narrative recounts the same events that were documented in the Original Case Incident Report. The arrest report further documents that [REDACTED] was released on a recognizance bond at 4:38 A.M. on July 14, 2017, and that [REDACTED] did not complain of serious medical or mental problems while in custody.

3. Inventory Reports – July 14, 2017⁴¹

CPD Inventory Reports document that \$836.00 in United States currency, a vile containing a blue liquid taken from a bottle of Seagram’s Escapes “suspect alcohol,” an empty bottle of Seagram’s Escapes alcohol, and “multiple” red small zip lock bags were recovered from [REDACTED] and held for investigation. Comments for Inventory Item 8545120, the United States currency, indicate that the CPD’s Asset Forfeiture Unit approved releasing the CPD’s “hold” on the money, and the Chain of Custody Report for this item indicates that the currency was released to [REDACTED] agent on October 3, 2017.

4. Criminal Prosecution of [REDACTED]⁴²

Records obtained electronically from the Cook County Clerk of the Circuit Court document that [REDACTED] pled guilty to transporting, carrying, or possessing an open container of alcoholic liquor in a motor vehicle; he was sentenced to six months of supervision. The disorderly conduct charge was stricken off with leave to reinstate, and the remaining motor vehicle code violations were non-suited.

VI. ANALYSIS

[REDACTED] alleged that Officer Sweiss and Officer Durkin stopped him without justification and arrested him without justification. Substantial evidence, however, tends to show

⁴⁰ Attachment 10. No Tactical Response Reports associated with the arrest of [REDACTED] were found. (Attachment 14)

⁴¹ Attachments 33, 36, 37.

⁴² Attachment 66.

that the traffic stop and arrest were lawful. First, it is clear from Officer Swiss's body-worn camera recording that the high-beam headlamps on [REDACTED] car were illuminated at the time of the stop, as the blue indicator light on [REDACTED] dashboard is visible in the recording. Officer Swiss also immediately informed [REDACTED] of the reason for the stop, and [REDACTED] never asserted that he had properly dimmed his lights. The Illinois Vehicle Code requires drivers to dim or drop their headlights when within 500 feet of another vehicle approaching from the opposite direction or when there is another vehicle traveling in the same direction within 300 feet to the front of the driver.⁴³ The Municipal Code of Chicago requires drivers to dim their headlights when approaching within 350 feet of a vehicle proceeding in an opposite direction.⁴⁴ Officers Swiss and Durkin had probable cause to believe that [REDACTED] was violating both the State vehicle code and the local ordinance, and they were therefore justified in stopping [REDACTED] to investigate these violations. Because substantial evidence demonstrates it is more likely than not that the stop was justified, COPA recommends a finding of **Unfounded for Allegation #1 against both Officer Swiss and Officer Durkin.**

Next, the law is clear that police officers have the authority to order any lawfully stopped driver to exit his or her vehicle: "Following a lawful traffic stop, the police may, as a matter of course, order the driver and the passengers out of the vehicle pending the completion of the stop without violating the protections of the Fourth Amendment."⁴⁵ A driver who refuses a police officer's lawful order to exit his vehicle during a traffic stop may be convicted of obstructing a police officer, and officers may use reasonable force to affect such an arrest.⁴⁶ Mr. [REDACTED] own account of the incident, the involved officers' accounts, and the electronic and documentary evidence discussed above demonstrate that this is precisely what happened during Officer Swiss and Officer Durkin's interaction with [REDACTED]. Because substantial evidence demonstrates it is more likely than not that [REDACTED] arrest was justified, COPA recommends a finding of **Unfounded for Allegation #2 against both Officer Swiss and Officer Durkin.**

The available body-worn camera video recordings of [REDACTED] arrest demonstrate that only minimal force was used by Sgt. Boyd and Officer Martinez when [REDACTED] was guided out of his car and placed in handcuffs. When [REDACTED] shouted that his arm was being broken, the officers in physical contact with [REDACTED] were not observably twisting [REDACTED] arm. And while [REDACTED] contended that his pain was genuine, he also told investigators that he intended for his shouts to be recorded on his cell phone for use as evidence in the future. The video recordings of [REDACTED] arrest demonstrate it is more likely than not that Sgt. Boyd and Officer Martinez did not excessively twist [REDACTED] arm behind his back, and COPA recommends that **Allegation #1 against Sgt. Boyd and Allegation #2 against Officer Martinez be Unfounded.**

[REDACTED] also alleged that Officer Swiss seized approximately \$800.00 and did not return the money to [REDACTED] when he was released from CPD custody. On its face, this allegation is true, but the alleged misconduct is explained by the fact that the money was seized for potential

⁴³ 625 ILCS 5/12-210(a)-(b).

