SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 23, 2018
Time of Incident #1:	11:57 am
Location of Incident #1:	4107 W. 13th St., Chicago, IL
Time of Incident #2:	12:23 pm
Location of Incident #2:	Homan Square Police Station
Date of COPA Notification:	March 26, 2018
Time of COPA Notification:	4:53 pm

On March 23, 2018, at or around 11:57 am, was walking on the 1200 block of south Karlov Ave. He walked up to a vehicle with two men inside. The two men were looking to buy drugs. Unbeknownst to Mr. **Second Second** motioned one of the men into the gangway of a nearby house, where Mr. **Second Second** motioned one of the men into the gangway of a nearby house, where Mr. **Second** sold that man two bags of heroin in exchange for pre-recorded money. The man left, and Mr. **Second** walked south on Karlov Ave. A few minutes later, two other plain clothes police officers approached Mr. **Second** and arrested him for possession and distribution of narcotics. Mr. **Second** was then taken to the Homan Square facility for processing. Mr. **Second** claims he was strip searched while at Homan Square. Mr. **Second** came into the COPA to file a complaint for unlawful arrest, unlawful search and unauthorized strip search against the enforcement officers, Steven Laureto and Laurence Stiles. For the reasons discussed below, COPA determined that no violations of policy or law occurred.

II. INVOLVED PARTIES

Involved Officer #1:	Steven Laureto, Star #5882, Employee ID , Date of Appointment: December 13, 1999, Police Officer, Unit 189 (Narcotics), DOB: , 1976, Male, White
Involved Officer #2:	Laurence Stiles, Star #19561, Employee ID , Date of Appointment: September 29, 2003, Police Officer, Unit 189 (Narcotics), DOB: , 1976, Male, White
Involved Individual #1:	DOB:, 1969, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Steven Laureto	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Laureto unlawfully arrested complainant without a warrant or probable cause 	Exonerated
	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Laureto unlawfully searched complainant without warrant or probable cause 	Exonerated
	 On or about March 23, 2018, at approximately 12:25 pm at or around Homan Square Station, Officer Laureto conducted a strip search of complainant without cause or prior authorization. 	Not Sustained
Officer Laurence Stiles	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Stiles unlawfully arrested complainant without a warrant or probable cause 	Exonerated
	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Stiles unlawfully searched complainant without warrant or probable cause 	Exonerated
	3. On or about March 23, 2018, at approximately 12:25 pm at or around Homan Square Station, Officer Stiles conducted a strip search of complainant without cause or prior authorization.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules

- 1. Rule 1 Violation of Any Law or Ordinance
- 2. Rule 6 Disobedience of an order or directive
- 3. Rule 8 Disrespect or Maltreatment of any person, while on or off duty

General Orders

- 1. General Order G06-01-01 Field Arrest Procedures
- 2. General Order G06-01-03 Conducting Strip Searches

Federal Laws

1. U. S. Const. amend. IV- Search and Seizure

State Laws

1. 725 ILCS 5/103-1 Rights On Arrest

V. INVESTIGATION¹

a. Interviews

gave a statement to COPA² on April 6, 2018. Mr. stated Mr. that on March 23, 2018, at around 11:57 am, he was walking down Roosevelt to Karlov, then walked to 13th St. He walked west on 13th St., and when he made it to the alley, a silver Ford Explorer pulled up and the passenger asked to speak to him. The men in the car asked if he knew He said they were asking about a "domestic issue." He responded that he did a not know anyone by that name. When Mr. **Example** tried to walk away, the men got out of the car and asked him for identification. Mr. described the two men as being white, and dressed in plain clothes. The passenger in the SUV was around 6'1" and 185 lbs. and was wearing a hat. The other man was around 5'10" and 180 lbs. He said they put him on the SUV and searched his pockets. They said "we don't know you, so we are going to cuff you."³ Once they cuffed they put him inside the truck. Mr. **Set of the stated that at no time during this** Mr. incident did they tell him he was under arrest or mention anything other than the matter. He said the police asked to search him. He said that he agreed. After this, Mr. was taken to Homan Square. At Homan Square, the officers asked Mr. clothing. At this point in the interview, Mr. explained how he was trying to do right and got very emotional.

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 Attachment 13 & 14.

³ Attachment 13 at 6:22.

