

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 18, 2018
Time of Incident:	15:00 Hours
Location of Incident:	1900 W. Monterey Ave.
Date of COPA Notification:	September 19, 2018
Time of COPA Notification:	9:54 AM

██████████ was curbed for talking on his cellphone without using a hands-free device. Officer Davidson informed ██████████ that his license was suspended and took ██████████ into custody and impounded his vehicle. ██████████ was also cited with, among other things, having an open container of alcohol in the vehicle and driving without insurance. ██████████ denied that the container contained alcohol but instead was a home remedy. ██████████ also claimed that he presented Officer Davidson with insurance and Officer Davidson rejected it.

**II. INVOLVED PARTIES**

Involved Officer #1:	John Davidson, Star No. 16314, Employee No. ██████████, DOA: 25 Oct 2004, Rank: 9161, UOA: 022 District, DOB: ██████████ 1971, Male, White
Involved Officer #2:	Ruben Saucedo, Jr., Star No. 10461, Employee No. ██████████ DOA: 16 May 2017, Rank: 9161, UOA: 022 District, DOB: ██████████ 1982, Male, White Hispanic
Involved Individual #1:	██████████ DOB: ██████████, 1974, Male, Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer John Davidson	It is alleged that on September 18, 2018, following the traffic stop of ██████████ at approximately 1500 hours, in the vicinity of 1900 W. Monterey:	

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

	<ol style="list-style-type: none"> <li>1. You issued traffic citation [REDACTED] for transporting open alcohol in the passenger cabin to [REDACTED] without justification; and</li> <li>2. You issued traffic citation [REDACTED] for operating a vehicle without insurance to [REDACTED] without justification.</li> <li>3. It is alleged that on September 18, 2018, at approximately 1500 hours, in the vicinity of 1900 W. Monterey, during the traffic stop of [REDACTED] you failed to activate your body worn camera.</li> <li>4. On September 18, 2018, Officer Davidson had the vehicle belonging to [REDACTED] impounded without justification. <sup>2</sup></li> </ol>	<p>NOT SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>EXONERATED</p>
<p>Officer Ruben Saucedo, Jr.</p>	<ol style="list-style-type: none"> <li>1. It is alleged that on September 18, 2018, following the traffic stop of [REDACTED] at approximately 1500hours, in the vicinity of 1900 W. Monterey, you issued traffic citation [REDACTED] for transporting open alcohol in the passenger cabin to [REDACTED] without justification.</li> <li>2. It is alleged that on September 18, 2018, following the traffic stop of [REDACTED] you failed to keep your body-worn camera active for all law-enforcement-related activities.</li> </ol>	<p>UNFOUNDED</p> <p>SUSTAINED</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 6: Prohibits an officer from violating any rule or directive.

Special Orders

1. Special Order S04-13-09, Investigatory Stop System
2. Special Order S04-14-05, Traffic Violators, Name Checks, and Bonding

<sup>2</sup> This allegation was not served due to the clear evidence that it would be exonerated.

- 
3. Special Order S06-13, Bond Procedures
  4. Special Order S07-03-05, Impoundment of Vehicles for Municipal Code Violations
  5. Special Order S03-14, Body Worn Cameras
- 

---

#### Federal Laws

---

1. U.S. Constitution, Fourth Amendment
- 

---

#### State Laws

---

1. 625 ILCS 5/6-301, Unlawful Use of License
2. 625 ILCS 5/3-707, Operation of Uninsured Motor Vehicle
3. 625 ILCS 5/12-503, Obstruction of View
4. 625 ILCS 5/11-502(a), Transportation of Alcoholic Liquor
5. 625 ILCS 5/6-303, Driving While License Suspended
6. Municipal Code 9-76-230, Use of Mobile Telephone

## V. INVESTIGATION<sup>3</sup>

### a. Interviews

██████████<sup>4</sup> gave a statement to the Civilian Office of Police Accountability (COPA) on September 19, 2018. According to ██████████ he was driving westbound on 112<sup>th</sup> Street toward his home while talking on his cell phone. ██████████ saw Officer Davidson driving eastbound. Officer Davidson then did a U-turn and curbed his vehicle. ██████████ gave Officer Davidson his license and insurance. Officer Davidson took his information back to his squad car, then returned shortly after and asked ██████████ out of the vehicle.

Once out of the vehicle, Officer Davidson grabbed ██████████ by the arm and told him that his license was suspended in Indiana. ██████████ told Officer Davidson that he had paid all of his tickets and his license was valid. Officer Davidson said that he called it in and double checked. ██████████ insisted that it must have been a mistake. Nonetheless, ██████████ was taken to the station. Officer Saucedo drove ██████████ vehicle to the police station and impounded it.

Officer Davidson gave ██████████ a ticket for “open alcohol” for a jar that was in his vehicle. ██████████ believed that Officer Davidson never even opened the jar to investigate. According to ██████████ Officer Davidson told him not to worry about it because it usually gets thrown out in court anyway. Officer Davidson gave ██████████ a ticket for “invalid insurance,” arguing that because ██████████ license was suspended, his insurance was invalidated. ██████████ was given an I-Bond and allowed to leave. ██████████ immediately went back to the station and asked the officer at the desk to look at his plates and license. According to ██████████ an unknown officer at the front desk confirmed that his license was valid.

---

<sup>3</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>4</sup> Attachment 4

█████ told investigators that his license had been suspended in 2017 for past tickets, one in Indiana and two tickets in Illinois. █████ maintained that he cleared the tickets by paying them off earlier that year. █████ told investigators that he went to court about the tickets and had his license formally reinstated. █████ then went and got a license at the DMV. In his interview, █████ confirmed that his license was valid, according to the Secretary of State of Illinois. During his interview, █████ called the automated line to as proof that the driver's license number "█████" was valid. █████ stated that he never had a driver's license in Indiana. █████ maintained that the license "█████" was not his and was never associated with him.

**Officer John Davidson**<sup>5</sup> gave a statement to COPA on March 12, 2019. In his statement, Officer Davidson told investigators that he did not recall the incident. Officer Davidson then reviewed Officer Saucedo's body worn camera, the traffic citations, PCAD, and event query to refresh his recollection. After review, Officer Davidson recalled that █████ had a suspended license, he ordered █████ out of the vehicle, took him to the station, and he was released on an I-bond and issued a number of tickets. When asked why he stopped █████ Officer Davidson told investigators that █████ was using his cellphone while driving.

Officer Davidson could not recall what prompted him to search █████ name in Indiana. Officer Davidson noted that a suspension in one state is a suspension in all states. Officer Davidson told investigators that he wrote the tickets at the station based upon his own observations.

When asked what led Officer Davidson to issue the citation for open alcohol, Officer Davidson told investigators that he could not recall anything except that there was open alcohol. Officer Davidson could not recall what type of container the alcohol was in, where it was located in the vehicle or who gave it a "whiff". Officer Davidson was then shown COPA Attachment 19, which Mr. █████ purported was an identical substance in a similar container, though not the one from the vehicle. Officer Davidson stated that the attachment did not help him recall.

When asked how he determined that the contents of the container were alcohol, Officer Davidson said, "probably either me or my partner gave it a whiff and smelled it and it smelled like an alcoholic beverage." When asked again, Officer Davidson could not recall in what type of container he found the suspected alcohol, nor could he recall what it looked like. Officer Davidson also did not recall if he or his partner smelled the container, what their investigation was, or how the alcohol came up, only that there was alcohol. Officer Davidson stated he did not speak with █████ about the substance or the tickets issued. Officer Davidson stated that, based on his watching the video, █████ did not appear intoxicated, nor did he recall █████ smelling of alcohol. Officer Davidson stated that if he suspected that █████ was drinking he would have done more investigation into that.

When asked why he issued the ticket for driving without insurance, Officer Davidson said that "he probably failed to produce valid proof of insurance, which would be moot anyway because he is suspended, and insurance doesn't apply to someone who is suspended anyway unless it's SR22." Officer Davidson could not recall whether █████ actually provided him with proof of insurance. Officer Davidson told investigators:

---

<sup>5</sup> Attachment 25

“I have read the policies on many insurances. If you have a suspended license, you’re not a valid driver, so you can’t drive a car. An insurance company wouldn’t insure you unless you had SR-22, which is an insurance specifically designed for someone who does have a suspended license, but that irrelevant to this point, at least I believe it to be, because I don’t remember if he provided me with a proof of insurance.”

Officer Davidson was shown a portion of Officer Saucedo’s body worn camera where he appeared to be holding a second item in his hands. He could not determine what the object was and stated it could have been his license inside a pocket but could not determine what it was. When asked whether his interpretation on [REDACTED] insurance would be invalid based on a CPD order or law. Officer Davidson stated and he was issued the ticket because he was not provided a valid proof of insurance. Officer Davidson could not recall whether he received an insurance card that was expired or whether he received a card at all.

Later, Officer Davidson acknowledged that his body worn camera was not activated. When asked if he attempted to activate he stated he could not say but he normally wears it and has it on. Officer Davidson stated that body worn cameras can be shut off once the interaction with the public has ended, but if he were driving the seized vehicle, he would have kept his camera on until he reached the station.

**Officer Ruben Saucedo**<sup>6</sup> gave a statement to COPA on March 27, 2019. Officer Saucedo was given the opportunity to review his body worn camera prior to beginning the interview. Officer Saucedo told investigators that they observed [REDACTED] talking on his cellphone while driving and curbed him for that reason. After running [REDACTED] name through LEADS, it was discovered that [REDACTED] license was suspended in Indiana. [REDACTED] was then taken into custody for further processing. Officer Saucedo could not recall what prompted them to search [REDACTED] name in Indiana. Officer Saucedo could not recall if [REDACTED] tendered an insurance card.

Officer Saucedo told investigators that Officer Davidson issued the tickets while he was standing next to him. Officer Saucedo did not discuss the tickets with Officer Davidson. Officer Saucedo stated that he and Officer Davidson split up the work so that he was responsible for the impound paperwork and Officer Davidson was responsible for the tickets. Officer Saucedo did not recall hearing Officer Davidson talking with [REDACTED] about the tickets. Officer Saucedo was shown COPA Attachment 19, which [REDACTED] purported to be an identical concoction and similar container as the one in the vehicle at the time. Officer Saucedo recalled a mason jar but did not recall the color of the substance container. Officer Saucedo stated that he personally did not investigate the substance, including opening it or smelling it, and could not recall whether Officer Davidson did. The substance was not inventoried or sampled.

Officer Saucedo did not search the vehicle after it was at the back at the police station, nor was he aware of anyone else searching the vehicle to inventory anything inside. Officer Saucedo told investigators that he failed to inventory things in the vehicle due to his inexperience at the time. Officer Saucedo told investigators that he was unaware of whether Officer Davidson went back to the vehicle to look inside. Regarding his body worn camera, Officer Saucedo stated that it

---

<sup>6</sup> Attachment 28

was a mistake to turn his camera off when he did. Officer Saucedo thought the investigation was over but now understands that he should have kept the camera on until back at the station.

### b. Digital Evidence

**Officer Saucedo Body Worn Camera** <sup>7</sup> captured the traffic stop of [REDACTED]. On the video, Officer Saucedo approached the passenger side of the vehicle as Officer Davidson approached the driver side of the vehicle. Officer Davidson said, “you can’t be on your phone when you’re driving, buddy.” Officer Davidson examined what appeared to be a driver’s license. Officer Davidson continued standing outside of [REDACTED] window for a few more seconds, then appeared to take a deeper look inside from outside the vehicle. Officer Davidson then waited for several more seconds. Officer Davidson then reached into the vehicle and emerged with what appeared to be a plastic card holder. Officer Davidson took [REDACTED] identification back to the squad car. In the squad car, Officer Davidson could be heard radioing in an Indiana driver’s license number. The dispatcher confirmed that the license was suspended. [REDACTED] was asked out of the vehicle and pat down by Officer Davidson. [REDACTED] can be heard saying, “I thought I got that cleared up.” Officer Davidson stated that he was going off of the computer results. [REDACTED] insisted that the computer must be wrong and that his license was not suspended. [REDACTED] was placed in the back of the car, then the video ended.