⁴⁴ Chi. Ill., Municipal Code § 9-40-090 (1990).

⁴⁵ *People v. Synnott*, 349 Ill. App. 3d 223 (2004) (citing *Maryland v. Wilson*, 519 U.S. 408 (1997) and *People v. Gonzalez*, 184 Ill. 2d 402, 413-14 (1998)).

⁴⁶ *Id.* See also *People v. Shenault*, 2014 IL App (2d) 130211-U.

asset forfeiture under the Illinois Controlled Substances Act (the Act).⁴⁷ The Act allows police officers to seize money if the officers have probable cause to believe that the money is being used, or is intended to be used, to commit or facilitate a violation of the Act. Money seized under the Act is subject to civil asset forfeiture.⁴⁸ “To satisfy the probable cause requirement under the Forfeiture Act, the State must allege and prove ‘facts providing reasonable grounds for the belief that there exists a nexus between the property and illegal drug activity, supported by less than prima facie proof but more than mere suspicion.’”⁴⁹ “A totality of the circumstances test applies to a finding of probable cause under the Forfeiture Act.”⁵⁰

Officer Swiss told COPA investigators that he understood the Act to allow seizure of money “when it’s co-mingled with narcotics.” This explanation is less nuanced than the explanation provided by the Court of Appeals, but it is essentially correct. And Officer Swiss cited the factors that led him to conclude that [REDACTED] money was subject to forfeiture, which included a “positive” canine sniff,⁵¹ [REDACTED] previous narcotics-related convictions, [REDACTED] lack of a legitimate source of income, and the presence of suspected drug-packaging materials in [REDACTED] car. When the seizure was reviewed by CPD’s Asset Forfeiture Unit (AFU), the AFU decided not to go forward with forfeiture proceedings, and the money was later returned to [REDACTED]

The AFU’s reasons for not proceeding with the case are unknown to COPA, but even if the AFU determined that probable cause was lacking, it does not necessarily follow that Officer Swiss’s decision to seize the money should lead to disciplinary action. Attorneys and judges who have extensively studied civil asset forfeiture can, and do, reach different conclusions regarding the circumstances of particular cases. Disciplinary action would only be appropriate if Officer Swiss’s decision to seize the money was objectively unreasonable or if he failed to follow Department directives while processing the money. The four factors that Officer Swiss cited, taken together, could lead a reasonable officer to believe that a nexus existed between [REDACTED] money and narcotics-related activity. The amount of money that Officer Swiss documented seizing matches the amount that [REDACTED] said had been seized, and, based on a review of Officer Swiss’s reports and his entries into CPD’s electronic evidence-tracking system,

⁴⁷ 720 ILCS 570/505(a)-(b). Relevant excerpts from the Act are presented in Appendix B of this report.

⁴⁸ See *People v. Sixteen Thousand Five Hundred Dollars (\$16,500) United States Currency*, 2014 IL App (5th) 130075.

⁴⁹ *People v. Rease*, 2015 IL App (3d) 140635-U (quoting *People v. Parcel of Property Commonly Known as 1945 North 31st Street, Decatur, Macon County, Illinois*, 217 Ill. 2d 481, 505 (2005)).

⁵⁰ *Id.*

⁵¹ Officer Swiss told COPA investigators that canine sniffs are commonly used by the CPD to determine if money is connected to illegal drugs and thus subject to potential forfeiture. This practice is problematic because it is likely that most paper currency in circulation has traces of narcotics, and these traces are not necessarily linked to the current holder of the currency. See *Muhammed v. Drug Enforcement Agency*, 92 F.3d 648, 653 (8th Cir. 1996) (“[I]t is well-established that an extremely high percentage of all cash in circulation in America today is contaminated with drug-residue. The fact of contamination, alone, is virtually meaningless and gives no hint of when or how the cash became so contaminated.”) (citations omitted). Because almost all currency will be “positive” for narcotics, using this fact as even part of the basis for seizing and forfeiting the currency is likely to result in the seizure of currency from innocent people. But given the prevalence of this practice and its apparent endorsement by the Department, it would not be equitable to discipline Officer Swiss for requesting, and relying upon, the canine sniff.

