

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 31, 2014
Time of Incident:	9:45 pm
Location of Incident:	1616 East 87th Street
Date of COPA Notification:	May 16, 2018
Time of COPA Notification:	2:45 pm

██████████ (██████████) was arrested on August 5, 2014. Detectives questioned ██████████ about an active investigative alert (“alert”) in his name. ██████████ was released on August 7, 2104, without charges related to the alert. On December 31, 2014, ██████████ was arrested based on a probable cause alert that was active in his name.

██████████ alleged that he was falsely arrested on December 31, 2014 because he had already been questioned about the alert. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations and found that although the alert should have been expired when ██████████ was arrested on August 5, 2014, on December 31, 2014, the alert was still active in the Chicago Police Department’s database.

COPA’s investigation determined that the Officers and Detectives involved in ██████████ December 31, 2014 arrest acted on an valid investigative alert, in accordance with Department procedures. Further investigation determined that the although the investigative alert should have been removed from the system following ██████████ release on August 7, 2014, the Sergeant responsible for that error has since retired from the Department. Accordingly, no allegations against them were served in this matter. A detailed analysis of COPA’s findings is discussed below.

II. INVOLVED PARTIES

Involved Officer #1:	Christopher Paschal, star #11996, employee ID # ██████████, Date of Appointment: December 14, 2012, PO, Unit 004, DOB: ██████████ 1979, Male, Black
Involved Officer #2:	Latisha Taylor-Dudley, star #18768, employee ID # ██████████, Date of Appointment: December 14, 2012, PO, Unit 004, DOB: ██████████ 1982, Female, Black
Involved Officer #3:	Germaine Du Bose, star #21294, employee ID # ██████████, Date of Appointment: October 23, 1995, PO as Detective, Unit 620, DOB: ██████████ 1966, Female, Black

Involved Sergeant #1: David T Wright, Jr., employee ID: [REDACTED], Retired
 Involved Individual #1: [REDACTED] 1987, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Christopher Paschal	1. It is alleged that on December 31, 2014, at approximately 9:45 p.m., while in the vicinity of 1616 E 87th Street, you unlawfully arrested [REDACTED]	Exonerated
Officer Latisha Taylor-Dudley	1. It is alleged that on December 31, 2014, at approximately 9:45 p.m., while in the vicinity of 1616 E 87th Street, you unlawfully arrested [REDACTED]	Exonerated
Officer Germaine Du Bose	1. It is alleged that on or about August 7, 2014, at an unknown time, accused Detective Germaine Du Bose failed to remove investigative alert no. [REDACTED] for [REDACTED] causing [REDACTED] to be falsely arrested on December 31, 2014.	Exonerated
Sergeant David Wright	1. It is alleged that on or about August 5, 2014, at an unknown time, you failed to remove investigative alert no. [REDACTED] for [REDACTED] causing [REDACTED] to be falsely arrested on December 31, 2014.	Retired; Not Served

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance
2. Rule 5: Failure to perform any duty.
3. Rule 10: Inattention to duty.
4. Rule 11: Incompetency or inefficiency in the performance of duty.

Special Orders

1. Special Order S04-16, "Investigative Alerts"
2. Special Order S06-01-01, "Releasing Arrestees without Charging and Waiving Fingerprint Results"

Bureau of Detectives Special Orders

1. Bureau of Detectives Special Order No. 15-07, "Investigative Alerts"

Federal Laws

1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.¹

V. INVESTIGATION²

a. Interviews

In an **interview with COPA**, on May 16, 2018, ██████████ (“██████████”) stated that he was falsely arrested on December 31, 2014 due to an investigative alert that should have been cancelled. ██████████ stated that this issue began on August 5, 2014, when CPD stopped him for reversing unsafely in a vehicle. The officers discovered that he had a suspended license and an investigative alert (“alert”). ██████████ argued that the license was not suspended, but was canceled.³ ██████████ also, believed that he provided an insurance card to the officers at the time of arrest. ██████████ recalled, approximately, five other police squad cars arriving on scene with around eight to ten officers on scene, including one white shirt. ██████████ identified Officer Cwynar, Star #17165, but indicated the other officers were Latino or Caucasian and in uniform, except for two undercover officers in plain clothes.

The officers impounded his vehicle and transported him to District 3.⁴ At the station, two detectives⁵ questioned ██████████ about the alert, which was related to an allegation made by a young lady. ██████████ stated that he did not know the identity of the young lady or the specifics of the allegation. ██████████ stated he was transported to 111th and Cottage Grove, District 5, where he was questioned by a state’s attorney regarding the incident subject to the investigative alert. ██████████ stated that he was released hours later, and at that time, the alert should have been removed from the system.

