

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 8, 2019
Time of Incident:	7:35 p.m.
Location of Incident:	7848 South Morgan Street, Chicago, Illinois 60620
Date of COPA Notification:	April 9, 2019
Time of COPA Notification:	9:15 a.m.

On April 8, 2019, at approximately 7:35 p.m., Chicago Police Department (CPD) Officers performed a traffic stop of [REDACTED] [REDACTED] ([REDACTED] who was driving a red 2008 Dodge sedan near 7848 South Morgan Street, for driving with the vehicle’s high beam headlights on.

In her interview with the Civilian Office of Police Accountability (COPA) on April 10, 2019, [REDACTED] alleged she was illegally stopped and did not consent to the search of her vehicle. COPA’s investigation determined that the officers involved acted in accordance with Department procedures. 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:	Kristopher Schultz, Star #12531, Employee ID # [REDACTED] Date of Appointment: October 31, 2012, Police Officer, 6 th District, Date of Birth: [REDACTED], 1985, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1985, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Schultz	1. Conducted a traffic stop of [REDACTED] without justification.	Exonerated
	2. Searched [REDACTED] vehicle without justification.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
Federal Laws

1. United States Constitution, Amendment IV: Prohibits unlawful searches and seizures

V. INVESTIGATION¹

a. Interviews

██████████

In an interview with COPA on April 10, 2019, Ms. ██████████ (██████████) provided the following information. ██████████ said she walked to Falcon gas station near 76th and Halstead and retrieved her vehicle from her fiancée and began driving when officers in an unmarked vehicle pulled her over. The officer who approached the driver's side door asked for her license and insurance. She asked the officer why she was being pulled over and he responded that it was because of her headlights. The officer told her to exit the vehicle and began searching and tossing everything around. ██████████ stated that the officer asked her if there was anything he should be aware of but she did not give them permission to search her vehicle.

██████████ said additional officers arrived on the scene which intimidated her. ██████████ said officers know her fiancée due to his previous interactions with law enforcement. ██████████ said she also felt intimidated as other officers arrived on scene because she filed a lawsuit against Cook County Sheriffs for the way they treated her fiancée.

██████████ described the officer who approached her driver side as a Caucasian male, approximately 6 feet tall, with dark brown hair, wearing a Chicago Police Department uniform. (now known as Kristopher Schultz). The other officer was described as a Caucasian male, approximately 5 feet 7 inches tall and in uniform. They both were in a black unmarked vehicle.

b. Digital Evidence

Body Worn Camera (BWC) footage of Officer Schultz details the following. Officer Schultz approaches the driver side door of a red vehicle. He asks the female driver, ██████████ to lower the tinted windows. ██████████ tells Officer Schultz the passenger window cannot be lowered so Officer Schultz tells her to unlock the car. ██████████ complies and asks why she is being pulled over. Officer Schultz references the blue light indicator on the dashboard and informs her it means she is driving with her high beams on. Officer Schultz tells her she cannot drive with her high beams on when there is oncoming traffic approaching.

Officer Schultz then asks for her license and insurance. ██████████ provides her information and informs Officer Schultz her fiancée was just stopped by the police so she had to get the vehicle. ██████████ also questions why the officers were following her. Officer Schultz asks if she is the owner of the car and whether she tinted the windows. ██████████ responds she bought the car with the windows

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 2 and Att. 3

already tinted. Officer Schultz returns to the police car to run her name. Officer Schultz returns to [REDACTED] vehicle and tells her to step out.

Officer Schultz asks her if there is anything in the vehicle she should not have. [REDACTED] answers no. Officer Schultz tells her the tinted windows are considered a hazard and he can have her vehicle towed. Officer Schultz explains to [REDACTED] that before towing her vehicle she can gather her belongings. Officer Schultz then asks if she minds him going through the car. [REDACTED] responds, "No, I don't mind." Officer Schultz directs her to the sidewalk.

Officer Schultz begins searching the front and rear area of the vehicle including the trunk. While searching the front area of the vehicle Officer Schultz finds a bottle of Grey Goose vodka. Officer Schultz asks for another car to his location as he begins searching the driver side and the rear driver side areas. [REDACTED] can be heard off camera, as other Officers arrive to the scene, asking why more police cars are coming for just one person.

Officer Schultz asks for another set of eyes for a search as he returns to his vehicle and begins writing a ticket. [REDACTED] can be heard off-camera complaining to other Officers about her high beams and her already being a target. As Officer Schultz is in his vehicle writing the ticket another Officer walks to the passenger side window and asks, "all good." Officer Schultz responds yes and explains that a crowd started to gather on the southeast corner of the alley from where the vehicle is stopped.

Officer Schultz finishes writing the ticket and informs [REDACTED] he will not issue a ticket for the high beams because he does not want to mess with her license since it came back clean and did not want her to go to court. Officer Schultz issues her a city ticket for open alcohol and tells her she will go to a hearing for which Officers do not appear.

c. Documentary Evidence

An **Office of Emergency Management and Communications**³ (OEMC) Chicago Police Department event query documents Officers conducted a traffic stop at 7843 S Morgan St. Officers performed a license plate and driver's license check.

VI. ANALYSIS

I. 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 Att. 8

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.

Officers Kristopher Schultz

COPA finds **Allegation 1**, that Officer Schultz conducted a traffic stop without justification against is EXONERATED. A lawful stop requires "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law." *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)). Officer Schultz BWC provides clear and convincing evidence of Officer Schultz explaining to ██████ the reason for the traffic stop. Officer Schultz directs ██████ attention to the blue light indicator on her dashboard and tells her the blue light indicates she was driving with her high beam headlights on. ██████ acknowledges the blue light indicator and does not deny she was driving with them on. Therefore, COPA finds that Officer Schultz had justification to conduct this traffic stop.

COPA finds **Allegation 2**, that Officer Schultz searched ██████ vehicle without justification is EXONERATED. An officer may conduct a search without reasonable suspicion or probable cause, if the individual consents. Such consent must be unambiguous, and voluntarily given. *Green*, 358 Ill.App.3d at 462.

Officer Schultz can be heard asking ██████ if she minds him going through the car. ██████ is seen and heard on Officer Schultz consenting to the search of the vehicle, specifically stating she does not mind, and at no time withdrawing her consent. Although ██████ states that she was intimidated by the additional officers on scene, it is clear that the additional officers were not present at the time she gave her consent. In fact, Officer Schultz did not even request back-up, until after ██████ had already consented to the search of her vehicle. Therefore, COPA finds, with clear and convincing evidence, that the search of ██████ vehicle was lawfully conducted.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Schultz	1. Conducted a traffic stop without justification.	Exonerated
	2. Searched [REDACTED] vehicle without justification.	Exonerated

Approved:



September 26, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Investigator:	Orlando Ortiz
Supervising Investigator:	Elaine Tarver
Deputy Chief Administrator:	Andrea Kersten