Officer Swiss followed CPD directives for processing the money.⁵² Because Officer Swiss's seizure of [REDACTED] money was objectively reasonable and in accordance with CPD directives, COPA recommends that **Allegation #3 against Officer Swiss be Unfounded.**

Allegations #3, 4, 5, and 6 against Officer Durkin involve profanity that Officer Durkin uttered during his interactions with [REDACTED] and [REDACTED]. The profanity is clearly recorded on the available body-worn camera video recordings, and Officer Durkin readily admitted that he made each alleged statement. With regard to saying, "Get out of the fuckin' car right now," Officer Durkin answered the allegation by claiming that he directed these words only at [REDACTED] – not at [REDACTED] – and by claiming that his use of profanity was justified because [REDACTED] had ignored previous, polite requests to exit the car and because [REDACTED] himself was using profanity. Officer Durkin further believed that his use of profanity, if successful, would obviate the need to use physical force to remove [REDACTED] from his car and avoid potential injury to [REDACTED].

When Officer Durkin said, "Get out of the fuckin' car right now," both [REDACTED] and [REDACTED] were seated in the car, and Officer Durkin was on [REDACTED] side of the car. Officer Durkin had also previously ordered [REDACTED] to unlock and open her door. While Officer Durkin's subjective intent is known only to him, an objective observer would conclude that Officer Durkin directed his order at both [REDACTED] and [REDACTED]. The evidence also demonstrates that Officer Durkin was initially polite and cordial in his dealings with [REDACTED] and [REDACTED]. Officer Durkin's own use of profanity, however, does not justify Officer Durkin's use of profanity. The standards of conduct for CPD members state, "The practice of courteous and respectful conduct by a member is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer."⁵³ This standard applies to CPD members even when a member of the public directs profanity at the CPD member. Officer Durkin was certainly justified in raising his voice and in using loud, repetitive commands after quieter methods had failed, but he was not justified in using profanity. Because substantial evidence shows that it is more likely than not that Officer Durkin directed profanity at [REDACTED] and [REDACTED] and because Officer Durkin's use of profanity was not justified, COPA recommends that **Allegation #3 against Officer Durkin be Sustained.**

Officer Durkin also acknowledged that he used profane language during his interaction with [REDACTED] after she exited [REDACTED] car. Officer Durkin defended himself against Allegations #4, 5, and 6 by arguing that he used the profanity spontaneously when he was surprised by [REDACTED] actions and because he was caught up in a chaotic incident; Officer Durkin denied directing his statements at [REDACTED]. Officer Durkin's body-worn camera video and audio recording of his interaction with [REDACTED] speaks for itself. Officer Durkin was conversing with [REDACTED] when he made each of the alleged statements. And while Officer Durkin may not have intended to insult or demean [REDACTED] by his use of profane language, he assuredly directed the language at her. Officer Durkin's choice of language did not reflect the level of courtesy and professionalism expected of CPD members. Because substantial evidence shows that it is more

⁵² The relevant requirements from CPD Special Order S07-01-02, "Inventorying Money," are presented in Appendix B of this report.

⁵³ Rules and Regulations of the Chicago Police Department, Art. I.B.6.

likely than not that Officer Durkin directed profanity at ██████████ COPA recommends that **Allegations #4, 5, and 6 against Officer Durkin be Sustained.**