### c. Documentary Evidence

**Event Number 1826109754** <sup>8</sup> details the traffic stop of [REDACTED] at Esmond and Monterey. Per the event query, [REDACTED] name is searched both in Illinois and Indiana. The driver’s license number [REDACTED] was also searched in Indiana. The search results for [REDACTED] showed that the license was suspended in Indiana.

**PDT Messages** <sup>9</sup> sent and received by PMDT3425 to PC User [REDACTED] (Officer Davidson) show that at 15:03 a search was done on the license plate “[REDACTED].” The plate came back as belonging to [REDACTED]. At 15:05, [REDACTED] name was searched in LEADS. Also, at 15:05, the Indiana license number [REDACTED] was searched in LEADS. That search revealed that the license was “suspended – prior” in the state of Indiana.

The Indiana **Bureau of Motor Vehicles** provided a certified copy of [REDACTED] driver’s record as of January 14, 2019. <sup>10</sup> The record shows that [REDACTED] license is “Suspended – Prior.” According to the instructions for interpreting the record, “Suspended – Prior” means that driving privileges are suspended, and the driver has been convicted of driving while suspended within the previous 10 years. The record shows a driver’s license number of [REDACTED]. The record shows that [REDACTED] is “unlicensed” in the State of Indiana. “Unlicensed,” according to the instructions, means that the driver does not have a license with the State of Indiana, but does have a driving record. The record shows that [REDACTED] license was suspended indefinitely on November 28<sup>th</sup> of 2007 for failing to appear for a driver safety program.

---

<sup>7</sup> See the attached CD

<sup>8</sup> Attachment 16

<sup>9</sup> Attachment 11

<sup>10</sup> Attachment 5

The **Vehicle Impoundment/Seizure Report** <sup>11</sup> cites the reason for impoundment as “driving with a suspended or revoked license under MCC 9-80-240. In the narrative, Officer Saucedo wrote that he observed [REDACTED] operating a non-hands-free mobile phone while driving. Upon further investigation, [REDACTED] was revealed to have a suspended license in Indiana.

**Traffic Citations** <sup>12</sup>: [REDACTED] received six traffic citations as a result of this stop.

- Ticket No. [REDACTED] was for unlawful use of license. Litigation is ongoing regarding this ticket.
- Ticket No. [REDACTED] was for operating a vehicle without insurance. This ticket was dismissed without prosecution.
- Ticket No. [REDACTED] was for operating a motor vehicle with a suspended license. This ticket was dismissed without prosecution.
- Ticket No. [REDACTED] was for using a mobile telephone while driving. Litigation is ongoing regarding this ticket.
- Ticket No. [REDACTED] was for driving with an obstructed view. This ticket was dismissed without prosecution.
- Ticket No. [REDACTED] was for driving with an open container of alcohol in the passenger cabin. Litigation is ongoing regarding this ticket.

[REDACTED] **Insurance Card** <sup>13</sup> shows an effective date of February 1, 2018 and an expiration date of February 1, 2019. The insurance policy is underwritten by American Freedom Insurance Company.

#### d. Additional Evidence

The **Recognizance Bond** <sup>14</sup> for [REDACTED] is \$2,000.00. [REDACTED] was not required to pay that bond. The bond references three traffic tickets and three charges.

---

<sup>11</sup> Attachment 7

<sup>12</sup> Attachment 6 & Attachment 21

<sup>13</sup> Attachment 14

<sup>14</sup> Attachment 8

**Photographs <sup>15</sup>:**

█████ brought in a mason jar to his interview, which he stated was not identical to the one he in his car at the time of the stop but did contain an identical mixture of herbs. The mixture was an opaque brown color with herb particles floating in it.

**VI. LEGAL STANDARD****a. Possible findings and burdens of proof**

For each allegation COPA must make one of the following findings:

Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or

Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct violated Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

---

<sup>15</sup> Attachment 19



**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

## VII. ANALYSIS

### **Allegations against Officer John Davidson:**

**It is alleged that on September 18, 2018, following the traffic stop of [REDACTED] at approximately 1500 hours, in the vicinity of 1900 W. Monterey:**

- 1. You issued traffic citation [REDACTED] for transporting open alcohol in the passenger cabin to [REDACTED] without justification;**

This allegation is NOT SUSTAINED. Rule 6 prohibits an officer from violating any rule or directive. Traffic citations are essentially a notice that a person has violated a civil or criminal law. Similar to an arrest, a traffic citation should be issued based on probable cause. Special Orders S04-13-09 finds that "probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it." Officer Davidson issued a citation to [REDACTED] for possessing open alcohol in the passenger compartment of his vehicle in violation of 625 ILCS 5/11-502(a).

