

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 26, 2018
Time of Incident:	10:20 pm
Location of Incident:	7500 S. Kimbark Ave Chicago, IL 60619
Date of COPA Notification:	May 4, 2018
Time of COPA Notification:	4:34 pm

On March 26, 2018, [REDACTED] driver, and [REDACTED] passenger, were traveling eastbound on 76th Street when Officer Randy McCraney and Officer David McArthur effectuated a stop on Mr. [REDACTED] vehicle. Mr. [REDACTED] was driving a 2016 Silver Nissan Altima, which he had rented from Hertz, on March 21, 2018. The vehicle displayed Colorado License Plate Number: [REDACTED]. Officer McCraney and Officer McArthur input this license plate information into their PDT unit which then indicated that Mr. [REDACTED] vehicle had previously been reported stolen on September 21, 2017 and was still an active stolen vehicle.

Mr. [REDACTED] vehicle was curbed with the assistance of Officer David Sodetz and Officer Courtney Armstrong, from the 4th police district. Officer McCraney and Officer Armstrong approached and subsequently removed Mr. [REDACTED] and Mr. [REDACTED] from the vehicle, handcuffed him, and proceeded to pat him down.¹ Officer McArthur and Officer Sodetz approached and subsequently removed Mr. [REDACTED] from the vehicle, handcuffed him, and proceeded to pat him down. Officer Sodetz while approaching the vehicle, briefly un-holstered his firearm, and pointed his firearm at the vehicle, but not the occupants. Officer Armstrong un-holstered her firearm as she was approaching the vehicle and positioned her weapon in between a high-ready and low-ready position, briefly pointing her firearm at the occupants in the vehicle, as she was approaching the vehicle. The Officers indicated that they un-holstered their weapons for officer safety and due to the nature of the alleged offense. Additionally, Officer McCraney briefly un-holstered his firearm, as he approached the vehicle, but did not point his firearm at the vehicle or the occupants of the vehicle.

Sergeant Nicholas Vasselli arrived shortly after Mr. [REDACTED] and Mr. [REDACTED] were removed from the vehicle. Sgt. Vasselli approached the vehicle and learned from Mr. [REDACTED] that he recently rented the vehicle from Hertz Rental Car. Mr. [REDACTED] relayed the rental information was in the glove compartment of the vehicle. Sgt. Vasselli recovered a rental agreement from the glove compartment of the vehicle and verified the information provided by Mr. [REDACTED]. Upon verification of the information, Sgt. Vasselli apologized to Mr. [REDACTED] had the handcuffs removed from Mr. [REDACTED] and Mr. [REDACTED] and indicated to Mr. [REDACTED] and

¹ During the initial handcuffing of Mr. [REDACTED] Mr. [REDACTED] complained of pain on his wrist associated with recent wrist sutures. Officer Armstrong immediately examined and verified his complaints of pain. The handcuffs were subsequently removed and Mr. [REDACTED] was then double handcuffed by Officer Armstrong and Officer McCraney. No allegations based on the handcuffing of Mr. [REDACTED] were brought forth; however, the correct actions taken by Officer Armstrong and Officer McCraney after the assertions made by Mr. [REDACTED] should be recognized.

Mr. ██████ that they were free to go.² Officer McCraney and Officer McArthur then completed an Investigatory Stop receipt for Mr. ██████ and Mr. ██████ informing them why their vehicle had been stopped and why they were searched.³

The Civilian Office of Police Accountability (COPA) received a sworn affidavit from complainant ██████ COPA thereafter began a full investigation under Log #1089350 of the alleged encounter. Based on the sworn affidavit supplied by ██████ COPA brought two allegations against Officer McCraney 1) unlawful stop of Mr. ██████ vehicle and 2) unnecessarily prolonging the detention of Mr. ██████ COPA brought one allegation against Officer Sodetz, displaying a firearm while on duty, in the direction of ██████ After conducting a thorough investigation, COPA determined that the evidence supports a finding of Unfounded with respect to the allegations against Officer McCraney and a finding of Exonerated with respect to the allegation against Officer Sodetz.

II. INVOLVED PARTIES

Involved Officer #1:	David Sodetz, Star #13693, Employee ID # ██████, Date of Appointment: April 25, 2016, Police Officer, Unit of Assignment: District 4, Date of Birth: ██████, 1989, Male, White
Involved Officer #2:	Courtney Armstrong, Star #14440, Employee ID # ██████, Date of Appointment: October 31, 2016, Police Officer, Unit of Assignment: District 4, Date of Birth: ██████, 1991, Female, Unknown
Involved Officer #3:	Randy McCraney, Star #13257, Employee ID # ██████, Date of Appointment: February 29, 2016, Police Officer, Unit of Assignment: District 6, Date of Birth: ██████, 1983, Male, Black
Involved Officer #4:	David McArthur, Star #13599, Employee ID # ██████, Date of Appointment: Jan 17, 2017, Police Officer, Unit of Assignment: District 6, Date of Birth: ██████, 1989, Male, White
Involved Officer #5	Nicholas Vasselli, Star #2213, Employee ID # ██████, Date of Appointment: August 27, 2007, Sergeant of Police., Unit of Assignment: District 6, Date of Birth: ██████, 1983, Male, White

² Sgt. Vasselli informed Mr. ██████ that Hertz previously reported that the Nissan Altima had been stolen and that Hertz failed to notify the Chicago Police Department that the vehicle had been recovered. Sgt. Vasselli stated that as a result of the failure to notify the Chicago Police Department of the recovered vehicle by Hertz, the vehicle was not cleared, or indicated recovered by the Chicago Police Department.

³ Mr. ██████ was handcuffed for approximately five (5) minutes. Mr. ██████ was handcuffed for approximately five (5) minutes and thirty (30) seconds. Mr. ██████ and Mr. ██████ were on-scene approximately fifteen (15) Minutes and thirty (30) Seconds, approximately nine (9) minutes and thirty (30) seconds was due to the completion of the investigatory stop receipts for Mr. ██████ and Mr. ██████

Subject #1: [REDACTED] Date of Birth: [REDACTED] 1968, Male, Black

Subject #2: [REDACTED] Date of Birth: [REDACTED], 2002, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer McCraney	<p>1. It is alleged that on March 26, 2018 at approximately 10:20 pm, in the vicinity of 7500 S. Kimbark Ave, Officer McCraney, stopped the vehicle that [REDACTED] was driving without reasonable suspicion that an offense had occurred, in violation of Rule 2, 3, 6, 8, 10, and 11.</p> <p>2. It is alleged that on March 26, 2018 at approximately 10:20 pm, in the vicinity of 7500 S. Kimbark Ave, Officer McCraney, unnecessarily prolonged the detention of [REDACTED] in violation of Rule 2, 3, 6, 8, 10, and 11.</p>	<p>Unfounded</p> <p>Unfounded</p>
Officer Sodetz	<p>1. It is alleged that on March 26, 2018, at approximately 10:20 pm, in the vicinity of 7500 S. Kimbark Ave., Officer Sodetz displayed a firearm, while on duty, in the direction of [REDACTED] in violation of Rule 1, 2, 3, 6, 8, 10, 11 and 38.</p>	<p>Exonerated</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or bring discredit upon the Department.
3. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
6. Rule 10: Inattention to duty.

7. Rule 11: Incompetency or inefficient in the performance of duty.
8. Rule 38: Unlawful or unnecessary use or display of a weapon.

General Orders

1. G03-02-01: Force Options
2. G03-02: Use of Force

Special Orders

1. S04-13-09: Investigatory Stop System

Federal Law

1. U.S. Constitution 4th Amendment

State Laws

1. 625 ILCS 5/4-103: Offenses relating to motor vehicles and other vehicles - Felonies.
2. 725 ILCS 5/107-14: Temporary questioning without arrest

V. INVESTIGATION⁴

a. Interviews

COPA interviewed complainant ██████████ ██████████⁵ on May 4, 2018, who provided a sworn affidavit. Mr. ██████████ stated that on March 26, 2018 he was driving a 2016 Silver Nissan Altima eastbound on 76th Street. His passenger was ██████████ a minor. Mr. ██████████ stated that he observed a police vehicle following him for a few blocks. When the police vehicle illuminated its emergency lights, Mr. ██████████ vehicle was situated under a viaduct. Upon clearing the viaduct, Mr. ██████████ pulled his vehicle over to the right. He then observed another police vehicle coming from the front of his vehicle; thereby “cut[ing]” him off.

Mr. ██████████ stated that the Caucasian male driver of the vehicle that “cut” him off, drew his gun and pointed his gun at Mr. ██████████ vehicle. Mr. ██████████ stated that he never saw the firearm fully pointed up at the vehicle; the gun was pointed toward the vehicle, but not high enough to hit him. He does not recall when the gun was re-holstered. No other officers had guns drawn.

A different officer approached the driver’s side window. This officer informed Mr. ██████████ that the Silver Nissan he was driving had been reported stolen. This officer ordered him to turn off the car and exit the vehicle. Mr. ██████████ complied. Mr. ██████████ stated he was not patted down.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Attachment 34

Mr. ██████ said that he was handcuffed, his passenger was handcuffed, and his passenger was placed in the back of a police vehicle. Mr. ██████ had a short conversation with a supervisor and officers at the scene. Mr. ██████ stated that he showed the officers the rental agreement for the vehicle. The supervisor and officers examined the rental agreement. The supervisor apologized to him and instructed the officers to remove the handcuffs from Mr. ██████ and the passenger. He and the passenger were subsequently unhandcuffed. He stated he was only in handcuffs for a short period of time. Two officers remained at the scene, wrote information from Mr. ██████ driver's license, and then gave Mr. ██████ a "card."

Mr. ██████ stated the entire encounter was less than fifteen minutes and that once the supervisor arrived, "they" figured out a mistake was made. Mr. ██████ indicated that the supervisor told him that the car was reported stolen, but "they" did not report that the vehicle was found.

Mr. ██████ indicated that he contacted the car rental company, Hertz, the following morning. Mr. ██████ stated that Hertz informed him the vehicle was not reported stolen.

COPA interviewed **Police Officer David McArthur**⁶ on May 22, 2018 after he reviewed relevant footage from his Body Worn Camera. Officer McArthur stated that on March 28, 2018 he was on-duty in a marked squad car and partnered with Officer Randy McCraney. Officer McArthur was assigned to beat 641R. While traveling eastbound on 76th Street, the officers observed an out-of-state license plate from Colorado. This vehicle was described as a 2016 Silver Nissan, displaying the license plate ██████. Officer McArthur stated that Officer McCraney relayed to him that vehicles with out-of-state plates are likely to be stolen and thus the vehicle with the Colorado state License Plate was "run." After the license plate number was inputted into the police vehicle's PDT unit, the PDT unit displayed that the vehicle had been previously reported stolen. This information was then relayed over CPD transmission by the officers and they subsequently followed the 2016 Nissan Altima until backup was enroute.

The Silver Nissan was curbed at 7500 S. Kimbark. Officer McArthur exited the passenger side of the police vehicle and approached the passenger side of the Silver Nissan. A Caucasian officer also approached the passenger side; Officer McArthur does not recall who this officer was. The passenger exited the vehicle, was handcuffed, and was patted down for officer safety. The passenger was placed in Officer McArthur's police vehicle and also informed that the Silver Nissan had been reported stolen. Officer McArthur did not observe any officers with their guns drawn. At no time did Officer McArthur ever draw his gun.

