

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 12, 2018
Time of Incident:	5:02 PM
Location of Incident:	8600 S. Summit Ave. Chicago, IL 60620
Date of COPA Notification:	July 12, 2018
Time of COPA Notification:	4:55 PM

On July 12, 2018, at approximately 4:55 p.m. near the vicinity of 8600 S. Summit Ave. Chicago, Illinois, Officers Luke Opoka #18952 (“Opoka”) and Jose Haro #17323 (“Haro”) conducted a traffic stop of complainant [REDACTED] (“[REDACTED]”) for failure to wear a seatbelt. [REDACTED] alleges that Officer Opoka and Haro stopped him without justification. [REDACTED] assures he was wearing his seatbelt and that his stop was due to racial profiling. COPA conducted a thorough investigation of the allegations and recommends that they be Unfounded.

**II. INVOLVED PARTIES**

Involved Officer #1:	Luke L. Opoka, Star #18952, Employee ID# [REDACTED], DOA: 12/14/15, Rank: Police Officer, Unit of Assignment: 22th District, DOB: [REDACTED]/94, Male, White.
Involved Officer #2:	Jose Haro, Star #17323, Employee ID # [REDACTED], DOA: 11/24/14, Rank: Police Officer, Unit of Assignment: 22th District, DOB: [REDACTED]/74, Male, Hispanic.
Involved Individual #1:	[REDACTED] DOB: [REDACTED]/89, Male, Black.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Luke L. Opoka	1. It is alleged by [REDACTED] that on or about July 12, 2018, near the vicinity of 8600 S. Summit Ave. Chicago, Illinois 60620, at approximately 4:55 p.m., Officer Luke L. Opoka stopped him without justification.	Unfounded
Officer Jose Haro	1. It is alleged by [REDACTED] that on or about July 12, 2018, near the vicinity of 8600 S.	Unfounded

Summit Ave. Chicago, Illinois 60620, at approximately 4:55 p.m., Officer Jose Haro stopped him without justification.
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#### IV. APPLICABLE RULES AND LAWS

##### Rules

**Rule 1:** Violation of any law or ordinance.

**Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy.

##### Federal Laws

**United States Constitution 4<sup>th</sup> Amendment:** 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.

#### V. INVESTIGATION<sup>2</sup>

##### a. Interviews

COPA conducted ██████████ (██████████ audio recorded statement on July 20, 2018.<sup>3</sup> ██████████ stated that on July 12, 2018, he was on his way to the police station located at 78<sup>th</sup> and Halsted to file a complaint against some officers when he saw officers following him. ██████████ stated the officers stopped him and asked for his identification and insurance. ██████████ stated he complied with the officers and asked the officers for the reason he was being pulled over. ██████████ stated the officers told him he was stopped for not having on his seatbelt. ██████████ stated he showed the officers that he was wearing his seatbelt. ██████████ stated there were a total of two officers who stopped him. ██████████ stated his seatbelt was on from the moment he left his house until the stop. ██████████ stated the officer told him the body camera captured that ██████████ did not have on his seatbelt and that they could go back and look at it. ██████████ stated the officer told him that after he ran his driver's license and license plate that he would let ██████████ go. ██████████ stated he was upset that the officer stopped him without justification and he asked for a supervisor. ██████████ stated that he spoke to the supervisor because he wanted to file a complaint. ██████████ stated that he described the stop to the supervisor and that the supervisor then spoke to the officer. ██████████ stated that the supervisor then told ██████████ that the officer's body worn camera was not working. ██████████ stated that the supervisor informed ██████████ he could file a complaint. ██████████ stated that the body worn camera would have proven that his seatbelt was on the entire time.

##### b. Digital Evidence

<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachment 4

Officer Opoka's **Body Worn Camera ("BWC")** footage captures him exiting his police vehicle and approaching [REDACTED] driver's side window as Officer Haro approaches the passenger's side window.<sup>4</sup> Officer Opoka is heard asking [REDACTED] for his driver's license and proof of insurance. At that point [REDACTED] asks Officer Opoka for the reason he is being stopped and Officer Opoka responds he is being stopped for not wearing his seatbelt. [REDACTED] is seen wearing his seatbelt and tugs on it indicating to Officer Opoka that he is wearing it. Officer Opoka is heard telling [REDACTED] that he saw him tossing it on after as he was pulling him over. Officer Opoka further tells [REDACTED] it was all captured on camera. [REDACTED] is heard telling Officer Opoka that his seatbelt was on the entire time. [REDACTED] then tells Officers Haro and Opoka that he has a firearm in the glove compartment and has a conceal carry license. Officer Opoka instructs Officer Haro to take the gun from the glove compartment.

