

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	December 3, 2016
Time of Incident:	10:55 PM
Location of Incident:	4715 W. Congress Parkway
Date of COPA Notification:	April 4, 2018
Time of COPA Notification:	5:03 PM

On December 3, 2016, the complainant, [REDACTED] was arrested for multiple offenses including unlawful use of a weapon, possession of a controlled substance, and armed violence. [REDACTED] alleged Sergeant Ivan Ramos arrested [REDACTED] without justification, searched [REDACTED] vehicle without justification, and fabricated police reports to state [REDACTED] was involved in a hand-to-hand drug transaction.<sup>1</sup> After interviewing [REDACTED] Sergeant Ramos, and a witness officer, and reviewing Department reports, COPA finds that the officers were truthful yet did not have probable cause to search [REDACTED] vehicle.

**II. INVOLVED PARTIES**

Involved Officer #1:	Ivan Ramos, Star #2338, Employee ID # [REDACTED], Date of Appointment: January 23, 2006, Sergeant of Police, 25 <sup>th</sup> District, Date of Birth: [REDACTED], 1982, Male, Hispanic
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1979, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant Ramos	1. Arrested [REDACTED] without justification, in violation of Rule 6.	Unfounded
	2. Searched [REDACTED] vehicle without justification, in violation of Rule 6.	Sustained/ Reprimand
	3. Fabricated police reports to state [REDACTED] was involved in a hand-to-hand drug transaction, in violation of Rule 14.	Unfounded

<sup>1</sup> Sergeant Ramos was a police officer at the time of [REDACTED] December 3, 2016 arrest.

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
  2. **Rule 14:** Prohibits making a false report, written or oral.
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##### Federal Laws

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1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

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

##### a. Interviews

On March 25, 2018, the complainant, ██████████ authored a letter<sup>3</sup> requesting an investigation into officers involved in his December 3, 2016 arrest. ██████████ alleged that these individuals tampered with “vital evidence,” provided false statements, and possibly destroyed “video/audio surveillance.” ██████████ elaborated that the surveillance “unit that arrested me the night of December 3, 2016 as well as the primary detective assigned to my case all say that their [*sic*] was no P.O.D.’s [*sic*] [...] But I know that is false and that the investigative officer helped the arresting officer and his team cover-up an illegal arrest.”<sup>4</sup> ██████████ further related that his arrest was “not only illegal but also malicious because Det. Ramos and his partners never had probable cause to pull me over [...]” ██████████ stated that his Public Defender was friends with an arresting officer, causing the Public Defender to “deliberately mislead” ██████████

██████████ wrote COPA a second letter dated April 19, 2018,<sup>5</sup> in which ██████████ alleged that the 25<sup>th</sup> District is “targeting black males [...] falsely arresting people, and falsifying documents as well.” Per ██████████ he has “proof that a cover-up is afoot, and that it involves not only the arresting officers, but their supervisor, along with the Records Department investigating officer.” ██████████ wrote that he was arrested on December 3, 2016 by the Drug Enforcement Unit based on an incident for which Sergeant Ramos was “the sole witness.” ██████████ has “been told that there is no footage or police observational devices for that night.” However, ██████████ questioned why Detective Schipplick “went to the surveillance location to retrieve surveillance equip[ment] and/or footage” if it did not exist.

██████████ wrote a third letter dated May 3, 2018,<sup>6</sup> in which ██████████ again alleged that officers engaged in his “illegal stop, search, and arrest” on December 3, 2016. ██████████ claimed

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<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> Att. 9

<sup>4</sup> Allegations were not brought to any Department members regarding the destruction of digital evidence as it is not believed the digital evidence mentioned by ██████████ existed.

<sup>5</sup> Att. 14

<sup>6</sup> Att. 16

that Sergeant Ramos lied about what happened and the Department is hiding video evidence that would prove he lied. ██████ stated that the drugs found by Sergeant Ramos were not his.

██████ submitted a fourth **letter** dated April 10, 2018,<sup>7</sup> however it did not include any additional, relevant content.

COPA interviewed ██████ on June 8, 2018.<sup>8</sup> ██████ stated that on December 3, 2016, he was in his car at approximately 4717 W. Van Buren, near his home, while he was talking to a friend. ██████ turned right on Kilpatrick then right on Congress, when an unmarked CPD car pulled behind him and turned on its lights. ██████ pulled over and a second unmarked police car pulled in front of his vehicle. Officers approached ██████ and asked for his driver's license and insurance. ██████ reached over to grab those items when the officers told him to exit his vehicle. ██████ asked why, and the officers reported they saw him sell drugs to an undercover police officer. ██████ denied selling drugs to an undercover officer and refused to exit his vehicle. The officers started banging on his windows and ██████ requested a "white shirt." When ██████ made this request, the officers stopped banging. ██████ believed they had on wireless microphones because the officers stopped banging when he requested a supervisor. While ██████ was in his car, he saw his friend, ██████ calling 9-1-1 to report an unmarked car was harassing ██████. A sergeant arrived (known to be Sergeant James Sajdak). ██████ tried to give him his license and insurance, but the sergeant did not take it. The sergeant put his hand through the window and opened the driver's door. ██████ then exited the car voluntarily and was arrested. After the officers handcuffed ██████ the officers searched his car. ██████ never gave them consent to search his vehicle.