Officer McArthur returned to the Silver Nissan and reviewed documentation indicating that the vehicle had been rented from Hertz. Officer McArthur stated that at some point, Sgt. Vasselli arrived on scene to conduct an investigation. He relayed that Sgt. Vasselli, after investigating the situation, informed Mr. ██████ that the vehicle had been previously reported stolen, but the documentation presented showed Mr. ██████ had indeed rented the vehicle. Mr. ██████ was then released from handcuffs. Officer McArthur returned to the passenger, removed his handcuffs, and returned the passenger to the Silver Nissan.

Officer McArthur stated that the driver and the passenger were then free to go. Officer McArthur thereafter completed an investigatory stop receipt for the passenger. He stated that Officer McCraney completed an investigatory stop receipt for the driver. These documents were then tendered to the driver and passenger.

⁶ Attachment 38

COPA interviewed **Police Officer Courtney Armstrong**⁷ on May 31, 2018 after she reviewed relevant footage from her Body Worn Camera. On March 26, 2018 Officer Armstrong and her partner Officer David Sodetz responded to a request for assistance of a traffic stop, after being notified from Chicago Police dispatch that another unit ran the plates on vehicle which came back as stolen. Officer Armstrong was the passenger in the marked police vehicle driven by Officer Sodetz, both of the 4th district. They responded to the Chicago Police dispatch and attempted to meet the other police unit as they crossed from the 6th District into the 4th District. They were traveling westbound on 75th Street until they arrived at or near 7500 S. Kimbark Ave. They positioned their vehicle approximately twelve (12) – fifteen (15) feet from the Silver Nissan. Upon arriving at 7500 S. Kimbark Ave., Officer Armstrong exited the vehicle and un-holstered her firearm. She indicated that she observed Officer Sodetz also un-holster his firearm. Officer Sodetz gave verbal commands, “show us your hands” to the individuals in the Silver Nissan. Officer Armstrong had her gun positioned between high-ready and low-ready position. Officer Armstrong indicated that she pointed her firearm at the two individuals in the vehicle. The individuals complied with Officer Sodetz’s commands, as the officers were approaching the Silver Nissan and Officer Armstrong holstered her weapon. Her weapon was only un-holstered for a few seconds. She indicated the reason for un-holstering her firearm was due to the fact the area was a high crime area, they were responding to a possession of a stolen motor vehicle offense, and for officer safety.

Officer Armstrong approached the driver’s side of the Silver Nissan. Another officer from the 6th district also approached the driver’s side. Officer Armstrong does not recall if this officer had his firearm drawn. This officer asked the driver for his driver’s license and insurance. The driver complied. This officer handcuffed the driver. Upon being handcuffed, the driver complained of pain due to an incision and the handcuffs were readjusted. The driver indicated that he had just rented the vehicle. A Sergeant arrived on the scene and retrieved a rental agreement for the car from the glove compartment. After the Sergeant retrieved the rental documents from the glove box, he returned to his police vehicle. The Sergeant returned shortly thereafter and told the driver that everything was fine. The driver was released, as the car was not stolen, and Officer Armstrong and Officer Sodetz returned to their police vehicle.

COPA interviewed **Sergeant Nicholas Vasselli**⁸ on May 30, 2018 after he reviewed relevant footage from his Body Worn Camera. At around 10:30 PM on March 26, 2018 Sgt. Vasselli heard over radio dispatch a call regarding a stolen vehicle. Sgt. Vasselli traveled to the area of 7500 S. Kimbark Ave. where the alleged stolen vehicle was curbed. Sgt. Vasselli arrived at the scene as officers were asking the driver of the alleged stolen vehicle to exit the vehicle. He observed Officer McCraney placing handcuffs on the driver. During the process of applying handcuffs to the driver, the driver complained of pain. Less than a minute later, the handcuffs were readjusted and a second set of handcuffs were applied to the driver. Sgt. Vasselli approached the driver and inquired whether the vehicle was a rental vehicle. The driver indicated as such and noted the rental documents were in the glove compartment. Sgt. Vasselli recovered and reviewed the rental documents⁹ from the glove box. After recovering the rental documents from the glove compartment, Sgt. Vasselli returned to his vehicle and further investigated the incident.

⁷ Attachment 42

⁸ Attachment 40

⁹ Attachment 30

Sgt. Vasselli learned through his PDT that the vehicle had been previously reported stolen months earlier, but had not been removed from the “hotlist”. Sgt. Vasselli indicated that to his knowledge the rental company (Hertz) failed to notify the Chicago Police Department that the vehicle had been recovered, but there was no way to tell if Hertz did at some point attempt to inform the Chicago Police Department that the vehicle had been recovered. After making the determination that the rental documents were valid and the vehicle had not been reported recovered, Sgt. Vasselli spoke with the driver and Officer McCraney. Sgt. Vasselli informed the driver of the failure of Hertz to report the vehicle had been recovered. The driver then asked to have the handcuffs removed and the handcuffs were removed immediately thereafter. Sgt. Vasselli directed the officers to complete an Investigatory Stop Report and indicated to the driver that he was free to go. Sgt. Vasselli does not recall if any officers had their gun drawn. Sgt. Vasselli does not recall the initial number of officers arriving on the scene, but later recalled that a total of six officers eventually arrived to the scene. Sgt. Vasselli reported the demeanor of the officers and the driver as calm.

