

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 25, 2020 / 2:00 p.m. / 5200 W. Irving Park Road
Date/Time of COPA Notification:	May 25, 2020 / 6:39 p.m.
Involved Officer #1:	SOLANO, Evan; star #12874; employee ID# [REDACTED] Date of Appointment: June 29, 2015; Police Officer; Unit 016/376; DOB: [REDACTED], 1991; Male; Hispanic.
Involved Officer #2:	ENCARNACION, Sammy; star #11790; employee ID# [REDACTED] Date of Appointment: June 29, 2015; Police Officer; Unit 016; DOB: [REDACTED], 1989; Male; White Hispanic.
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1997; Male; Black.
Case Type:	Improper Search of Vehicle

I. ALLEGATIONS

Officer	Allegation	Finding
Police Officers Evan Solano #12874 and Sammy Encarnacion #11790	1. Detained [REDACTED] without probable cause.	Exonerated
	2. Searched [REDACTED] vehicle without probable cause.	Unfounded
	3. Called [REDACTED] an “idiot” and told him he cannot read or write.	Unfounded

II. SUMMARY OF EVIDENCE<sup>1</sup>

An **Initiation Report** documents that the Reporting Party Subject, [REDACTED] alleged that Officers Evan Solano #12874 and Sammy Encarnacion #11790 stopped him on May 25, 2020, at approximately 2:00 p.m., in the vicinity of 5200 W. Irving Park Road. [REDACTED] alleged that the officers illegally searched his vehicle, made fun of him, and spoke to him in an antagonizing manner. [REDACTED] admitted that he was illegally parked but stated that he only stopped to quickly clean his vehicle<sup>2</sup>.

In his **statement to COPA** on May 28, 2020, [REDACTED] stated that he was driving home from work when he spilled water inside his vehicle and pulled over to clean it up. A police vehicle pulled up and the officers told him to exit his vehicle. [REDACTED] replied that the officers did not have probable cause to order him out of his vehicle. The officers responded that their probable cause

<sup>1</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

<sup>2</sup> Att. #3

was that he was parked in a tow zone. The driver officer, now known to be Officer Encarnacion, unlocked the front passenger door. ██████ told the officers that it was illegal to open the door, but ██████ exited his vehicle. ██████ stated that his driver's license was on his cell phone which had fallen between the front seats. The passenger officer, now known to be Officer Solano, searched inside the glove compartment and under the front passenger seat. ██████ protested and Officer Encarnacion replied that ██████ had given consent to search the vehicle. ██████ told Officer Encarnacion that he will call his mother. Officer Encarnacion attempted to grab ██████ cell phone. The officer grabbed ██████ left arm and attempted to handcuff him. ██████ hung up the call and the officer let him go. Officer Encarnacion told ██████ that he cannot call his "mommy." ██████ believed that the officer tried to antagonize him to get a reaction out of him. ██████ alleged that Officer Encarnacion called him an "idiot" and that ██████ could not read or write. ██████ asked which law stated that he cannot call his mother and told the officer that he did not know how to do his job. Officer Solano ran ██████ name and issued him two citations<sup>3</sup>.

Officer Encarnacion's **BWC video recording** depicts the two officers exiting their vehicle and approaching ██████ vehicle. The officers inform ██████ that he is parked in a no-parking zone. ██████ responds that he only stopped to clean water off the seats. Officer Encarnacion orders ██████ to exit the vehicle and opens the front passenger door. ██████ complains that the officer could not open the door. ██████ exits the vehicle and walks to the back of the vehicle. Officer Encarnacion points at a business and tells ██████ that the business had recently been broken into. ██████ replies that it has nothing to do with him. The officer asks ██████ for his driver's license, and he says that it is on his cell phone. ██████ states that his cell phone must have fallen to the floor after he spilled the water. ██████ looks in the driver's seat area and asks Officer Encarnacion to look in the back seat. Officer Solano looks around the front passenger seat. The officers do not search the vehicle. ██████ finds the cell phone and removes his driver's license from a holder on the phone. Officer Solano receives the driver's license and returns to the police vehicle. ██████ then stands at the back of his vehicle and tells Officer Encarnacion that he will call his mother. Officer Encarnacion says "no" and takes the phone away from him. The officer tells ██████ that he cannot call his mother because the officer was conducting an investigation and ██████ was being detained. Officer Solano returns with two citations and explains to ██████ why he received the citations. Officer Encarnacion hands the cell phone to ██████ and tells him that he can now call his "mommy."<sup>4</sup>

### III. ANALYSIS AND CONCLUSION

COPA finds that ██████ allegation that Officers Solano and Encarnacion detained him without probable cause to be Exonerated. ██████ admitted that he was parked in a tow zone and did not readily produce his driver's license, which granted the officers the probable cause to investigate. Consequently, the officers were justified in ordering ██████ to step out of his vehicle while they were conducting their investigation.

COPA further finds that the allegations that the accused officers searched ██████ vehicle without probable cause, called him an "idiot" and told him he cannot read or write to be Unfounded. The BWC recordings indicate that, contrary to ██████ allegations, the officers did

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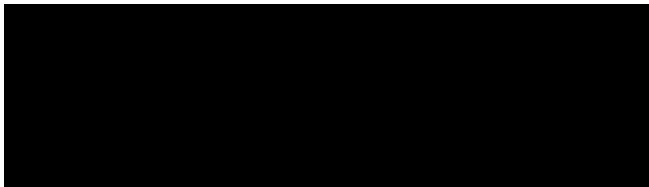
<sup>3</sup> Att. # 11

<sup>4</sup> Att. # 1

not search his vehicle but instead assisted him in locating his cell phone which contained his driver’s license. Moreover, Officer Encarnacion did not call ██████ an “idiot” and did not state that ██████ could not read or write.<sup>5</sup>

For the foregoing analyses and the lack of objective verifiable evidence of police misconduct, this matter should be closed to COPA files.

Approved:



Angela Hearts-Glass  
*Deputy Chief Investigator*

June 30, 2023

Date

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<sup>5</sup> It is noted that although no allegations are listed against Officer Encarnacion for any CPD Rules and Regulations violations, COPA believes the reviewed BWC showed Officer Encarnacion engaging in the disrespect or maltreatment of any person (Rule 8). While not calling ██████ an “idiot” or telling ██████ he could not read or write as alleged, Officer Encarnacion needlessly engaged ██████ in discourteous and impertinent conversation that may have possibly risen to the level of an alleged Rule 8 violation. COPA-initiated allegations were not filed against Officer Encarnacion as he resigned from the Department on April 25, 2023 (Att. #23 – PO Encarnacion’s CPD Information).

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	17
<b>Major Case Specialist:</b>	Thomas Kalantzis
<b>Supervising Investigator:</b>	Gregory Little
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass