

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 14, 2019
Time of Incident:	Beginning at approximately at 6:00pm
Location of Incident:	1606 W. 71 st . St
Date of COPA Notification:	March 20, 2019
Time of COPA Notification:	Approximately at 11:25am

██████████ ("██████████" alleges that on March 14, 2019, at approximately 6:00pm, she was unlawfully detained by Chicago Police Department "(CPD)" officers. Additionally, ██████████ takes issue with the officers pointing their firearms at her and her daughter during the detainment.

Following an investigation, The Civilian Office of Police Accountability ("COPA") determined by clear and convincing evidence that the officers' detainment of ██████████ and their display of force was reasonable and justified. However, COPA found that Officer Michael Filetti ("Officer Filetti") failed to properly document his stop of ██████████

II. INVOLVED PARTIES

Officer Michael Filetti	Michael Filetti, Star #15785, Employee ID ██████████, Date of Appointment: December 12, 2016, Police Officer, Unit of Assignment: 007, DOB: ██████████, 1988, Male, White
██████████	██████████ DOB- ██████████, 1986, Female
██████████	██████████ DOB- ██████████, 2007, Female

III. ALLEGATIONS¹

Officer	Allegation	Finding / Recommendation
Officer Michael Filetti	It is alleged that on or about March 14, 019, at approximately 1800-1900 hours at or near 1606 W. 71 st Street that Police Officer Michael Filetti, Star#15785, committed misconduct through the following acts or omissions: 1. Failed to complete an Investigatory Stop Report as required in the Chicago Police Department directive, Investigatory Stop System, Special Order S04-13-09.	Sustained / Violation Noted

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 3:** Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
2. **Rule 5:** Failure to perform any duty.
3. **Rule 6:** Disobedience of an order or directive, whether written or oral.

Special Orders

1. S04-13-09, Investigatory Stop System, Effective Date: June 10, 2016
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¹ Formal allegations were not served regarding the justification for the stop of [REDACTED] and the Officers’ display of their firearms. We found video and other related evidence to be dispositive of these allegations. The evidence is clear that the officers lawfully stopped a vehicle which match the description provided by off-scene officers. Once it was quickly determined that [REDACTED] was not the sought-after subject, she was release following a brief namecheck. It is also clear that the officers approached [REDACTED] vehicle with their weapons unholster in a low resting position. The firearms were not pointed at [REDACTED] or her daughter. Because the officers where in search of a possibly armed and dangerous subject, and because [REDACTED] tinted windows denied the officers any visibility into [REDACTED] vehicle, we found their initial approach to be objectively reasonable.

V. INVESTIGATION

a. Interviews

██████████²

On March 20, 2019, ██████████ was interviewed by COPA investigators. During her interview, ██████████ told investigators that she was stopped while driving her vehicle and unlawfully detained by the police. Moreover, ██████████ was upset that the officers pointed their firearms at her and her ██████████ ██████████ (██████████) (who was sitting in the rear of the vehicle). ██████████ also felt that the officers' actions were rude and disrespectful. During the stop, a male officer (identified as Officer Filetti) requested ██████████ license and registration and explained to ██████████ that officers stopped her because they were looking for a male driver in a Chevrolet Impala silver in color. However, ██████████ was driving a Chevrolet Malibu silver in color. After giving the officer her license and registration, the officer returned to his vehicle but returned shortly thereafter and tossed documents into ██████████ vehicle.

*Michael Filetti*³

On September 10, 2019, Officer Filetti, was interviewed by COPA investigators. Officer Filetti recalled the incident that occurred with ██████████ on March 14, 2019. On that day, a radio communication indicated that the police were looking for black male, carrying a firearm, in a Silver Impala with tinted windows. Officer Filetti's unit responded. Officer Filetti located and stopped a vehicle fitting that description (██████████ vehicle). The officers had their firearms drawn due to the nature of the stop. Once ██████████ rolled down her vehicle's tinted windows Officer Filetti realized ██████████ and her daughter did not match the suspect's description. Officer Filetti then re-holstered his firearm. ██████████ information was called over the air and cleared. Officer Filetti stated he attempted to explain to ██████████ why he pulled her over, but she was very angry and refused to listen to his explanation. Officer Filetti eventually coded the job and all CPD units returned to their routine patrol.