COPA interviewed **Accused Police Officer David Sodetz**¹⁰ on May 31, 2018 and July 6, 2018 after he reviewed relevant footage from his Body Worn Camera. On March 26, 2018 Officer Sodetz was working with partner Officer Armstrong when they received notification over Chicago Police Department radio about a stolen vehicle that was refusing to stop. The vehicle that was believed to be stolen was a Silver Nissan vehicle with Colorado license plates. The officers traveled in their marked police vehicle westbound on 75th street until they arrived at 7500 S. Kimbark Ave. Their vehicle approached from the front of the Silver Nissan. When they arrived at 7500 S. Kimbark Ave. the Silver vehicle was pulling over.

Officer Sodetz exited the driver’s side and un-holstered his firearm. He positioned his firearm in the low-ready position and said two or three times to the occupants of the vehicle, “let me see your hands.” Officer Sodetz indicated he did not point his firearm at the occupants in the vehicle, rather he pointed his firearm in the direction of the vehicle. Officer Sodetz indicated that he un-holstered his firearm due to nature of the alleged crime, knowledge that guns are found in stolen vehicles, and for officer safety. Officer Sodetz could not see whether Officer Armstrong had un-holstered her firearm. Officer Sodetz approached the passenger side of the vehicle and re-holstered his firearm. There were additional officers from the 6th district when they arrived to the scene; Officer Sodetz was unable to discern whether they had their weapons drawn at any point.

One of the aforementioned officers from the 6th district assisted Officer Sodetz on the passenger side of the vehicle. Officer Sodetz assisted this officer with removing the passenger from the vehicle, detaining him, and placing him in handcuffs. This other Officer placed the passenger in the back of a police vehicle. A Sergeant arrived on the scene. Officer Sodetz heard the driver indicate that the vehicle was a rental and the lease was in the car. The Sergeant indicated the vehicle had been reported stolen. After the Sergeant reviewed the lease the Sergeant indicated that he would remove the vehicle off the “hotdesk” and through “LEADS.”¹¹ Once the Sergeant indicated this, the handcuffs were removed from the driver. The passenger was subsequently removed from the police vehicle and his handcuffs were removed. Officer

¹⁰ Attachment 44 and Attachment 56

¹¹ The Illinois Law Enforcement Agencies Data System (LEADS) provided by the Department of State Police is a statewide, computerized telecommunications system designed to provide services, information, and capabilities to the law enforcement and criminal justice community in the State of Illinois.

Sodetz does not recall if the Sergeant had his gun drawn at any point. Officer Sodetz estimated that the entire time at the scene was twenty (20) minutes.

COPA interviewed **Accused Police Officer Randy McCraney**¹² on June 7, 2018 and June 13, 2018 after he reviewed relevant footage from his Body Worn Camera. On March 26, 2018 Officer McCraney was in a marked police vehicle with partner Officer McArthur. He observed a 2016 Silver Nissan Altima with Colorado license plate [REDACTED] traveling eastbound on 76th street. He inputted this license plate information into his vehicle's PDT unit. Officer McCraney indicated that he "runs" plates all the time. The license plate information was run through "LEADS" and returned a report indicating that the vehicle had previously been reported stolen. Officer McCraney and Officer McArthur verified the information reported on the PDT. Officer McCraney stated that he has relied on information relayed to him through "LEADS" in the past and utilized this information in the furtherance of investigations. Officer McCraney transmitted this information over Chicago Police Department radio and followed the Silver Nissan Altima until units from the 4th district began to arrive.

Once units from the 4th district were in the vicinity, Officer McCraney illuminated his vehicle's emergency lights and curbed the Silver Nissan. Officer McCraney's vehicle was positioned behind the Silver Nissan and officers from the 4th district was positioned in front of the Silver Nissan. Officer McCraney exited his vehicle and approached the driver's side of the Silver Nissan. Officer McCraney stated he observed Officer McArthur approach the passenger's side of the vehicle, but does not recall if Officer McArthur un-holstered his firearm. Officers from the 4th district also exited their vehicle and approached the Silver Nissan. Officer McCraney stated he did not observe the officers from the 4th district with their guns drawn. Officer McCraney was assisted on the driver's side of the Silver Nissan by an officer from the 4th district. Officer McCraney made verbal commands to the driver to exit the vehicle and the driver complied.

Officer McCraney then handcuffed the driver. The driver complained of pain near his wrist, due to a recent procedure. Officer McCraney investigated the complaints of pain, uncuffed the driver temporarily, and then applied a double handcuff to the driver.

Officer McCraney indicated that the vehicle was reported stolen to the driver and the driver indicated that the vehicle was a rental car from Hertz. Sgt. Vasselli arrived on scene and investigated the driver's statement that he rented the vehicle from Hertz. Officer McCraney reported that Sgt. Vasselli may have obtained documentation from the vehicle's glove compartment. To Officer McCraney's knowledge, Sgt. Vasselli verified the information. The driver was then released from handcuffs within seconds of Sgt. Vasselli determining the driver was not at fault. Officer McCraney indicated that the driver was told he was free to go. Officer McCraney indicated that the passenger, who had been detained by his partner, was released shortly after the completion of Sgt. Vasselli's investigation. No tickets and no citations were issued for the driver. An investigatory stop report was completed for the driver and the passenger. Investigatory stop receipts were issued to the driver and passenger.

b. Digital Evidence

¹² Attachment 46, Attachment 49

COPA obtained the **Body Worn Camera videos**¹³ relative to this incident from Officers Randy McCraney, Courtney Armstrong, Matthew Healy, David McArthur, Luke Coffman, David Sodetz, and Sgt. Nicholas Vasselli. The relevant videos depicted Officer McCraney and Officer McArthur exiting their marked police vehicle and approaching a Silver Nissan Altima. Officer McCraney approached the driver's side of the vehicle and Officer McArthur approached the passenger's side of the vehicle. The relevant videos showed that as Officer McCraney was approaching the driver's side of the vehicle, Officer Sodetz and Officer Armstrong were approaching from the front of the Silver vehicle.¹⁴ Officer Armstrong approached the driver's side and Officer Sodetz approached the passenger's side. [REDACTED] who is seated in the driver's seat, is ordered to turn off the car and step out of the vehicle. Mr. [REDACTED] exited the vehicle and was handcuffed. Mr. [REDACTED] was then subsequently patted down.¹⁵

The passenger, [REDACTED] was ordered to exit the vehicle and was handcuffed.¹⁶ Mr. [REDACTED] was patted down and Officer McArthur and Officer Sodetz placed him into the back of a marked police vehicle.