Allegation #1 against Officer Martinez is that he directed profanity at ██████████ by saying words to the effect of “Get the fuck out” after he broke the front driver-side window of ██████████ car. Much like Officer Durkin, Officer Martinez’s words were recorded via body-worn camera, and Officer Martinez readily admitted to saying them. And like Officer Durkin, Officer Martinez believes that his choice of language was justified based on the circumstances that he encountered; specifically, Officer Martinez said that he used profanity because “other sources of communication were exhausted.” The evidence demonstrates that Officer Martinez was initially polite and professional in his interaction with ██████████ and Officer Martinez only resorted to profanity after ██████████ repeatedly refused to obey the lawful commands of multiple CPD members. Officer Martinez’s argument that profanity was justified, however, is without merit. Officer Martinez maintains that he had to try something different to gain ██████████ compliance; on its face, this is entirely reasonable. But Officer Martinez had, in fact, done something different – other than use profanity – to gain ██████████ compliance: Officer Martinez had broken ██████████ window. There is little reason to believe that loudly yelling “Get out!” after breaking the window would have been less effective than yelling “Get the fuck out!” Officer Martinez’s use of profanity was entirely gratuitous. And while the surrounding circumstances were certainly chaotic and stressful, CPD members are expected to maintain their professional demeanor even in such circumstances. Because substantial evidence shows that it is more likely than not that Officer Martinez directed profanity at ██████████ COPA recommends that **Allegation #1 against Officer Martinez be Sustained.**

Allegation #2 against Sgt. Boyd is that he did not initiate an investigation into misconduct that he observed when, in his presence, Chicago Police Department members directed profanity at ██████████ and ██████████. There is no question that CPD members directed profanity at ██████████ and ██████████ and there is no question as to Sgt. Boyd’s presence: he was there. But Sgt. Boyd told COPA investigators that he did not hear any of the profanity on the night of the incident because his attention was focused intently on ██████████ and on possibly hostile members of a crowd that had gathered around the scene.

Sgt. Boyd, after viewing body-worn-camera video recordings, acknowledged that he was standing adjacent to Officer Martinez when Officer Martin shouted, “Get out of the fuckin’ car right now!” While Sgt. Boyd may not have remembered Officer Martinez’s exact words, and may not have remembered Officer Martinez’s use of profanity when questioned about it several months after the incident, it is unrealistic to believe that Sgt. Boyd did not hear Officer Martinez contemporaneously.⁵⁴ Sgt. Boyd acknowledged that Officer Martinez’s use of profanity was not appropriate, and said that he would have verbally counseled Officer Martinez not to use profanity if he had heard the profanity. CPD directives require that supervisory members assigned to investigate allegations of verbal abuse including the use of profane, insolent, or disrespectful language obtain a Log Number.⁵⁵ CPD directives also require that a supervisory member, such as Sgt. Boyd, who observes misconduct initiate a complete and comprehensive

⁵⁴ It is possible that Sgt. Boyd did not hear Officer Durkin’s profanity, as Officer Durkin was on the other side of ██████████ car and – particularly during his interaction with ██████████ – was speaking more quietly.

⁵⁵ Special Order S08-01-02, § II.K.1.

investigation.⁵⁶ Given that Officer Martinez’s use of profanity did not have any apparent bias component and was not overtly degrading or belittling towards ██████ and because ██████ did not make any known contemporaneous complaint to Sgt. Boyd, the sergeant may arguably have been within his discretion to begin and end his investigation by admonishing Officer Martinez.⁵⁷ But based on these directives, Sgt. Boyd did not have the option of doing nothing. Because substantial evidence shows that it is more likely than not that Sgt. Boyd heard Officer Martinez direct profanity at ██████ and because CPD directives required Sgt. Boyd to act upon hearing the profanity, COPA recommends that **Allegation #2 against Sgt. Boyd be Sustained.**

VII. CONCLUSION

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

Officer	Allegation	Finding
<p>Police Officer Shadi Sweiss</p>	<p>It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81st Street, that PO Shadi Sweiss:</p> <ol style="list-style-type: none"> <li data-bbox="560 871 1226 1060">1. Conducted a traffic stop and detained ██████ without reasonable suspicion that crime was afoot or probable cause to believe that a crime or a civil traffic violation had been committed, in violation of Rules 1, 2, 3, 6, 8, 10, and 11, and; <li data-bbox="560 1092 1226 1239">2. Arrested ██████ without probable cause to believe that ██████ had committed a criminal offense, in violation of Rules 1, 2, 3, 8, 10, and 11, and; <li data-bbox="560 1281 1226 1564">3. Seized approximately \$800.00 in United States currency from ██████ and did not cause the currency to be returned to ██████ at the time of his release or transfer from custody without probable cause to believe that the currency was subject to forfeiture under the Illinois Controlled Substance Act, in violation of Rules 1, 2, 3, 6, 10, and 11. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
<p>Police Officer Thomas Durkin</p>	<p>It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81st Street, that PO Thomas Durkin:</p>	

⁵⁶ General Order G08-01-02, § II.B.2.