██████████ stated that on December 31, 2014, officers spotted him in a Walgreen’s parking lot, located at 87 and Stoney Island, standing outside of the car talking to his fiancé, ██████████. Allegedly, ██████████ had a cup in his hand. Officers asked ██████████ about his drink and he responded that it was juice. The officers ran a name check and it returned an active alert. ██████████ told the officers that he had already been questioned about the alert and was cleared. The officers told ██████████ that the system indicated an active alert and the officers would have to take him to the station to confirm everything is fine. ██████████ said the officers were doing their job by taking him to the station to determine whether the alert was active.

¹ “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.”

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

³ ██████████ believed there is a significant difference between the officers indicating he had a suspended license instead of a cancelled license because he believed his car would not be impounded under a cancelled license. Attachment 7.

⁴ ██████████ indicated that when he retrieved his car, items, including one camcorder and one cell phone, were missing. However, ██████████ stated that he had already reported the items missing, and it was unrelated to his current complaint. *Id.* There is no COPA pending investigation or allegations related to these missing items.

⁵ ██████████ described the detectives as female, elderly, African American, and approximately 50 -60 years of age. One detective was skinny, approximately 150 pounds, with bald or short hair. The other detective was short and heavy set with shoulder length hair. Attachment 7.

At the 004th District station, Officer Taylor, Star #18768, wrote ██████ a ticket for drinking in a public way.⁶ The officers spoke to two Sergeants. ██████ described one Sergeant as male, African American, about 6 feet 5 inches, dark skin, bald, approximately 180-200 pounds and wore glasses. ██████ described the other Sergeant as male, Caucasian, about 6 feet 2 inches to 6 feet 3 inches, heavy set, and grayish black hair. The African American Sergeant called detectives. The African American Sergeant related to the officers and ██████ that the detectives stated ██████ was already questioned and released on said alert, and to let ██████ go. The African American Sergeant called ██████ with a number supplied by ██████ to let her know ██████ was being released and she could pick him up. However, ██████ stated that the male officer took him to the back to be processed. ██████ had his photo taken, fingerprinted, and placed in a holding cell to await a judge. When ██████ asked why he was being arrested, he was not told any specific information and was told that they were following proper procedures. ██████ stated that ██████ was not allowed to retrieve him because he had been booked. ██████ spent the night in jail. The next morning, Officer Anderson, who taught at the Chicago Vocation Career Academy when ██████ attended, asked ██████ why he was in the cell. ██████ could not explain, and Officer Anderson told ██████ that he would call Edward's uncle, who is a police officer, and his daddy. Approximately fifteen to twenty minutes later, on January 1, 2015, ██████ was released. ██████ stated he was released without a bond slip or any paperwork. ██████ stated that no one, including his uncle, explained why he had been arrested.

On January 31, 2015, ██████ discovered he had a felony on his record when he received a letter from the Illinois State Police ("ISP"), revoking his FOID card due to the felony charge. ██████ stated that ISP required him to get his rap sheet.⁷ Additionally, ██████ stated that this felony charge is affecting his employment background checks and has been detrimental to his reputation, affecting how his family views him. ██████ stated that he retained an attorney, on April 29, 2016, for a civil rights violation with the City of Chicago pertaining to this December 31, 2014 incident.⁸

In an **interview with COPA**, on June 19, 2018, ██████ ("██████") provided a statement consistent with his previous interview with COPA and provided documents related to this incident. ██████ explained that during an Illinois State Police ("ISP") check point, ISP officer stated that ██████ Illinois license was canceled. ISP officer gave ██████ an I-bond and released him but kept his car.⁹

In an **interview with COPA**, on June 11, 2018, **Sergeant Michael Dineen**¹⁰ ("Sgt. Dineen"), #1755, stated that he did not have any independent recollection of Edward's arrest. Sgt. Dineen explained that when there is an investigative alert, the arresting officers will contact the detectives regarding the status of the alert. Sgt. Dineen indicated that, since ██████ was processed, the detectives' unit must have confirmed that the alert was active. Sgt. Dineen stated

⁶ ██████ stated that the ticket was dropped or voided on February 2016. Attachment 7.

⁷ See Attachment 47.

⁸ Attachment 7.

⁹ Attachment 32.