Sgt. Vasselli arrived on the scene and began his investigation. Officers on the scene explained to Mr. [REDACTED] that the vehicle he was driving had been reported stolen. Mr. [REDACTED] replied that the vehicle was a rental and the paperwork was in the glove compartment. Sgt. Vasselli recovered the paperwork in the glove compartment.¹⁷ Sgt. Vasselli obtained Mr. [REDACTED] name, reviewed the documents obtained from the glove compartment, and verified information in his PDT unit in his vehicle. After Sgt. Vasselli reviewed information from his PDT unit, he returned to Mr. [REDACTED] and informed Mr. [REDACTED] that the vehicle he was driving had not been "cleared out" by Hertz.¹⁸ Mr. [REDACTED] asked to have the handcuffs removed and the handcuffs were immediately removed thereafter. Officer McArthur then retrieved Mr. [REDACTED] from the police vehicle and unhandcuffed him. Sgt. Vasselli informed Mr. [REDACTED] that he was free to go.¹⁹

Officer McCraney then obtained Mr. [REDACTED] driver's license and completed an investigatory stop receipt for Mr. [REDACTED]. Officer McArthur also completed an investigatory stop receipt for Mr. [REDACTED].

COPA obtained **In-Car Dashboard Camera videos**²⁰ relative to this incident from Beat 641, Beat 610R, Beat 422, and Vehicle 9361. In-Car Dashboard Camera Video from Beat 641 showed that Beat 641's vehicle illuminated its emergency lights to effectuate a stop of a Silver colored vehicle; this vehicle immediately pulled over upon clearing a viaduct.²¹ The police vehicle driven by Officer Sodetz can be seen arriving in an oncoming fashion, in front of the Silver vehicle. Officer McCraney can be seen exiting his vehicle with his weapon un-holstered and pointed in a downward fashion, in his right hand, as he approached the Silver vehicle.²² The video does not depict Officer McCraney pointing his firearm at the occupants of the Silver vehicle. Officer McArthur can be seen with his right hand on his firearm, which remained

¹³ Attachment 35

¹⁴ Attachment 35, File Name: AXON_Body_2_Video_2018-03-26_2223 – Mccraney at 0:26.

¹⁵ *Id.* At 3:12

¹⁶ Attachment 35, File Name: AXON_Body_2_Video_2018-03-26_2224 Mcarthur at 0:30.

¹⁷ Attachment 35, File Name: AXON_Body_2_Video_2018-03-26_2223 – vasselli at 2:22.

¹⁸ Attachment 35, File Name: AXON_Body_2_Video_2018-03-26_2223 – Mccraney at 5:06.

¹⁹ *Id.* at 6:05.

²⁰ Attachment 35

²¹ Attachment 35, File Name: [REDACTED]_20180326221813 BT641 at 1:02.

²² *Id.* at 1:25.

holstered. In-Car Dashboard Camera video from Beat 422, the vehicle driven by Officer Sodetz, depicted the arrival of this vehicle in front of the Silver vehicle. The video also depicted Officer Sodetz with his right hand on his un-holstered firearm. Officer Sodetz then brought his firearm to a low-ready position, where it remained for less than a second.²³ Officer Sodetz then holstered his weapon. Officer Armstrong can also be seen holstering her firearm as she approached the Silver vehicle.²⁴

c. Documentary Evidence

An **Original Case Incident Report**²⁵ for RD# JA440368, dated September 21, 2017, indicated that [REDACTED] an employee of Hertz, reported that an individual named [REDACTED] failed to return a rented 2016 Silver Nissan Altima, Colorado License Plate Number: [REDACTED]. This vehicle was rented on July 5, 2017.

A **License Plate Search Report**²⁶ indicated that on March 26, 2018, at 10:20 pm Officer McArthur, ran a license plate check on a vehicle that displayed a Colorado License Plate Number: [REDACTED]

A **PDT Message Report**²⁷ from Officer McArthur's workstation²⁸ indicated that he did receive notification from "LEADS" on his PDT unit pertaining to a Nissan Altima with Colorado License Plate Number [REDACTED] previously being reported stolen.

An **OEMC Event Query Report**²⁹ for Event# 1808515356, indicated that a 2016 Silver Nissan Altima with Colorado License Plate Number: [REDACTED] was reported stolen on September 21, 2017 and recorded under RD# JA440368.

An **Investigatory Stop Report**³⁰, ISR#000480667, was authored by Officer McCraney. The report indicated that on March 26, 2018 at 10:24 pm [REDACTED] was stopped at or about 7500 S. Kimbark Ave., Chicago, IL 60619, while driving a 2016 Silver Nissan Altima with Colorado License Plate Number: [REDACTED]. While on patrol and driving eastbound on 76th Street, Officer McArthur observed a vehicle with a Colorado License Plate Number [REDACTED]. The License Plate Number was checked and the vehicle came back as a stolen vehicle. The vehicle was curbed shortly thereafter and both occupants were removed from the vehicle. Mr. [REDACTED] was patted down after observing a suspicious bulge on his right-side pocket. Mr. [REDACTED] explained that he had rented the vehicle on March 21, 2018 from Hertz Rental Car and paperwork was retrieved indicating such. The vehicle was then subsequently removed from the "hot files" and Mr. [REDACTED] and Mr. [REDACTED] were give Investigatory Stop Receipts. An **Investigatory Stop Report**³¹, ISR#000480652, was authored by Officer McArthur. The report indicated essentially the same descriptive remarks concerning the incident as the investigatory

²³ Attachment 35, File Name: [REDACTED]_20180326220803 BT422 at 1:28 *cf.* Attachment 35, File Name: AXON_Body_2_Video_2018-03-26_2224 mcarthur at 0:16, which depicted Officer Sodetz approaching the passenger side of the Silver vehicle with his right hand on his holstered firearm.