Officer Haro is seen taking the gun from the glove compartment and tells [REDACTED] he will give it back once they are done. [REDACTED] is seen handing Officer Opoka his conceal carry license and tells him he does not have his driver's license on him because it was taken in a different stop for not having insurance, and he was driving to the station to pick it up. [REDACTED] tells Officer Opoka he now has insurance and hands it to him. [REDACTED] asks Officer Opoka for his name and station information which Officer Opoka provides. Officer Opoka is seen returning [REDACTED] insurance card and tells him he will just make sure his license is valid and will get him out of there afterwards. Officer Opoka is seen returning to his police vehicle with Officer Haro to check [REDACTED] license. Officer Opoka determined the license was valid and returns to [REDACTED] vehicle. [REDACTED] then asks Officer Opoka to call a supervisor because he wants to see the camera.

Officer Opoka tells [REDACTED] that his supervisor is on scene and calls Sergeant Lopez to talk to [REDACTED]. Sergeant Lopez approaches [REDACTED] driver's side window and [REDACTED] tells him Officer Opoka lied on camera saying [REDACTED] did not have his seatbelt on when he did. [REDACTED] tells Sergeant Lopez that he wanted to see the camera and he wanted to file a complaint. Sergeant Lopez tells Officer Opoka he wanted to see the in-car video. Officer Opoka shows Sergeant Lopez that the in-car camera was not working. Sergeant Lopez then tells Officers Opoka and Haro to leave and that he would talk to [REDACTED]. Officers Opoka and Haro then leave.

Officer Haro's **BWC** captures the same footage as described in Officer Opoka's **BWC**.<sup>5</sup>

Sergeant Lopez's **BWC** footage captures him approaching [REDACTED] driver's side window.<sup>6</sup> [REDACTED] tells the Sergeant he is an honest guy and that Officer Opoka lied on camera saying his seat belt was not on when it was on the entire time. [REDACTED] told Sergeant Lopez that he felt he was stopped after being profiled. After Sergeant Lopez determined that the in-car camera was not working, he returned to [REDACTED] and informed him that the camera was not working. Sergeant Lopez is seen telling [REDACTED] to follow him to his squad car to file the complaint. Sergeant Lopez then takes down [REDACTED] personal information and asks him to describe the stop. Sergeant Lopez told [REDACTED] he was going to return to the station to file the complaint and that someone would be in contact with him within the next couple of days.

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<sup>4</sup> Attachment 9 2018-07-12-1654-2

<sup>5</sup> Attachment 9 2018-07-12-1654

<sup>6</sup> Attachment 9 2018-07-12-1657; 2018-07-12-1659

**c. Documentary Evidence**

OEMC Event Query 1819311760 shows Officers Opoka and Haro conducted a traffic stop and ran [REDACTED] name and license plate number.<sup>7</sup>

**VI. ANALYSIS**

The burden of proof COPA uses in its analysis is the preponderance of the evidence standard. It is alleged by [REDACTED] that Officers Opoka and Haro stopped him without justification. After analyzing the evidence COPA determined the allegations were not based on the facts revealed through the investigation.

Digital evidence shows that Officers Opoka and Haro were professional and cordial in the traffic stop of [REDACTED]. At the initiation of the stop, Officer Opoka informed [REDACTED] he was being stopped for not wearing his seat belt. While [REDACTED] stated he was wearing his seat belt the entire time and is seen on Officer Opoka’s BWC wearing his seatbelt, Officer Opoka told [REDACTED] he saw him putting it on after the stop. Officer Opoka further informed [REDACTED] that he would make sure his license was valid and send him on his way. Upon [REDACTED] request, Officer Opoka provided him with his name, place of work, and called Sergeant Lopez over towards [REDACTED] for [REDACTED] to file his complaint.

Evidence suggests that [REDACTED] had a prior interaction with the police during which his driver’s license was taken away. [REDACTED] informed Sergeant Lopez that prior to the traffic stop initiated by Officer Opoka he was on his way to the police station to file a complaint on other officers. It is more probable, from the evidence, that [REDACTED] was upset about his recent interactions with the police when he filed the complaint against Officers Opoka and Haro.

In weighing the facts against the evidence, while [REDACTED] was upset about being stopped nothing suggests there was misconduct on behalf of Officer Opoka and Haro. Additionally, nothing in the facts suggest [REDACTED] was racially profiled. For the aforementioned reasons, COPA recommends the finding of Unfounded. Based on its review of the evidence, COPA did not believe it was appropriate to serve Officers Opoka and Haro with these allegations.

**VII. CONCLUSION**

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

Officer	Allegation	Finding
Officer Luke L. Opoka	1. It is alleged By [REDACTED] that on or about July 12, 2018, near the vicinity of 8600 S. Summit Ave. Chicago, Illinois 60620, at approximately 4:55 p.m., Officer Luke L. Opoka stopped him unlawfully with false cause.	Unfounded
Office Jose Haro	1. It is alleged By [REDACTED] that on or about July 12, 2018, near the vicinity of 8600 S. Summit Ave. Chicago, Illinois 60620, at	Unfounded

<sup>7</sup> Attachment 7

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approximately 4:55 p.m., Officer Jose Haro stopped him unlawfully with false cause.

Approved:



Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

8-29-18

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Date