¹⁰ Sgt. Dineen is 6 feet 5 inches and approximately 225 pounds. See Attachment 63.

that if detectives had reported the alert was no longer active, the arresting officers would stop processing ██████ fill out an Investigatory Stop Report, and release ██████

In an **interview with COPA**, on June 20, 2018, **Detective Germaine Du Bose** (“**Det. Du Bose**”), #21294, stated that she has been assigned to Unit 620 for about eighteen years. Det. Du Bose stated that investigative alerts are created by detectives, with either probable cause or no probable cause to arrest and interview a witness, victim or an offender. Det. Du Bose is not aware of any other agency having access to the alerts. Det. Du Bose confirmed ██████ was the subject of an investigative alert with probable cause. When ██████ was arrested, the night of August 5, 2014, the arresting officers called the area detectives. Since Det. Du Bose worked days, she was notified the next day that ██████ was in custody. Det. Du Bose and her partner, Det. Minter-█████ went to District 003, and took ██████ statement. Det. Du Bose contacted the victim, who would not cooperate. ██████ was released without charges.

Det. Du Bose stated the alert should have been removed, but only supervisors and above have access to remove an alert. A supervisor¹² knew to remove the alert when they notified her ██████ was in custody. Det. Du Bose told her supervisor she spoke to ██████ and ██████ was released without charges. Det. Du Bose, further, stated she was not notified that ██████ was in custody on December 31, 2014. Det. Du Bose explained, likely, the alert was not found in the file cabinet, a Sergeant reviewed the arrest report and found ██████ had already been questioned on the alert in August and told officers to release without charges.¹³

In an **interview with COPA**, on June 25, 2018, **Detective Tenicia Williams** (“**Det. Williams**”), #21497, stated that on December 31, 2014 she was a call taker for the Homicide office, but Det. Williams did not recall ██████ arrest. After reviewing the ██████ December 31, 2014 arrest report, Det. Williams explained she answered the phone when arresting officers called the area inquiring about active alerts.

After receiving a notification that an individual had an active alert, Det. Williams would check the computer and the drawer for the physical file. If there is a file, Det. Williams would pull the file and give it to an on-duty Sergeant. The Sergeant would confirm the validity of the alert and contact the detective on the case. Generally, the Sergeant would remove the alert once the individual was in custody and the detective on the case was notified. Once an alert is inactive, Det. Williams would not expect to see the physical file back in the drawer. If an officer believed an alert was still active but there was no physical file in the drawer, Det. Williams would let an on-duty Sergeant know that someone was looking for an investigative alert, but a file was not found.

Det. Williams stated it is the Sergeant’s responsibility to verify the validity of an alert, not hers. Additionally, the Sergeant would call, or direct Det. Williams, to call the arresting officers to confirm whether the alert was active or inactive. Det. Williams could not say how long this process takes, but, if necessary, the arresting officers would call back for confirmation.¹⁴

¹¹ Attachment 23.

¹² Det. Du Bose stated she had multiple supervisors, and she did not know which supervisor she spoke to about this alert.

¹³ Attachments 38, 39.

¹⁴ Attachments 52, 53.

In an interview with COPA, on July 5, 2018, Sergeant Roxane Uchman (“Sgt. Uchman”), #2236, stated, at the time of this incident, she was assigned to Robbery Burglary and Theft Division. Sgt. Uchman knows Det. Du Bose but has never overseen her. Sgt. Uchman did not know which Sergeant would have overseen Det. Du Bose’s team.

Sgt. Uchman explained when officers contact the Detectives’ unit regarding an investigative alert, the person answering the phone will check the physical file, and the Detective, who created the alert, would be notified. Once detectives speak to the subject of an alert, the supervisor, who could be a sergeant or above, would expire the alert. Sgt. Uchman, generally, removed an alert immediately after becoming aware that the individual was in custody and she had a CB number. Sgt. Uchman explained each case is different, so she cannot attest to when all supervisors would remove an alert. Once an alert was removed, the physical file would not return to the file cabinet.

After reviewing the August 5, 2014 arrest report, Sgt. Uchman stated, more than likely, she would have expired the alert on the date of arrest, or since he was in custody, she may have waited until he was released on August 7, 2014.¹⁵

In an interview with COPA, on July 11, 2018, Sergeant John Pellegrini (“Sgt. Pellegrini”), #1932, stated that, on August 7, 2014, he was working in the Homicide Gangs and Sex Division, assigned the cold case unit. Det. Du Bose was not assigned to Sgt. Pellegrini. In 2014, Sgt. Pellegrini believed Det. Du Bose was assigned to Sex Investigations, under Sgt. Baker.