There is no dispute over whether there was a container in the vehicle however, there is a question of whether Officer Davidson was reasonable in concluding that the substance was alcohol. Unfortunately, there is insufficient evidence to conclude either way. [REDACTED] purported that there was a mason jar with a brown liquid in it that was some sort of home remedy of herbs. Officer Saucedo recalled seeing a mason jar with a similar liquid but stated that he did not investigate its contents. Officer Davidson could not recall the container, the color of the liquid, nor whether he or his partner smelled the substance and suspected it was alcohol. Officer Davidson also told investigators that he did not recall [REDACTED] smelling of alcohol or seeming impaired in any way during the encounter. During his interview, Officer Davidson only concluded that it was alcohol in the vehicle based on the ticket he gave [REDACTED]. He suspected that he investigated the substance but could not specifically recall doing so.

Based on his inability to recall what, if any, investigative steps taken, there is insufficient evidence to determine whether Officer Davidson had probable cause to say that there was alcohol in the vehicle for the purpose of issuing a ticket. We also cannot know now what the original substance was as the officers failed to complete an inventory of the vehicle.

For the reasons mentioned above, there is insufficient evidence to prove or disprove that Officer Davidson had probable cause to believe the container contained alcohol before issuing the ticket. Therefore, this allegation is NOT SUSTAINED.

2. You issued traffic citation [REDACTED] for operating a vehicle without insurance to [REDACTED] without justification.

This allegation is SUSTAINED. Rule 6 requires officers to comply with all orders and directives, including Special Orders S04-13-09, which requires probable cause before an arrest or citation. Officer Davidson issued a ticket to [REDACTED] for operating a motor vehicle without insurance pursuant to 625 ILCS 5/3-707. Here, we find it more likely than not that [REDACTED] presented Officer Davidson with proof of insurance and Officer Davidson committed a mistake of law by rejecting that proof of insurance as invalid. [REDACTED] told investigators that he presented Officer Davidson with his insurance card. Officer Davidson told investigators that he could not recall whether [REDACTED] provided an insurance or if he did, whether it was a *valid* proof of insurance. Officer Saucedo was not aware of whether [REDACTED] did or did not present insurance information to Officer Davidson. We find [REDACTED] to be more credible for the reasons to follow.

First, from Officer Saucedo's body worn camera, Officer Davidson was holding [REDACTED] driver's license when he took a second piece of information from [REDACTED] in what appeared to be a plastic insurance card holder. When questioned, Officer Davidson could not confirm or deny that the second object [REDACTED] provided was his insurance card. In fact, after reviewing the video, Officer Davidson still could not recall whether [REDACTED] tendered his insurance card at all or if he tendered a card that was no longer valid.

[REDACTED] contention that he tendered an insurance card to Officer Davidson is credible because we see him tender another object to the officer in the body worn camera. [REDACTED] also told investigators that he after he received the citations, he questioned Officer Davidson on why he had given him the ticket for not having insurance after he had presented it to him. According to [REDACTED] Officer Davidson told him that he received the ticket because his license was suspended and because his license was suspended his insurance was also invalid because an insurance carrier would cancel his policy.

During his interview when asked why he issued the ticket for driving without insurance, Officer Davidson told investigators, "he *probably* failed to produce *valid* proof of insurance, which would be moot anyway because he is suspended, and insurance doesn't apply to someone who is suspended anyway unless it's SR22." Officer Davidson continued to explain that "I have read the policies on many insurances. If you have a suspended license, you're not a valid driver, so you can't drive a car. An insurance company wouldn't insure you unless you had SR-22, which is an insurance specifically designed for someone who does have a suspended license..."