⁵⁷ General Order G08-01, § V (“A supervisor . . . may immediately correct or admonish a subordinate if the nature of circumstances of an incident do not warrant a reprimand or formal disciplinary action.”).

	<p>1. Conducted a traffic stop and detained [REDACTED] [REDACTED] without reasonable suspicion that crime was afoot or probable cause to believe that a crime or a civil traffic violation had been committed, in violation of Rules 1, 2, 3, 6, 8, 10, and 11, and;</p> <p>2. Arrested [REDACTED] without probable cause to believe that [REDACTED] had committed a criminal offense, in violation of Rules 1, 2, 3, 8, 10, and 11, and;</p> <p>3. Directed profanity at [REDACTED] and [REDACTED] by saying words to the effect of "Get out of the fuckin' car right now," in violation of Rules 2, 3, 8, and 9, and;</p> <p>4. Directed profanity at [REDACTED] by saying words to the effect of "What the fuck?" after [REDACTED] exited the vehicle in which she had been a passenger, in violation of Rules 2, 3, 8, and 9, and;</p> <p>5. Directed profanity at [REDACTED] by saying words to the effect of "You're making this a lot harder than it needs to be, shit," while handcuffing [REDACTED] in violation of Rules 2, 3, 8, and 9, and;</p> <p>6. Directed profanity at [REDACTED] by saying words to the effect of "Why did you reach in and grab the god-damn phone" while handcuffing [REDACTED] in violation of Rules 2, 3, 8, and 9.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p> <p>Sustained</p>
<p>Police Officer Constantino Martinez</p>	<p>It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81st Street, that PO Constantino Martinez:</p> <p>1. Directed profanity at [REDACTED] by saying words to the effect of "Get the fuck out" after PO Martinez broke the front driver-side window of [REDACTED] car, in violation of Rules 2, 3, 8, and 9, and;</p> <p>2. Used more force than reasonably necessary during the arrest of [REDACTED] by excessively twisting [REDACTED] arm behind his back, in violation of Rules 1, 2, 3, 6, 8, 9, and 10.</p>	<p>Sustained</p> <p>Unfounded</p>

<p>Sergeant Raymond Boyd</p>	<p>It is alleged that on July 13, 2017, at approximately 10:00 P.M., near the intersection of South Peoria Street and West 81st Street, that Sgt. Raymond Boyd:</p>	<p>Unfounded</p>
	<p>1. Used more force than reasonably necessary during the arrest of [REDACTED] by excessively twisting [REDACTED] arm behind his back, in violation of Rules 1, 2, 3, 6, 8, 9, and 10, and;</p>	
	<p>2. Did not initiate an investigation into misconduct that Sgt. Boyd observed when, in Sgt. Boyd's presence, Chicago Police Department members directed profanity at [REDACTED] and [REDACTED] [REDACTED] in violation of Rules 2, 3, 5, and 10.</p>	<p>Sustained</p>

Approved [REDACTED]

Erica Sangster
Acting Deputy Chief Administrator – Chief Investigator

Date 8/13/2018

Appendix A

Assigned Investigative Staff

Squad#:	15
Investigator:	Greg Masters
Supervising Investigator:	Anthony Becknek
Acting Deputy Chief Administrator:	Erica Sangster

Appendix B

Applicable Rules and Law

Rules

1. Rules and Regulations of the Chicago Police Department

Article I.A(2) of the Rules and Regulations of the Chicago Police Department provides the following general regulation:

A large urban society free from crime and disorder remains an unachieved ideal, nevertheless, consistent with the values of a free society, it is the primary objective of the Chicago Police Department to as closely as possible approach that ideal. In doing so, the Department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons.

Article I.B of the Rules and Regulations of the Chicago Police Department provides the following standards of conduct:

3. The Law Enforcement Code of Ethics is adopted as a general standard of conduct for all sworn members of the Department. It states:

...

- a. "As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional rights of all men to liberty, equality, and justice."

...

- c. "I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence"

5. A police officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted or unjustified he, and the Department, are criticized for more severely than comparable conduct of persons in other walks of life. Since the conduct of a member, on or off duty, does reflect directly upon the Department, a member must at all times conduct

himself in a manner which does not bring discredit to himself, the Department or the city.