Mr. **Solution** stated that at Homan Square, he was asked if he had anything on him. He responded, "Just search me." The officers then took off his sweater and his shorts from under his pants. He says he was stripped naked. Once they saw he had nothing, they let him put his boxers and pants back on as well as his tee shirt and hat. They did not search his genitals or buttocks. He asked to be allowed to call his daughter's mother to make arrangements for his daughter to be picked up from school. One officer agreed to call for him. Mr. **Solution** estimated that half an hour later, the officers came and transported him to Harrison and Kedzie. When he asked again why he was being taken to lock up, one of the officers answered "It's under a gram. After they go to the lab it should be about .2."⁴ When Mr. **Solution** was taken to the 26th and California criminal courthouse. His public defender was the first to inform him that he was charged with manufacture and distribution of narcotics.

COPA interviewed Witness Officer Derrick Denton⁵ on June 26, 2018, at 1:00 pm. Officer Denton stated that on March 23, 2018, at approximately 11:25 am, he was working as an undercover buy officer in the area of 1230 S. Karlov for the Narcotics Division of the Chicago Police Department. Officer Denton observed an individual he identified as Mr. walking down the sidewalk on the 1200 block of South Karlov Ave. Prior to this event, he had never met by another undercover officer. Both officers were headed south on Karlov in the undercover vehicle when they were flagged down by Mr. Mr. Mr. Maked them what they were looking for. Officer Denton could not recall what Mr. was wearing, but described him as a black male. In response to Mr. **Here and an and the analysis** was wearing, but described indicate he was looking to buy heroin. Mr. **Here and the analysis** then indicated that Officer Denton should follow him to a nearby gangway. Officer Denton followed Mr. Into a gangway of a nearby house at or around 1230 S. Karlov. In the gangway, Officer Denton gave Mr. two ten dollar bills he had previously inventoried at the district to be used for undercover drug buys. These bills had their serial numbers pre-recorded. Mr. what Officer Denton believed to be heroin, from a fold in his skull cap and gave it to Officer Denton. After receiving the bags, Officer Denton returned to vehicle and left the area. Once back in the vehicle Officer Denton signaled his team via radio that a positive drug buy had occurred. He gave the enforcement team a physical and clothing description as well as a last known location. While waiting for enforcement to pick up Mr. Officer Denton and his partner Officer Prskalo, left the immediate area but stayed relatively close to the operation. Once enforcement signaled via radio that they had detained Mr. Officer Denton proceeded to 1300 S. identification. Officer Denton estimates he made the Karlov to confirm Mr. identification from around fifty feet away. After Officer Denton made his identification for enforcement, he had no further contact with Mr.

COPA interviewed Witness Officer David Bird⁶ on July 24, 2018. Officer Bird stated that on March 23, 2018, at around 12:00 pm, he was assigned to a Strategic Anti-Violence Mission team doing buy-bust operations in the area of 1300 S. Karlov. Officer Bird was assigned as a

⁴ Attachment 14 at 6:30.

⁵ Attachment 39.

⁶ Attachment 41.

surveillance officer. Officer Bird stated that he did not witness the initial contact with Mr. Officer Denton. When Officer Denton made contact with Mr. Officer Bird was signaled via radio that the undercover officers had made contact with a potential seller. At that time, Officer Bird drove his vehicle to an area near 1230 S. Karlov. By the time Officer Bird arrived, Officer Denton and Mr. He area a lear 1230 S. Karlov. By the time Officer Bird arrived, Officer Bird's view of the transaction was obstructed by Officer Denton's presence in the gangway. He did not directly witness the exchange of money for drugs. Officer Bird maintained surveillance of Mr. For the time he left the gangway and walked south until he walked to 13th Street, where he was approached by the enforcement officers, Officers Laureto and Stiles. Officer Bird estimates he was approximately one city block from Mr.