²⁴ Attachment 35, File Name: [REDACTED]_20180326220803 BT422 at 1:29 *cf.* Attachment 35, File Name: AXON_Body_2_Video_2018-03-26_2223 armstrong at 0:35, which depicted Officer Armstrong's firearm in a low-ready position for less than a second as she approached the Silver vehicle.

²⁵ Attachment 31

²⁶ Attachment 18

²⁷ Attachment 26

²⁸ Officer McArthur's Workstation ID is: [REDACTED]

²⁹ Attachment 17

³⁰ Attachment 23

³¹ Attachment 22

stop report authored by Officer McCraney. Additional information included that Mr. [REDACTED] was patted down due to a bulge in his right back pocket.

A Receipt³² provided by Mr. [REDACTED] indicated that a 2016 Nissan with Colorado License Plate Number [REDACTED] was rented by Mr. [REDACTED] on March 21, 2018 with an expected return date of April 9, 2018.

VI. ANALYSIS

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.

It is alleged that Officer McCraney: (1) stopped the vehicle that [REDACTED] was driving without reasonable suspicion that an offense had occurred and (2) prolonged the detention of [REDACTED]. It is also alleged that Officer Sodetz unnecessarily displayed a firearm, while on duty, in the direction of [REDACTED].

a. Allegation 1: Officer McCraney stopped [REDACTED] vehicle without reasonable suspicion that an offense had occurred

The evidence shows that Officer McCraney acted objectively reasonable based on particularized facts to temporarily detain [REDACTED].

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” *Heien v. North Carolina*, 135 S.Ct. 530, 536-37 (2014) (quoting U.S. Const. amend. IV). A [traffic] stop for a suspected violation of law is a “seizure” of the occupants of the vehicle and therefore must be conducted in accordance with the 4th Amendment. *Heien*, at 537 (citing *Brendlin v. California*, 551 U.S. 249 (2007)). “The 4th Amendment permits brief investigative stops ... when a law enforcement officer has ‘a particularized and objective basis for suspecting the particular person stopped of criminal activity.’” *Navarette v. California*, 134 S. Ct. 1683, 1687 (2014) (quoting *United States v. Cortez*, 449 U.S. 411, 417–418 (1981)). The “reasonable suspicion” necessary to justify such a stop “is dependent upon both the content of information possessed by police and its degree of reliability.” *Id.*, at 1689 (quoting *Alabama v. White*, 496 U.S. 325, 330 (1990)). The standard takes into account “the totality of the circumstances—the whole picture.” *Id.*, at 1689 (quoting *Cortez*, *supra*, at 417).

Illinois law provides that:

“(a) Except as provided in subsection (a-1), it is a violation of this Chapter for:

- (1) A person not entitled to the possession of a vehicle or essential part of a vehicle to receive, possess, conceal, sell, dispose, or transfer it, knowing it to have been stolen or converted; additionally the General Assembly finds that the acquisition and disposition of vehicles and their essential parts are strictly controlled by law and that such acquisitions and dispositions are reflected by documents of title, uniform invoices, rental contracts, leasing

³² Attachment 30

agreements and bills of sale. It may be inferred, therefore that a person exercising exclusive unexplained possession over a stolen or converted vehicle or an essential part of a stolen or converted vehicle has knowledge that such vehicle or essential part is stolen or converted, regardless of whether the date on which such vehicle or essential part was stolen is recent or remote;” 625 ILCS 5/4-103 (2017)

Officer McCraney was traveling eastbound on 76th Street when he observed a 2016 Silver Nissan with Colorado License Plate Number: [REDACTED]. As the vehicle was on the public way, Officer McCraney decided to check the “status” of the vehicle. Officer McCraney did not observe the 2016 Silver Nissan commit any traffic violations. Officer McCraney utilized “LEADS” to check the status of the vehicle. Officer McCraney has utilized “LEADS” previously and relied on the information provided. “LEADS” reported that the vehicle listed with the license plate number: [REDACTED] had previously been reported stolen on September 21, 2017. Upon receiving this information, Officer McCraney transmitted over CPD radio, that he intended to curb this vehicle and further investigate the potential possession of stolen motor vehicle. Based on the belief that the vehicle was stolen, Officer McCraney shortly thereafter curbed the 2016 Silver Nissan and temporarily detained the driver, [REDACTED].