Officer Filetti explained once he returned to the station, he filled out a Blue-Card. The Blue-Card is used to document a stop when there has been no physical contact and when only a warning was given to the driver. The Blue Card is not given to the driver. However, the Blue-Card was placed in a bin at the station. A sergeant later extracts the Blue-Card from the bin and inputs the information into the system. Officer Filetti could not recall the sergeant on duty on the date of the incident. The Blue-Card is used in lieu of an Investigative Stop Report (ISR) because the driver was not asked to exit the vehicle and there was no physical contract with the driver. Officer Filetti was not sure if the Blue-Card was inputted, however, he was adamant that he filled out a Blue-Card for the stop. Officer Filetti also stated he did not fill out an ISR.

² Attachment #13 Audio and Video Interview of ██████████

³ Attachments #29 and #30 Interview of Michael Filetti

b. Digital Evidence***Body Worn Camera “BWC”***

Collectively, the BWC footage from Officers Filetti, Jose Davila, Janelle Hamilton, Melissa Lacoco and Rogelio Salas captures the detainment of [REDACTED] from March 14, 2019. Officers, with their firearms in a low, resting position, approach [REDACTED] vehicle – a Chevrolet Malibu silver in color with dark tinted windows. Officer Filetti orders the driver to roll down the vehicle’s windows. Once the windows come down, a middle aged African-American female ([REDACTED]) and a juvenile African-American female ([REDACTED] daughter) can be seen sitting inside the vehicle. The officers’ guns are holstered soon thereafter. [REDACTED] information was called over the air and cleared. Officer Filetti returned to the driver’s side of the vehicle and returned [REDACTED] information to her. Officer Filetti attempted to explain to [REDACTED] why she was pulled over; however, [REDACTED] rebukes Officer Filetti’s explanation. [REDACTED] rolls up her windows and the stop concludes.

VI. LEGAL STANDARD

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence.
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. 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 occurred and 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 misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

COPA finds that Officer Filetti failed to complete the required Investigatory Stop Report documenting the stop of ██████████ CPD Special Order S04-13-0927 defines an investigatory stop as “[t]he temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed an offense.” Equally important, this same policy mandates that all officers who conduct an Investigatory Stop are required to complete an Investigatory Stop Report.

In this case, the evidence clearly establishes that the appearance of ██████████ vehicle closely matched the description of a wanted suspect’s vehicle. Officer Filetti stopped ██████████ and detained ██████████. Officer Filetti then investigated the identity of ██████████ in furtherance of determining if she match the identity of a wanted suspect, which she did not. However, no Investigatory Stop Report was completed. Finally, because the stop of ██████████ served no traffic enforcement purpose and was purely investigative, we find that Officer Filetti’s defense in filling out a Blue-Card is without merit.

For these reasons, COPA reached a finding of sustained for allegation 1 against Officer Filetti.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Michael Filetti

i. **Complimentary and Disciplinary History:** Department Commendation, 1; Emblem of Recognition – Physical Fitness, 1; Honorable Mention, 22; Life Saving Award, 1; Unit Meritorious Performance Award, 1. No applicable disciplinary history.

ii. Recommended Penalty, by Allegation

1. **Allegation No. 1:** Failed to complete an Investigatory Stop Report as required in the Chicago Police Department directive, Investigatory Stop System, Special Order S04-13-09 – Violation Noted.

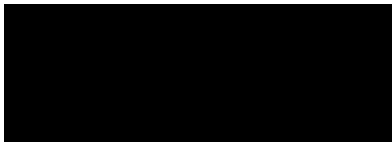
IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Michael Filetti	It is alleged that on or about March 14, 019, at approximately 1800-1900 hours at or near 1606 W. 71 st Street that Police Officer Michael	

	Filetti, Star#15785, committed misconduct through the following acts or omissions: 1. Failed to complete an Investigatory Stop Report as required in the Chicago Police Department directive, Investigatory Stop System, Special Order S04-13-09.	Sustained / Violation Noted
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Approved:



December 29, 2019

Andrea Kersten
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	3
Investigator:	Sprouse
Supervising Investigator:	Haynam
Deputy Chief Administrator:	Kersten