COPA interviewed Accused Officer Steven Laureto⁷ on August 16, 2018. Officer Steven Laureto stated that on March 23, 2018, at around 11:57 am, he was assigned to a narcotics enforcement unit doing buy-bust operations in the area of 1200 S. Karlov. Officer Laureto was assigned as an enforcement officer. Officer Laureto was first made aware of Mr. alleged attempt to sell narcotics to an undercover officer by a signal from the surveillance officers followed by a physical description. Officer Laureto did not have an independent recollection of what that description was. At that point, Officer Laureto and Officer Stiles approached Mr. and identified themselves as police. Officer Laureto did not have an independent recollection of exactly what he said to Mr. when he approached. Officer Laureto related that in this situation, he typically approaches suspects in a friendly manner and engages them in conversation while he awaits the undercover officer to confirm the identity of the suspect. Once Officer Denton confirmed over the radio that Mr. was the man he had bought narcotics from, Officers Laureto and Stiles placed Mr. under arrest. At that point Officer Laureto and Stiles did a simultaneous search of Mr. where Officer Laureto recovered an additional bag of heroin. Officer Laureto confirmed that the bag shown in the photograph labeled Attachment 50 was the bag he recovered from Mr. Officer Laureto stated that his partner, Officer Stiles, recovered ten dollars in 1505⁸ funds from Mr. person. After was placed in the squad car and taken to the Homan Square facility for the search, Mr. processing.

Officer Laureto was given the opportunity to review video captured from surveillance cameras at Homan Square.⁹ Officer Laureto positively identified himself and his partner in the video bringing Mr. **Second** into the facility. Mr. **Second** was brought into the facility, processed and taken to a holding room. Officer Laureto and Officer Stiles then conducted a search of Mr. **Second** person and inventoried his personal property, including some extra layers of clothing. Officer Laureto did not have an independent recollection of what objects he inventoried. Officer Laureto stated that while suspects are being held, they are only allowed a single layer of clothing. Officer Laureto denied conducting any sort of strip search while Mr. **Second** was in custody.

⁷ Attachment 52.

⁸ 1505 funds are CPD monies which have the serial numbers pre-recorded so that funds can be tracked after they are used in a police investigation.

⁹ Attachment 33.

The only further contact Officer Laureto stated that he had with Mr. **Example 1** was when they transported him to the 11th District.

COPA interviewed Accused Officer Laurence Stiles¹⁰ on August 16, 2018. Officer Stiles stated that on March 23, 2018, at around 11:57 am, he was assigned to a narcotics enforcement unit, doing buy-bust operations in the area of 1200 S. Karlov. Officer Stiles was assigned as an enforcement officer for this operation. He first came into contact with Mr. when the surveillance team informed enforcement that a buy had occurred and gave a description of the suspect. Officer Stiles did not have an independent recollection of what the description was. Officer Stiles and his partner Officer Laureto were in an unmarked vehicle located about a block location. Officer Laureto was driving the unmarked vehicle. The away from Mr. officers pulled up to Mr. and asked him to approach the vehicle. They identified themselves as police and waited for the undercover officer to call in a positive identification of Officer Stiles informed Mr. **Example 1** that they were running an operation and that Mr. he had sold narcotics to an undercover officer. A few seconds after they approached Mr. Officer Stiles and Officer Laureto received a call on their radios from the undercover officer confirming Mr. as the suspect. At that point, they placed Mr. conducted a pat down. Officer Stiles recovered from Mr. hands two ten dollar bills that were later matched as 1505 funds checked out from Chicago Police Department inventory. Officer Laureto recovered a packet of what they believed to be heroin, which was contained in a small bag with panda bears on it.

The officers then transported Mr. **Second** to Homan Square for processing. Officer Stiles was given the opportunity to review video captured from surveillance cameras at Homan Square.¹¹ Officer Stiles positively identified himself in the video bringing Mr. **Second** into the facility. Mr. **Second** was brought into the facility, processed and taken to a holding cell. Mr. **Second** while in that room, was handcuffed to the wall. Officer Laureto and Officer Stiles then conducted a search of Mr. **Second** person and inventoried his personal property, including some extra layers of clothing. Officer Stiles detailed that such a search includes asking the subject to empty his pockets and take off his shoes, followed by a physical pat down for contraband. Officer Stiles detailed conducting any sort of strip search while Mr. **Second** was in custody.

The only further contact Officer Stiles stated that he had with Mr. **Example 1** was when they transported him to the 11th District.

b. Digital Evidence

Homan Square Facility Security Video¹²: Security camera footage was available from the Homan Square Facility. Investigators reviewed video from March 23, 2018, at 1100 hours to March 23, 2018 at 1300 hours. Video is provided in a format where multiple cameras are shown at once. Mr.

¹⁰ Attachment 51.

¹¹ Attachment 33.