██████ denied engaging in a hand-to-hand drug transaction near the 4700 block of Van Buren with an unknown black male. ██████ stated that ██████ also recorded part of ██████ arrest. ██████ stated that there were four officers present, all of whom were involved in his arrest (known to be Sergeant Ramos, Officer John Frano, Officer Wayne Frano, Jr., and Officer Andrew Rowe). The sergeant then transported ██████ to the police station. ██████ further alleged that Sergeant Ramos falsified the narrative of his arrest report because ██████ was never involved in a hand-to-hand transaction. Sergeant Ramos was the only Department member who reportedly saw the transaction. ██████ claimed he was simply speaking with his friend in the area prior to the arrest. ██████ reported speaking to several people in that vicinity through the course of his night but denied exchanging anything. ██████ admitted he had weapons and drugs in his car but denied having a drug transaction with anyone on the street that night.

COPA interviewed **Sergeant Ivan Ramos** on June 26, 2018.<sup>9</sup> On December 3, 2016, he was on the Area North Gun Team, conducting narcotics surveillance. Sergeant Ramos' vehicle did not have In Car Camera (ICC) and he was not assigned a Body Worn Camera (BWC). Sergeant Ramos was partnered with Officer John Frano and working with two additional Department members (known to be Officer Frano, Jr and Officer Rowe). Sergeant Ramos reported that his team received information and complaints involving narcotics on the 4700 block of West Van Buren. Sergeant Ramos did not have any information about ██████. While on surveillance,

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<sup>7</sup> Att. 30

<sup>8</sup> Att. 17

<sup>9</sup> Att. 21

Sergeant Ramos first observed [REDACTED] from an elevated position and using binoculars. Sergeant Ramos saw [REDACTED] sitting in the driver's side of a vehicle parked near 4700 W. Van Buren. Sergeant Ramos saw an individual approach [REDACTED] gave the individual what Sergeant Ramos believed was cash. The individual went into a residence, came back out, and gave [REDACTED] "what looked like a softball item."<sup>10</sup> Sergeant Ramos believed he observed a narcotics transaction. Sergeant Ramos was the only Department member who observed the transaction. Sergeant Ramos had radio communications relating his observations and was in constant radio contact with his team members. Sergeant Ramos did not identify the individual [REDACTED] transacted with, and that individual was not apprehended. Sergeant Ramos did not record the transaction because he did not have any recording devices.

Sergeant Ramos broke surveillance and was picked up by his partner in an unmarked squad car. Sergeant Ramos stated he lost sight of [REDACTED] for approximately two minutes when he broke surveillance, but eventually he and his partner located [REDACTED] again and curbed his vehicle. [REDACTED] refused to exit his vehicle and the officers had a supervisor come to the scene. Sergeant Ramos believed [REDACTED] requested the supervisor. Sergeant Ramos did not recall banging on [REDACTED] car windows. Sergeant Ramos related [REDACTED] windows were not rolled down. Sergeant Ramos denied that either himself or his team members were wearing a wireless microphone. Sergeant Ramos reported handcuffing [REDACTED] as soon as he opened his car door because he was uncooperative. [REDACTED] vehicle was searched because Sergeant Ramos observed what he believed to be a hand-to-hand narcotics transaction.

**Officer John Frano** was interviewed by COPA on July 5, 2018.<sup>11</sup> On December 3, 2016, Officer Frano was an enforcement officer while his partner, Sergeant Ramos, was doing narcotics surveillance. Officer Frano was not assigned BWC and did not have ICC. Officer Frano first saw [REDACTED] when the officers stopped [REDACTED] car near the 4700 block of West Van Buren. Officer Frano was first made aware of [REDACTED] via radio communications during Sergeant Ramos' surveillance. Officer Frano had no knowledge of any recordings made of [REDACTED] surveillance or arrest. Officer Frano stated there was no video of [REDACTED] surveillance, because the officers did not have BWC or access to recording equipment. Sergeant Ramos broke surveillance after observing the transaction in order to stop [REDACTED] vehicle. Officer Frano stated that it was "well within a half hour" between when Sergeant Ramos first saw [REDACTED] and when [REDACTED] was detained.<sup>12</sup> Additional officers were involved in [REDACTED] arrest at the time [REDACTED] car was stopped. [REDACTED] locked the doors and would not exit the vehicle. A supervisor arrived, spoke to [REDACTED] and [REDACTED] exited his vehicle. Officer Frano had no knowledge of Sergeant Ramos providing false statements.