Sgt. Pellegrini provided a consistent account of the procedure for an investigative alert as was described by Det. Williams and Sgt. Uchman. Sgt. Pellegrini stated an alert would, usually, be expired immediately after receiving notice the individual is in custody. There are circumstances where an alert would not be immediately expired, such as, when the victim is difficult to find. Usually, a supervisor will know within minutes whether an alert is bona fide and confirm whether there is probable cause. It does happen that a physical file is not found. In that instance, Sgt. Pellegrini would request the alert number from the officer and run it through the computer. Additionally, Sgt. Pellegrini stated there have been times when an individual claimed they have already given a statement per an alert. In those cases, Sgt. Pellegrini still looked up the alert because, at times, an alert is reissued after further investigation.

Sgt. Pellegrini did not recall [REDACTED] or his August 5, 2014 arrest. After reviewing the reports, Sgt. Pellegrini stated this alert should have been expired at the time of the arrest, or by August 7, 2014. Sgt. Pellegrini explained just because it was Det. Du Bose’s alert, did not signify which Sergeant would have been responsible for expiring the alert. Any Sergeant had access and could expire an alert. Sgt. Pellegrini confirmed detectives do not have access to expire an alert.

Reviewing [REDACTED] December 31, 2014 Arrest Report, Sgt. Pellegrini explained the note “hold papers from area south”¹⁶ lets the Watch Commander at the holding facility know this is still being investigated by the area. Even though there is a 48-hour hold, the Watch Commander wants to know whether the individual will be charged and make the bus in time to go to 26th and

¹⁵ Attachment 58.

¹⁶ Attachment 9, page 5.

California or if the individual will be released. Sgt. Pelligrini agreed that the note indicated that arresting officers may still be waiting for verification of the alert from the detectives' unit. Sgt. Pelligrini stated that for sex crimes, specifically, officers would not want to release an individual under suspicion until they confirm whether the individual is really wanted.¹⁷

In an **interview with COPA**, on July 12, 2014, **Sergeant Robert Walker** ("Sgt. Walker"), #2378, stated that based on the A&A sheet, he was working as Sergeant, Unit 420, on December 31, 2014. Sgt. Walker indicated that he wore a uniform, which included a white shirt, and provided the following physical description of himself: African-American male, 6 feet, approximately 225 pounds, short to medium length hair, and glasses. Sgt. Walker did not recall [REDACTED] December 31, 2014 arrest. Sgt. Walker explained that officers have the right to place an individual into custody when that individual is the subject of a probable cause alert. Once the individual is in custody, the individual is transported to the station or to the area where the alert was issued, and detectives are notified. Sgt. Walker has made notifications to detectives regarding alerts before, but he does not recall any specific time. The arresting officer will let the detective know they have the individual, subject of an alert, in custody, the detective would place the arresting officer on hold while the detective retrieved the file. The detective would come back on the phone to let the arresting officer what should happen next, either keep the individual for a detective to come to the district, put hold papers to keep the individual beyond the bond hearing, or send the individual to the detective's area. Additionally, Sgt. Walker stated an arrest report would still be generated if detectives confirmed the alert was inactive, but fingerprints and photographs would not have been taken.

After reviewing [REDACTED] December 31, 2014 Arrest Report, Sgt. Walker indicated he understood the note, "hold papers from area south,"¹⁸ to mean that Sgt. Dineen received information from the detectives' unit to hold [REDACTED] beyond the bond hearing and [REDACTED] would be processed as an arrest. Additionally, Sgt. Walker believed [REDACTED] should not have been provided an Administrative Notice of Ordinance Violation for "drinking alcohol on the public way," but the violation should have been an additional charge on [REDACTED] arrest report.¹⁹

b. Documentary Evidence

Alert # [REDACTED], shows that [REDACTED] was the subject of an investigative alert with probable cause, under RD # [REDACTED], has the status expired, and dated January 1, 2015.²⁰

The **Arrest Report for** [REDACTED] **CB#** [REDACTED], reported that, on December 31, 2014, arresting officers conducted a street stop after observing [REDACTED] drinking from a blue plastic cup in a parking lot. A name check revealed that [REDACTED] had an active investigative alert. Area South Detective Williams, #21497 was notified at 2230 hours. [REDACTED] was transported to the 004th District for processing. [REDACTED] was released without charges the next morning at 8:11

¹⁷ Attachment 60.

¹⁸ Attachment 9, page 5.

¹⁹ Attachment 61.