¹² Attachment 33.

captured period. At time stamp 12:06, the camera in front of the prisoner entrance outside the stairwell shows a black man in black clothing matching the appearance of Mr. from his arrest photo. He is in handcuffs and being brought into the facility by two white men in plain clothing. The three men proceed up the stairs to the second floor. Mr. was then taken to a holding room. No cameras are present in the room. There is a camera in the hallway marked 2FL Corridor Prisoner Hallway 270N. Mr. **See 19** is seen being taken through this hallway to the holding room shortly after being brought in. At time stamp 12:26, the two men who brought Mr. in are seen entering the room where Mr. **Solution** had been taken to. One of the men His shoes are visible on camera. The other man enters and stavs in the room with Mr. leaves three times. Each time he leaves with a different item and places it somewhere off camera. The first time the item is hard to make out, but it appears to be small bag. The second item appears to be a piece of gold jewelry. On the third time, both men leave the room together. The second man is carrying clothing. From the video, it is not possible to tell how many pieces of clothing he is carrying. Mr. appears on the camera again at time stamp 1:31 for what appears to be a bathroom break. Two men, different from the men who brought him in, bring Mr. out from his room. He is clothed in a t-shirt and long pants. He is wearing sneakers. They take him to another off-camera room and wait outside while Mr. goes in alone. After approximately comes out. He appears to be drying his hands. The two men then take five minutes, Mr. back to his room. Mr. does not appear again on the available video. Mr.

c. Documentary Evidence

Narcotics Supplementary Report (Buy Officer)¹⁴: JB 196758. Report authored by Officer Derrick Denton. The report describes a plan by the members of Narcotics Squad D-4 to conduct a purchase from an unknown individual in the targeted area of Roosevelt and Pulaski. Officers Denton and Prskalo drove an undercover vehicle to the area. Officers Denton and Prskalo observed a black male, later identified as for the area officer Denton spoke with Mr. If and requested to buy heroin. Mr. If the gangway of a nearby house. Officer Denton accompanied Mr. If to the gangway where he used two ten dollar bills of previously recorded U.S. currency 1505 funds to buy two bags of heroin, which Mr. If the gangled his team that a buy had been made. Mr. If the second second

¹³ Attachment 4

¹⁴ Attachment 30

detained by enforcement officers Laureto and Stiles at 4107 W. 13th St. As Mr. **St. As Mr. Matters** was being detained, Officers Denton and Prskalo drove by in the undercover vehicle and Officer Denton confirmed via radio that Mr. **St. Matters** was the man he had bought the heroin from. Mr. **St. Matters** was placed in custody, transported and processed.

Narcotics Division Supplementary Report (**Surveillance Officer**)¹⁵: JB 196758. Report authored by Officer David Bird. Officer Bird was a surveillance officer on a "buy bust" operation conducted in the 11th District. Surveillance observed Officers Denton and Prskalo drive a covert vehicle to the area. They then witnessed Officer Denton make contact with a black male individual and follow him into the gangway of 1230 S. Karlov. After a short exchange, Officer Denton returned to the covert vehicle and signaled to the team that he had made a "buy" of narcotics. Surveillance observed the suspect head south on Karlov toward 4107 W. 13th St., where he was soon after detained by enforcement Officers Laureto and Stiles. After a search, enforcement placed Mr.

The **Inventory Reports**¹⁶ detail the inventoried items recovered, including the suspect narcotics alleged to have been sold by Mr. **Constitution** to Officer Denton, the pre-recorded money used by Officer Denton to purchase the suspected narcotics along with the pre-recorded funds list made prior to this incident, and additional narcotics recovered from Mr. **Constitution** at the time of his arrest. Additional items inventoried include some of Mr. **Constitution** clothing.

VI. LEGAL STANDARD

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

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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 III. 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.

¹⁵ Attachment 31

¹⁶ Attachments 20-23, 37

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

Both Officer Laureto and Officer Stiles have been charged with the same allegations and nothing in evidence distinguishes the conduct of one from the other. Therefore, the allegations will be evaluated for both officers collectively, while the findings remain to be made individually.

A. Unlawful Arrest

It is alleged that Officers Laureto and Stiles arrested Mr. without a warrant or probable cause.

The first issue here is whether Mr. **Sector** was arrested. Based on Mr. **Sector** own testimony,¹⁷ corroborated by the testimony of Officer Laureto¹⁸ and Officer Stiles,¹⁹ Mr. **Sector** was searched, handcuffed, placed in the back of a police vehicle and transported to the Homan Square facility for processing. An arrest report was filed.²⁰ Mr. **Sector** was charged with a crime. Clearly, he was arrested.