#### **b. Digital Evidence**

No pertinent digital evidence was obtained related to the present investigation.

#### **c. Physical Evidence**

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<sup>10</sup> Approximately 9:38 minute mark of Att. 21.

<sup>11</sup> Att. 26

<sup>12</sup> Approximately 5:10 minute mark of Att. 26.

No relevant physical evidence was obtained related to the present investigation.

**d. Documentary Evidence**

An **Office of Emergency Management and Communications (OEMC) Event Query Report** was located related to [REDACTED] December 3, 2016 arrest.<sup>13</sup> At about 10:47 p.m. on December 3, 2016, Sergeant Ramos and Officer John Frano requested a taser because a subject was refusing to exit his vehicle. Assisting units were also reported. At approximately 11:02 PM, Beat 1140 reported heading to the 25<sup>th</sup> District with one subject. At 11:46 p.m., RD #HZ539149 was generated for this incident.

A second **OEMC Event Query Report**<sup>14</sup> was initiated at approximately 10:47 p.m. A caller requested a supervisor because “he believes an undercover unit is doing something wrong to someone.” Sergeant John Sajdak was dispatched.

An **Arrest Report** was located for [REDACTED] with RD #HZ539149.<sup>15</sup> [REDACTED] was arrested on December 3, 2016, for the following felony charges: unauthorized use of a weapon, two counts of possession of a controlled substance, armed violence, and armed habitual criminal. [REDACTED] was charged with misdemeanor counts of possession of ammunition without valid Firearm Owner Identification (FOID) and having a firearm without valid FOID. [REDACTED] was also charged with disobeying police and operating a motor vehicle without insurance. Approximately 42.8 grams of a suspect controlled substance were recovered from [REDACTED] vehicle was also impounded. Per this report’s narrative, the surveillance officer saw an unknown male standing near 4717 W. Van Buren. Shortly after, [REDACTED] pulled up in his vehicle and parked. The unknown male “removed a softball sized item from his left coat pocket.” [REDACTED] gave this male an unknown amount of money and the male “tendered that same softball sized item” to [REDACTED]. The surveillance officer (Sergeant Ramos) broke surveillance, joined his partner, and attempted to pull [REDACTED] over. [REDACTED] refused to exit his vehicle. The officers requested a supervisor. Sergeant John Sajdak arrived, and [REDACTED] agreed to unlock the car doors. [REDACTED] was handcuffed “while still inside his vehicle.” Sergeant Ramos recovered a plastic bag containing 140 zip-lock bags, each containing “suspect heroin,” and a Kel-Tec handgun fully loaded with eight live rounds. [REDACTED] was transported to the 25<sup>th</sup> District, where officers recovered cash from [REDACTED] in addition to a pill bottle with small baggies, each containing suspect crack cocaine.

An **Original Case Incident Report** was identified for RD #HZ539149 that contained similar information to the above Arrest Report.<sup>16</sup> Per this report, Detective Schipplick was the assigned detective.

A **Supplementary Report** was located for RD #HZ539149.<sup>17</sup> Detective Schipplick went to the 25<sup>th</sup> District and learned there was no video of the incident or Police Observation Devices (PODs) at the address of occurrence. Detective Schipplick read [REDACTED] his Miranda warnings at

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<sup>13</sup> Att. 7

<sup>14</sup> Att. 29

<sup>15</sup> Att. 10

<sup>16</sup> Att. 11

<sup>17</sup> Att. 15

approximately 10:42 a.m. on March 4, 2016. ██████ requested a lawyer and the interview was terminated. Assistant State's Attorney David Potter approved felony charges at about 11:38 AM.

**Inventory Sheets** document the items recovered relative to **RD #HZ539149**.<sup>18</sup> Items inventoried were 140 tinted blue zip lock bags of suspect heroin and 8 clear and blue zip lock bags each containing white rock crack cocaine. Finally, inventory 13814535 documents 1 KEL Tec semi-automatic 9MM blue steal handgun and 8 live 9mm Lugar rounds ammunition.

#### e. Additional Evidence

The following relevant court dockets were obtained from the Cook County Clerk of the Circuit Court.