We believe that [REDACTED] did present a valid and unexpired insurance card at the time of the stop and based on his reading of insurance policies, Officer Davidson issued the citation anyway. Officer Davidson's "reading of many insurance policies" does not bestow him a knowledge of the specifics of [REDACTED] policy. "[W]hen a police officer mistakenly believes that the law prohibits an act that is, in fact, perfectly legal, even a good faith belief that the law has been violated will not support the stop,<sup>16</sup>" or, in this case, seizure. Officer Davidson could have confirmed that [REDACTED]

---

<sup>16</sup> United States v. McDonald, 453 F.3d 958, 961-62 (7th Cir.2006) (a police officer's mistake of law cannot support probable cause to conduct a stop). "Probable cause only exists when an officer has a 'reasonable' belief that a law

policy was invalid at the time of the stop, if he had called his insurer. He did not. For all of the aforementioned reasons, we do not find that there was probable cause for Officer Davidson to believe that [REDACTED] insurance was invalid; therefore, this allegation is SUSTAINED.

- 3. It is alleged that on September 18, 2018, at approximately 1500 hours, in the vicinity of 1900 W. Monterey, during the traffic stop of [REDACTED] you failed to activate your body worn camera.**

This allegation is SUSTAINED. Rule 6 requires an officer to comply with all orders and directives. Special Order S04-14 requires officers activate their body worn cameras at the beginning of all law-enforcement-related activities, including traffic stops, arrests, seizure of evidence, searches of vehicles, and arrestee transports. Officer Davidson admitted that he failed to activate his body worn camera, though he recalled attempting to activate it. Officer Davidson failed to give a valid reason for failing to activate his body worn camera; therefore, this allegation is SUSTAINED.

- 4. On September 18, 2018, Officer Davidson had the vehicle belonging to [REDACTED] impounded without justification.**

Officer Davidson is EXONERATED of this allegation. Rule 6 requires that officers comply with all orders and directives. Implicit in the rules is the understanding that officers will comport their behavior within the Constitutional limitations of the Fourth Amendment, which protects citizens from unreasonable searches and seizures. Consistent with the Fourth Amendment, Special Order S07-03-05 provides that vehicles may be seized when the driver is arrested for violating MCC 9-80-240, Driving with a Revoked or Suspended License, given there is probable cause to believe the violation occurred. Here, there is ample evidence to suggest that [REDACTED] license was suspended at the time of the stop.

On body worn camera, Officer Davidson radioed in the Indiana driver's license that was associated with [REDACTED] name and the dispatcher confirmed that the license was suspended. The PCAD results confirm that [REDACTED] license was "suspended – prior" in Indiana. COPA obtained a copy of [REDACTED] Indiana Bureau of Motor Vehicle driving report and that, too, confirmed that [REDACTED] license was suspended indefinitely in the State of Indiana in 2007 for failing to complete a driver safety program. Per the BMV, Indiana generates its own proxy driver's license number to address ticketed drivers with out-of-state licenses. Pursuant to the Driver License Compact, 625 ILCS 5/6-700 et seq., in which Illinois and Indiana are members, a suspended license in one state is a suspended license in the driver's home state as well.

Because [REDACTED] license was suspended in Indiana, the suspension was also valid in Illinois; therefore, Officer Davidson was acting within policy when he impounded [REDACTED] vehicle. Officer Davison is EXONERATED of this allegation.

### **Allegations against Officer Ruben Saucedo, Jr.:**

---

has been broken. An officer cannot have a reasonable belief that a violation of the law occurred when the acts to which the officer points as supporting probable cause are not prohibited by law." McDonald, 453 F.3d at 961.

**1. It is alleged that on September 18, 2018, following the traffic stop of [REDACTED] at approximately 1500hours, in the vicinity of 1900 W. Monterey, you issued traffic citation [REDACTED] for transporting open alcohol in the passenger cabin to [REDACTED] without justification.**

This allegation is UNFOUNDED. Rule 6 prohibits an officer from violating any rule or directive. Traffic citations are essentially a notice that a person has violated a civil or criminal law. Similar to an arrest, a traffic citation should be issued based on probable cause. Special Orders S04-13-09 finds that “probable cause exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it.” Officer Davidson issued a citation to [REDACTED] for possessing open alcohol in the passenger compartment of his vehicle in violation of 625 ILCS 5/11-502(a), in part due to investigative actions allegedly taken by Officer Saucedo.