6. Effective law enforcement depends upon a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law abiding citizens who rightfully expect fair and courteous treatment by members of the Department. While the urgency of a given situation would demand firm action, discourtesy or disrespect shown toward and citizen is indefensible. The practice of courteous and respectful conduct by a member is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.
10. A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty which is as binding on the Department and each of its members, as any other. Every member must treat each person with respect and he must be constantly mindful that the people with whom he is dealing are individuals with human emotions and needs. Such recognition and conduct is not an additional duty imposed to a member's primary responsibilities, it is inherent in them.
13. Daily contact with citizens is the level that bears the greatest burden for strengthening community relations. In dealing with people each member must strive to make his contact one which inspires respect for himself as an individual and as a professional. No member can allow his individual feelings and/or prejudices to enter into his public contacts. Every member must constantly be aware of and eliminate any attitudes which might impair his effectiveness and impartiality.

Article IV.C of the Rules and Regulations of the Chicago Police Department includes the following requirements:

1. Render the highest order of police service to all citizens, whether or not during specifically assigned hours.
2. Obey all laws and promptly execute all lawful orders
3. Know and conform to the Department's Policy, Rules, Regulations, Orders, Procedures and Directives.

-
4. Receive, record and service immediately all complaints and requests for service in accordance with Department Orders.
 5. Provide security and care for all persons and property coming into their custody.
 6. Maintain a military bearing and render military courtesy while in uniform.
 7. Maintain a courteous and respectful attitude towards all persons.

Article V, Rules of Conduct, of the Rules and Regulations of the Chicago Police Department includes the following prohibitions:

Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

COMMENT: This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department . . . It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

COMMENT: This Rule prohibits any omission or failure to act by any member of the Department, whether on or off duty, which act would be required by the stated policy, goals, rules, regulations, orders and directives of the Department. It applies to supervisory and other members who, through carelessness, inefficiency or design fail to implement all policy goals, rules, regulations, orders and directives of the Department or fail to report to the Department any and all known violations of same, or who through carelessness, inefficiency or design fail to become aware of any such violation, when their assigned duty or supervisory responsibility would require them to become so aware.

Rule 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.

COMMENT: This Rule prohibits disobedience by a member of any lawful written or oral order or directive from a superior officer or another member of any rank who is relaying the order of a superior.

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.

COMMENT: Rules 8 and 9 prohibit the use of any excessive force by any member. These rules prohibit all brutality, and physical or verbal maltreatment of any citizen while on or off duty, including any unjustified altercation of any kind.

Rule 10: Inattention to duty.

Rule 11: Incompetency or inefficiency in the performance of duty.

General Orders

1. General Order G03-02, Use of Force Guidelines

In relevant part, this order provides:

III.A When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances, and all members will strictly adhere to the provisions of the Department directive entitled "Prohibition Regarding Racial Profiling and Other Bias Based Policing."

III.B Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.

2. General Order G03-02-02, Force Options

In relevant part, this order provides:

II.D Members will maintain a courteous and professional demeanor when dealing with the public.

II.F Members will continually assess the situation to determine:

1. if any use of force option is necessary;

2. the appropriate level of force option based on the totality of the circumstances; and
3. if the level of force employed should be modified based upon the subject's actions or other changes in the circumstances. The level of force should be de-escalated immediately as resistance decreases, while staying in control and as safety permits, and in according with the Department directive entitled "The Use of Force Model."

3. General Order G07-01, Processing Property Under Department Control

In relevant part, this order provides:

II.A All property which is seized, recovered, found, or otherwise taken into custody by Department members will be inventoried as soon as it is practical to do so.

II.E The Asset Forfeiture Unit (AFU) will assume investigative responsibility for the disposal of all property seized under the forfeiture statutes. If there is a declination of prosecution against said property, AFU will notify ERPS.