- **Case Number 16112422301** was filed on December 5, 2016.<sup>19</sup> ██████ was charged with: felony unlawful use of a weapon, two counts of felony possession/manufacture of a controlled substance, felony armed violence, and felony armed habitual. ██████ was also charged with misdemeanor possession of ammunition, misdemeanor possession of a firearm without a FOID, and two traffic citations. On December 30, 2016, the case was superseded by direct indictment and transferred to the criminal division.
- **Case Number 17CR0058001** was filed on January 5, 2017.<sup>20</sup> ██████ received one felony charge of armed violence, one felony charge of armed habitual criminal, one felony charge of manufacture/delivery of 15<100 grams of heroin, one felony charge of other amount narcotic, six felony counts of aggravated unlawful use of a weapon, two felony charges of felon in possession/use of a firearm, and a felony charge of firearm/FOID invalid. A public defender was appointed on January 12, 2017. On May 24, 2017, the state filed a notice "seeking natural life." On January 23, 2018, ██████ was granted leave to proceed pro-se. On August 1, 2018, a judgement of nolle prosequi was entered and ██████ was denied a request for a certificate of innocence.

**Transcripts** were obtained from the proceedings of **17CR0058001** on **August 1, 2018**.<sup>21</sup> A judgement of nolle prosequi was entered and the case was dismissed. ██████ asked the judge for a certificate of innocence, which was denied. The judge responded that there was no proof ██████ was innocent. Rather, the judge stated ██████ "shouldn't have been subject to a search based on a suspicion that there were drugs in there, the fact that it turned out to be drugs in the backpack doesn't justify the search of the backpack." Rather than proving ██████ innocence, this was a technical ruling on the legality of the search, which resulted in the court finding "the police didn't have the authority [to conduct the search] based on the suspicion and the hunch that they had that the drugs were inside [the backpack]."

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<sup>18</sup> Atts. 4, 5, 6

<sup>19</sup> Att. 13

<sup>20</sup> Att. 28

<sup>21</sup> Att. 31

## VI. ANALYSIS

Allegation 1, that Sergeant Ramos arrested ██████ without justification, is **Unfounded**.

Allegation 2, that Sergeant Ramos searched ██████ vehicle without justification, is **Sustained**.

Allegation 3, that Sergeant Ramos fabricated police reports to state ██████ was involved in a hand-to-hand drug transaction, is **Unfounded**.

Based on the available evidence, COPA finds Sergeant Ramos was truthful when he stated that he observed ██████ engaged in what he believed, and later confirmed, was a hand-to-hand drug transaction. Sergeant Ramos stated that his surveillance was initiated after the Department received complaints of drug sales on the block. Sergeant Ramos observed ██████ receive a softball size item in exchange for US currency. Sergeant Ramos did not know ██████ or have any information indicating who would be involved in the transactions. It is well settled that a single hand-to-hand transaction of an unidentified object in a “high-crime” area is not sufficient for probable cause. See *People v. Trisby*, 2013 IL App (1st) 112552, ¶ 17 (probable cause was not established where an officer saw the defendant take money from a woman and then give her a small, unidentified object in a “high narcotics area”). Therefore, Sergeant Ramos should not have detained ██████ or searched his car.

However, although the recovered drugs were the fruit of an invalid search, once Sergeant Ramos recovered the drugs he had probable cause to support the arrest of ██████. Thus, for all the reasons stated above, allegations 1 and 3 are Unfounded while allegation 2 is Sustained.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS<sup>22</sup>

### a. Officer Ivan Ramos

#### i. Complimentary and Disciplinary History

Both the complimentary and disciplinary history of Sergeant Ramos have been considered.

#### ii. Recommended Penalty, by Allegation

##### 1. Allegation No. 2

Sergeant Ramos broke surveillance after observing what he believed to be one hand to hand narcotics transaction. His hunch turned out to be correct and therefore the arrest of ██████ was not improper despite violating ██████ rights by detaining and searching the car. The violation was not malicious and occurred mainly because Sergeant Ramos was not using best practices

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<sup>22</sup> Only include this section for investigations with at least one sustained allegation.

related to search and seizure law on narcotics surveillances. COPA suggests he attend fourth amendment training.

**VIII. CONCLUSION**

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

Officer	Allegation	Finding
Sergeant Ramos	1. Arrested [REDACTED] without justification, in violation of Rule 6.  2. Searched [REDACTED] vehicle without justification, in violation of Rule 6.  3. Fabricated police reports to state [REDACTED] was involved in a hand-to-hand drug transaction, in violation of Rule 14.	Unfounded  Sustained/ Reprimand  Unfounded

Approved:

[REDACTED]

January 22, 2019

\_\_\_\_\_  
 Andrea Kersten  
 Deputy Chief Administrator – Chief Investigator

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 Date



Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	Four
<b>Investigator:</b>	Kelsey Fitzpatrick, #61
<b>Supervising Investigator:</b>	James Murphy-Aguilu, #19
<b>Deputy Chief Administrator:</b>	Andrea Kersten, #7