Through Officer McCraney’s and Sgt. Vasselli’s investigation, the vehicle was determined not to be stolen. The rental receipt provided by [REDACTED] indicated that Mr. [REDACTED] had legally rented the vehicle and had a legal right to the possession of the vehicle. The vehicle had not been removed from the Chicago Police Department “hotlist” when the vehicle had been previously recovered.³³

There is no question that [REDACTED] was seized by Officer McCraney. The United States Supreme Court stated that a law enforcement officer, such as Officer McCraney, needs to have particularized and an objective basis for suspecting the individual stopped of committing or have committed criminal activity. Officer McCraney believed the vehicle that Mr. [REDACTED] was driving, under License Plate Number: [REDACTED] was a stolen motor vehicle. Possession of a Stolen Motor Vehicle is a felony under Illinois Law.³⁴ Officer McCraney obtained the knowledge that the vehicle was stolen based off a computerized system that the Chicago Police Department utilizes to list vehicles that had been previously been reported stolen. The information provided by the Chicago Police Department through “LEADS” indicated that this specific vehicle, under this specific license plate number, had been reported stolen on September 21, 2017. The information provided by the Chicago Police Department gave rise to the reasonable suspicion necessary for Officer McCraney to curb the vehicle. Officer McCraney relied on information provided by the Chicago Police Department in the past to effectuate stops and investigate criminal activity. Officer McCraney based his stop of the vehicle Mr. [REDACTED] was driving on this information. Officer McCraney reasonably believed the information provided to be valid. Reliance on this information had previously been proven reliable and thus utilization on this information, for this particular stop, was reasonable.

Officer McCraney had the legal justification to temporarily detain Mr. [REDACTED] and further investigate the matter. Undoubtedly, Mr. [REDACTED] liberty and freedom of movement was

³³ This investigation did not determine whether Hertz was at fault for failing to notify the Chicago Police Department that the vehicle had been recovered or whether the Chicago Police Department, after being properly notified that the vehicle was recovered, failed to remove the vehicle from the Chicago Police Department’s “hotlist.”

³⁴ See 625 ILCS 5/4-103

restricted. Mr. [REDACTED] was seized; however, the allegation that Officer McCraney did not have reasonable suspicion to stop the vehicle Mr. [REDACTED] was driving is unfounded. COPA recommends a finding of UNFOUNDED for this allegation.

b. Allegation 2: Officer McCraney unnecessarily prolonged the detention of [REDACTED]

The evidence shows that Officer McCraney did not unnecessarily prolong the detention of [REDACTED] as Officer McCraney was following Chicago Police Department directives in the issuance of an Investigatory Stop Receipt.

Illinois Law provides:

“A peace officer, after having identified himself as a peace officer, may stop any person in a public place for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed an offense as defined in Section 102-15 of this Code, and may demand the name and address of the person and an explanation of his actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.” 725 ILCS 5/107-14

Chicago Police Department Special Order S04-13-09 Section VIII, subsection A6, provides that:

“During an Investigatory Stop, the sworn member may only temporarily restrict a person's freedom of movement as long as reasonably necessary to dispel or confirm the member's Reasonable Articulate Suspicion of criminal activity. The subject cannot continue to be detained solely for the purpose of obtaining the results of a name check of the subject or for the completion of required documentation when Reasonable Articulate Suspicion no longer exists.”

Chicago Police Department Special Order S04-13-09 Section VIII, subsection A3 provides that:

“Upon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt. The Investigatory Stop Receipt will include the event number, the reason for the stop, and the sworn member's name and star number.”

Mr. [REDACTED] was on-scene for a total of fifteen minutes and thirty seconds, in the furtherance of the investigation of an alleged stolen vehicle. Special Order S04-13-09 mandates that an Officer McCraney is only able to detain Mr. [REDACTED] for so long as to confirm or dispel whether the vehicle Mr. [REDACTED] was driving was indeed a stolen motor vehicle. Mr. [REDACTED] was

handcuffed for a total of five minutes, until the investigation concluded that Mr. [REDACTED] had legally rented the Silver Nissan and the vehicle was not indeed stolen. While handcuffed, Officer McCraney performed a protective pat-down of Mr. [REDACTED]

After being removed from handcuffs and informed that he was free to go, Mr. [REDACTED] remained on the scene. Special Order S04-13-09 further mandates that when a pat-down occurs, and no further information records the circumstances of the temporarily detention, such as a citation or arrest report, an Investigatory Stop Receipt must be completed. As no citation was issued to Mr. [REDACTED] and Mr. [REDACTED] was not arrested, Chicago Police Department directives mandate that information is provided to the detainee as to the justification and the reasons for the stop and search (pat-down). In this situation, Officer McCraney followed this Chicago Police Department directive and provided an Investigatory Stop Receipt to Mr. [REDACTED] Mr. [REDACTED] acknowledged receiving a “card” from the officers. Body Worn Camera video footage from Officer McCraney and Officer McArthur verify that an Investigatory Stop Receipt was completed and tendered to Mr. [REDACTED]

After Mr. [REDACTED] was removed from handcuffs, and informed that he was free to go, Mr. [REDACTED] remained at the scene for approximately an additional nine minutes and thirty seconds, so that Officer McCraney and Officer McArthur could complete the investigatory stop receipts, as so mandated. Mr. [REDACTED] remained at the scene of the investigatory stop at his own volition. Officer McCraney took no steps to unnecessarily prolong Mr. [REDACTED] detention; in fact, Officer McCraney expeditiously investigated the circumstances surrounding the stop in order to keep the detention of Mr. [REDACTED] to an absolute minimum. Officer McCraney correctly followed Chicago Police Department directives. COPA recommends a finding of UNFOUNDED for this allegation.

c. Allegation 3: Officer Sodetz displayed a firearm in the direction of [REDACTED]

The evidence shows that Officer Sodetz did display a firearm, while on duty, in the direction of [REDACTED] but this action was within Chicago Police Department Policy.

Chicago Police Department General Order G03-02 Section III, Subsection B, provides that:

“Use of Force: Objectively Reasonable, Necessary, and Proportional. Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.”