4. General Order G08-01, Complaint and Disciplinary Procedures

In relevant part, this order provides:

V. ADMONISHMENTS

A supervisor, commanding officer, or any member acting in such capacity may immediately correct or admonish a subordinate if the nature of circumstances of an incident do not warrant a reprimand or formal disciplinary action. If immediate correction or admonishment is not effective, (e.g., the conduct of the member indicates a repetitive pattern of irregularities) the procedures contained in the Department directive titled "Summary Punishment" will be [REDACTED]

5. General Order G08-01-02, Specific Responsibilities Regarding Allegations of Misconduct

In relevant part, this order provides:

II.B.2 When misconduct is observed or an allegation of misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action.

Special Orders

1. S07-01-02, Inventorying Money

In relevant part, this order provides:

III.F Money recovered without a search warrant as the result of a narcotics investigation or subsequent to a narcotics arrest where there is reasonable articulable suspicion that it is money associated with narcotics-related activities and with a total amount exceeding \$500 will be inventoried pursuant to the procedures described

V.B.1 Money recovered without a search warrant as the result of a narcotics investigation or subsequent to a narcotics arrest where there is reasonable articulable suspicion that it is money associated with narcotics-related activities and with a total amount exceeding \$500 will be inventoried in the following manner:

- a. Inventory type will be “Money (USC)”;
- b. classification type will be “Narcotics Seizure to be Deposited” unless the criteria for a classification of Narcotics Seizure to be Held in Original Form” are met;
- c. processing action will be “Hold for Investigation”; and
- d. the reason for the hold will be explained in the inventory comments section and the arrest report (money associated with narcotics-related activities, connected to the operation of a drug selling or distribution operation, etc.).

The order defines “Money Associated with Narcotics-Related Activities” as “Money that is used or intended to be used in, is attributed to or facilitates the manufacture, sale, transportation, distribution, possession or use of substances in certain violations of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act.

2. S08-01-02, Special Situations Involving Allegations of Misconduct

In relevant part, this order provides:

II.K.1 Allegations of verbal abuse against a Department member which includes the use of profane, insolent, or disrespectful language, will require the assigned supervisory member to obtain a Log Number.

Federal Laws

1. Fourth Amendment to the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated

State Laws

1. Illinois Constitution, Section 6. Searches, Seizures, Privacy and Interceptions

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means.

2. 625 ILCS 5/12-210(a)-(b)

- (a) Whenever the driver of any vehicle equipped with an electric driving head lamp, driving head lamps, auxiliary driving lamp or auxiliary driving lamps is within 500 feet of another vehicle approaching from the opposite direction, the driver shall dim or drop such had lamp or head lamps and shall extinguish all auxiliary driving lamps.
- (b) The driver of any vehicle equipped with an electric driving head lamp, head lamps, auxiliary driving lamp or auxiliary driving lamps shall dim or drop such head lamp or head lamps and shall extinguish all auxiliary driving lamps when there is another vehicle travelling in the same direction less than 300 feet to the front of him.

3. 720 ILCS 5/7-5(a)

A peace officer . . . need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. . . .

4. 720 ILCS 5/31-1(a)

A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer . . . of any authorized act within his or her official capacity commits a Class A misdemeanor.

5. 720 ILCS 570/505(a)-(b)

- (a) The following are subject to forfeiture:
 - . . .
 - (4) all money . . . used, or intended to be used, to commit or in any manner to facilitate any violation of this Act;
 - . . .
- (b) Property subject to forfeiture under this Act may be seized by . . . any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by . . . a peace officer without process may be made:
 - . . .

(4) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable;

....

6. 725 ILCS 5/107-2(1)(c)

A peace officer may arrest a person when . . . [h]e has reasonable grounds to believe that the person is committing or has committed an offense.

Municipal Ordinance

1. Chi., Ill., Municipal Code § 2-84-230

The members of the police department shall have power: (1) To arrest or cause to be arrested, with or without process, all persons who break the peace, or are found violating any municipal ordinance or any criminal law of the state.

2. Chi., Ill., Municipal Code § 8-4-010(e)

A person commits disorderly conduct when he knowingly . . . [f]ails to obey an order by a peace officer . . . who has identified himself as such . . . issued under circumstances where it is reasonable to believe that the order is necessary to allow public safety officials to address a situation that threatens the public health, safety or welfare

3. Chi. Ill., Municipal Code § 9-40-090

On approaching another vehicle proceeding in an opposite direction and when within not less than 350 feet of such vehicle, the operator of a motor vehicle equipped with electric headlight or headlights shall dim such headlight or headlights.