In his statement to COPA, Officer Davidson told investigators that either he or Officer Saucedo sniffed the contents of the container and based on the perception that it smelled of alcohol, issued the citation. In his statement to COPA, Officer Saucedo told investigators that he did not sniff the contents of the container nor investigate it in any way, nor did he write the traffic citations. Officer Davidson admitted writing the traffic citations. We find that there is clear and convincing evidence to show the citation for the open container was not written based on investigative efforts of Officer Saucedo, nor did he issue the citation; therefore, this allegation is UNFOUNDED.

**2. It is alleged that on September 18, 2018, following the traffic stop of [REDACTED] you failed to keep your body-worn camera active for all law-enforcement-related activities.**

This allegation is SUSTAINED. Rule 6 requires an officer to comply with all orders and directives. Special Order S04-14 requires officers activate their body worn cameras at the beginning of all law-enforcement-related activities, including traffic stops, arrests, seizure of evidence, searches of vehicles, and arrestee transports. Officer Saucedo admitted that he made a mistake in turning the camera off when he did. Officer Saucedo stated that he misunderstood the directives pertaining to when he was required to turn off the camera. It should also be noted that at the time of this incident, Officer Saucedo was still a probationary police officer and had not been involved in many similar encounters at that point in his career. Notwithstanding his inexperience, this allegation is SUSTAINED.

## **VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **a. Officer John Davidson**

Officer Davidson complimentary, training and disciplinary history have been considered when recommending discipline in this case. Officer Davidson received a reprimand for a Court Appearance Violation April 23, 2019.

COPA sustained the allegations that Officer Davidson failed to activate his body worn camera and did not have probable cause to issue the complainant a citation for having open alcohol.

Officer Davidson provided no reason why he did not activate his body worn camera. Officer Davidson also could not recall whether he received the complainant’s insurance card or why he deeded it was invalid or whether he investigated the container in the complainant’s vehicle. If Officer Davidson had remembered to activate his body worn camera, there is a greater chance of having actual evidence regarding what occurred on the scene. Although Officer Davidson’s disciplinary history is not substantial, we find that failing to show up to court is comparable to failing to perform his duties here. Therefore, COPA recommends a 1-day suspension.

**b. Officer Ruben Saucedo Jr.**

Officer Saucedo’s complimentary, training and disciplinary history have been considered when recommending discipline in this case. Officer Saucedo does not have a history of discipline. Officer Saucedo also acknowledged that he should have kept his body worn camera activated until the complainant’s vehicle was at the station. Based on his disciplinary history and Officer Saucedo admitting to and learning from his mistake, COPA recommends discipline of violation-noted.

**IX. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer John Davidson	<p>It is alleged that on September 18, 2018, following the traffic stop of [REDACTED] at approximately 1500 hours, in the vicinity of 1900 W. Monterey:</p> <ol style="list-style-type: none"> <li data-bbox="553 1171 1112 1312">1. You issued traffic citation [REDACTED] for transporting open alcohol in the passenger cabin to [REDACTED] without justification; and</li> <li data-bbox="553 1356 1112 1461">2. You issued traffic citation [REDACTED] for operating a vehicle without insurance to [REDACTED] without justification.</li> <li data-bbox="553 1505 1112 1682">3. It is alleged that on September 18, 2018, at approximately 1500 hours, in the vicinity of 1900 W. Monterey, during the traffic stop of [REDACTED] you failed to activate your body worn camera.</li> <li data-bbox="553 1726 1112 1829">4. On September 18, 2018, Officer Davidson had the vehicle belonging to [REDACTED] impounded without justification.</li> </ol>	<p>NOT SUSTAINED</p> <p>SUSTAINED/ 1 Day Suspension</p> <p>SUSTAINED 1 Day Suspension</p> <p>EXONERATED</p>



Appendix A

Assigned Investigative Staff

---

<b>Squad#:</b>	6
<b>Investigator:</b>	Adam Burns
<b>Supervising Investigator:</b>	Elaine Tarver
<b>Deputy Chief Administrator:</b>	Andrea Kersten
<b>Attorney:</b>	