Illinois Law states:

“Fleeing or attempting to elude a peace officer. (a) Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, wilfully[sic] fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer, is guilty of a Class A misdemeanor. The signal given by the peace officer may be by

hand, voice, siren, red or blue light. Provided, the officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle. Such requirement shall not preclude the use of amber or white oscillating, rotating or flashing lights in conjunction with red or blue oscillating, rotating or flashing lights as required in Section 12-215 of Chapter 12.” 625 ILCS 5/11-204

Officer Sodetz received notification from the Chicago Police Department regarding an alleged stolen vehicle that was refusing to stop. The vehicle, a Silver Nissan, was traveling from the 6th police district into the 4th police district. Officer Sodetz assisted with the curbing of the alleged stolen vehicle. Upon curbing the vehicle, Officer Sodetz, exited his vehicle and unholstered his firearm, which was positioned on the right side of his body. Officer Sodetz stated that he positioned his firearm in the low-ready position and said two or three times, “let me see your hands.” He further explained that he did not point his firearm at the occupant of the vehicle, but rather in the direction of the vehicle.

Mr. ██████ stated that the Caucasian male driver (Officer Sodetz), drew his gun and pointed his gun at Mr. ██████ vehicle. Mr. ██████ affirmed that he never observed this officer fully point the gun at the occupants of the vehicle, but rather, he observed this officer point the gun toward the vehicle and not in a position high enough to strike him. Mr. ██████ corroborated Officer Sodetz’s statement. Officer Sodetz relayed that he un-holstered his firearm due to the nature of the alleged crime, his prior knowledge that guns are found in stolen vehicle, and for his safety. In-Car Dashboard Camera video from Beat 422, further established that when Officer Sodetz un-holstered his firearm, he positioned his firearm in a low-ready position, where it remained for less than a second. The video then depicted Officer Sodetz re-holstering his firearm.

For Officer Sodetz to use the force of displaying a firearm, in this incident, to compel Mr. ██████ to comply with his requests, the force must be objectively reasonable, necessary, and proportional. Evaluation of the objective reasonableness of the use of force must be analyzed based on the totality of the circumstances faced by the officer on the scene.³⁵

The information relayed to Officer Sodetz was that a stolen vehicle was refusing to stop. Possession of a stolen vehicle is a felony in the State of Illinois. Fleeing and eluding the police is a criminal offense in the State of Illinois.³⁶ Officer Sodetz had no way to assess the veracity of whether the vehicle was fleeing and eluding the police or if the vehicle was indeed stolen before assisting with the curbing on the vehicle. Officer Sodetz did not have information regarding the number of occupants in the vehicle prior to assisting the curbing of the Silver Nissan. Officer Sodetz did not know if the occupants of the vehicle were in proximity to weapons. The risk of harm to Officer Sodetz, because of the unknown variables in this incident, indicate that Officer Sodetz actions of un-holstering his firearm and pointing at the Silver Nissan was objectively reasonable.

³⁵ See General Order G03-02 (III)(B)(1)

³⁶ See 625 ILCS 5/11-204

Department members are allowed to only use the amount of force required under the circumstances, to serve a lawful purpose.³⁷ In this case, Officer Sodetz, un-holstered his weapon for officer safety and because of the nature of the alleged offense. The gun was only un-holstered for a matter of seconds, to ensure compliance of the occupants of the vehicle. The gun was not displayed meaningless, the firearm was displayed to ensure compliance and for safety reason. Once Officer Sodetz deemed the occupants no longer a safety risk, as they complied with the Officers' on scene demands, the firearm was re-holstered. Officer Sodetz did not unnecessarily prolong the display of his firearm, and the display of his firearm was necessary.

A Police Officer is required to only use force that is proportional to the threat, actions, and level of resistance offered by a subject.³⁸ When or if the subject of the force offers less resistance, the Police Officer is required to decrease the amount of force or type of force used.³⁹ The potential threat to the safety of Officer Sodetz was significant when he first encountered the Silver Nissan and the occupants. Officer Sodetz was only privy to the knowledge that the vehicle was potentially stolen and that the vehicle was possibly fleeing and eluding police. Out an abundance of caution, Officer Sodetz drew his firearm as he approached the vehicle. He immediately re-holstered the firearm, when the occupants of the vehicle were no longer a threat. Officer Sodetz actions were proportional as he was entering an unknown situation, but when the situation became known, he lessened the amount of force necessary to ensure the occupants of the vehicle continual compliance. Officer Sodetz actions were proportional to the threat.

Officer Sodetz complied with the Department Directive regarding Force Options. His actions were objectively reasonable, necessary, and proportional during the encounter. Officer Sodetz displayed his firearm only as long as necessary to dispel any threat to his safety and to ensure compliance, therefore, COPA recommends a finding of EXONERATED.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer McCraney	<p>1. It is alleged that on March 26, 2018 at approximately 10:20 pm, in the vicinity of 7500 S. Kimbark Ave, Officer McCraney, stopped the vehicle that [REDACTED] was driving without reasonable suspicion that an offense had occurred, in violation of Rule 2, 3, 6, 8, 10, and 11.</p> <p>2. It is alleged that on March 26, 2018 at approximately 10:20 pm, in the vicinity of 7500 S. Kimbark Ave, Officer McCraney, unnecessarily prolonged the detention of [REDACTED] in violation of Rule 2, 3, 6, 8, 10, and 11.</p>	<p>Unfounded</p> <p>Unfounded</p>

³⁷ See General Order G03-02 (III)(B)(2)

³⁸ See General Order G03-02 (III)(B)(3)

³⁹ *Id.*

Officer Sodetz	1. It is alleged that on March 26, 2018, at approximately 10:20 pm, in the vicinity of 7500 S. Kimbark Ave., Officer Sodetz displayed a firearm, while on duty, in the direction of [REDACTED] in violation of Rule 1, 2, 3, 6, 8, 10, 11 and 38.	Exonerated
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Approved:

Erica Sangster
Interim Deputy Chief Administrator – Chief Investigator

Date