²⁰ Attachment 21.

am. According to the Released without charging section, the investigative alert will be cancelled because the victim does not wish to pursue.²¹

The **Arrest Report** for ██████████ CB# ██████████, reports that, on August 5, 2014, arresting officers performed a traffic stop after observing ██████████ driving in reverse. A name check revealed that ██████████ had an active investigative alert. ██████████ was placed into custody and transported to District 003 and processed. Arresting Officers contacted Area South Detectives, Unit 620. Detective notified Sergeant Wright,²² #1336, at 2210 hours. Arresting officers were told to hold ██████████ for further investigation. According to the Watch Commander Comments, on August 7, 2014, ██████████ was released without charges because the victim did not want to pursue the charges.²³

VI. ANALYSIS

COPA recommends a finding of **Exonerated** for Allegation #1 that Officers Paschal and Taylor-Dudley unlawfully arrested ██████████. When an officer runs a name check on an individual who has an investigative alert with probable cause to arrest on file, the officer will take the individual into custody, process the individual, and notify the requesting detectives unit.²⁴ ██████████ agreed that Officers Paschal and Taylor-Dudley were doing their job when they brought him to the police station to determine the validity of the alert.

According to ██████████ Sgt. Walker spoke with the detectives' unit, and told Officers Paschal and Taylor-Dudley to release ██████████ before he was processed and fingerprinted. Sgt. Walker did not recall this incident. According to ██████████ Arrest Report, under Watch Commander Comments, there was a notation of "hold papers from area south," which was entered after ██████████ was processed.²⁵ Sgt. Pellegrini explained the note "hold papers from area south" lets the holding facility know this is still being investigated by the area.

Based on the foregoing, a preponderance of the evidence establishes that ██████████ was arrested on an alert that was active in the system at the time he was processed. Therefore, Allegation #1 against Officers Paschal and Taylor-Dudley should be **Exonerated**.

COPA recommends a finding of **Exonerated** for Allegation #1 that Detective Du Bose failed to remove investigative alert no. ██████████ for ██████████ causing ██████████ to be falsely arrested on December 31, 2014. CPD policy only requires detectives to notify a supervisor if an investigative alert is to be updated.²⁶ Det. Du Bose did not have access to remove alerts from the system. It is the supervisor's responsibility to expire an alert.²⁷ Sgt. Uchman and Sgt. Pellegrini explained, CPD procedure, is the on-duty sergeant would expire an alert upon receiving notification the individual was in custody, and, in turn, notify the detective on the case.²⁸

²¹ Attachment 9.

²² Sgt. David Wright retired from the Chicago Police Department effective February 16, 2017. See Attachment 62.

²³ Attachment 10.

²⁴ Special Order S04-16 IV. A.1. S04-16, "Investigative Alerts," effective March 6, 2001 governs the officers' conduct in this matter.

²⁵ Attachment 9, page 5.

²⁶ Bureau of Detectives Special Order No. 15-07 I.C. See, also, S04-16 IV. C.3.

²⁷ Attachment 38, 39, 52, 53, 58, and 60. See BOD SO No. 15-07 and S04-16.

²⁸ Attachments 58, 60.

Based on the foregoing, a preponderance of the evidence establishes that Det. Du Bose could not remove the alert from the system and a sergeant was notified that the alert should be removed. Therefore, Allegation #1 against Det. Du Bose should be **Exonerated**.

Allegation #1 against Sergeant Wright alleges that he failed to remove investigative alert no. [REDACTED] for [REDACTED] causing [REDACTED] to be falsely arrested on December 31, 2014. As indicated above, a preponderance of the evidence establishes that Sgt. Wright should have expired the alert, on August 5, 2014, upon receiving notification that [REDACTED] was in custody. Sgt. Wright retired from CPD before [REDACTED] contacted COPA to complain.²⁹ Therefore, Sgt. Wright was not served any allegations.

CONCLUSION

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

Officer	Allegation	Finding
Officer Christopher Paschal	1. It is alleged that on December 31, 2014, at approximately 9:45 p.m., while in the vicinity of 1616 E 87th Street, you unlawfully arrested [REDACTED]	Exonerated
Officer Latisha Taylor-Dudley	1. It is alleged that on December 31, 2014, at approximately 9:45 p.m., while in the vicinity of 1616 E 87th Street, you unlawfully arrested [REDACTED]	Exonerated
Officer Germaine Du Bose	1. It is alleged that on or about August 7, 2014, at an unknown time, accused Detective Germaine Du Bose failed to remove investigative alert no. [REDACTED] for [REDACTED] causing [REDACTED] to be falsely arrested on December 31, 2014.	Exonerated
Sergeant David Wright	1. It is alleged that on or about August 5, 2014, at an unknown time, you failed to remove investigative alert no. [REDACTED] for [REDACTED] causing [REDACTED] to be falsely arrested on December 31, 2014.	Retired; Not Served

Approved: [REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

10/29/18

²⁹ Attachments 1, 7.

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	Elizabeth Brett
Supervising Investigator:	Elaine Tarver
Deputy Chief Administrator:	Andrea Kersten