The second issue is whether that arrest was legal and in accordance with Chicago Police Department policy. There is nothing on record to suggest Mr. **Second** was subject to a warrant, therefore for the arrest to be valid, the officers needed probable cause.

In *Brinegar v. United States*, 338 U.S. 160 (1949), the United States Supreme Court defined probable cause as "where 'the facts and circumstances within their (the officers') knowledge and of which they had reasonably trustworthy information (are) sufficient in themselves to warrant a man of reasonable caution in the belief that' an offense has been or is being committed." (338 U.S. at 175-176 (quoting *Carroll v. United States*, 267 U.S. 132, 162 (1925)).

In this case, the facts and circumstances within the officers' knowledge is substantial. Officer Denton, while undercover, identified Mr. **Sector** as the suspect from whom he bought narcotics. Numerous surveillance officers tracked Mr. **Sector** after the narcotics transaction.²¹ Given those facts, COPA finds there is clear and convincing evidence that a reasonable police officer would conclude that Mr. **Sector** had in fact committed the crime of possessing and distributing a controlled substance. Because of these facts, COPA makes the finding of **Exonerated** for the first allegation as to both Officer Laureto and Officer Stiles.

¹⁷ Attachments 13 &14

¹⁸ Attachment 51

¹⁹ Attachment 50

²⁰ Attachment 4

²¹ Attachment 31

B. Illegal Search

The second allegation is that the officers unlawfully searched Mr. **Second** As established by the previous section, the officers had probable cause to arrest Mr. **Second** I]n the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a 'reasonable' search under that Amendment." *United States v. Robinson*, 414 U.S. 218, 235 (1973). Based on Mr. **Second** statement, and the statements of Officers Laureto and Stiles, it is evident that their search of Mr. **Second** was a search incident to arrest. The fact that Mr. **Second** was under arrest is not in dispute, therefore, by clear and convincing evidence, the search was lawful. COPA finds that Officers Laureto and Stiles are **Exonerated** on the second allegation.

C. Unauthorized Strip Search

The third allegation in this case is that the officers, without cause or authorization, conducted a strip search of Mr. **Strip** search "means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person. 725 ILCS 5/103-1(c). Procedures for obtaining authorization for and documenting strip searches are also set forth by statute. 725 ILCS 5/103-1(f).

However, the first part of the analysis has to be whether or not a strip search was even performed. The evidence of whether a strip search of Mr. was conducted at the Homan Square Facility is inconclusive. Mr. **Second Statement says he was stripped down to his** underwear while in the holding room.²² However, in his interview Mr. stated he did not know why he was arrested and denied ever selling drugs.²³ There is strong evidence that he knew and that he did sell drugs. His failure to disclose that to investigators, while understandable given his ongoing court case, brings his whole statement into question. Both Officer Laureto and Officer Stiles deny ever conducting a strip search of Mr. ²⁴ The video available from Homan Square does not include camera footage from the holding room, just the hallway. The video does show Officers Laureto and Stiles exiting the holding room with articles of Mr. clothing. However, it is impossible to determine whether those were all of his clothes or just the extra layers beyond the single layer prisoners in lock up are permitted.²⁵ As such, COPA is unable to determine by preponderance of the evidence whether this strip search occurred. Therefore, COPA finds that the third allegation for both officers is Not Sustained.

VIII. CONCLUSION

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

²² Attachment 14

²³ Attachment 13

²⁴ Attachments 51 & 52

²⁵ Attachment 33

Officer	Allegation	Finding
Officer Steven Laureto	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Laureto unlawfully arrested complainant without a warrant or probable cause 	Exonerated
	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Laureto unlawfully searched complainant without warrant or probable cause 	Exonerated
	3. On or about March 23, 2018, at approximately 12:25 pm at or around Homan Square Station, Officer Laureto conducted a strip search of complainant without cause or prior authorization.	Not Sustained
Officer Laurence Stiles	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Stiles unlawfully arrested complainant without a warrant or probable cause 	Exonerated
	 On or about March 23, 2018, at approximately 11:57 am at or near 4107 W. 13th St., Officer Stiles unlawfully searched complainant without warrant or probable cause 	Exonerated
	3. On or about March 23, 2018, at approximately 12:25 pm at or around Homan Square Station, Officer Stiles conducted a strip search of complainant without cause or prior authorization.	Not Sustained

Approved:

Angela Hearts-Glass Deputy Chief Administrator 6-30-2020

Date

<u>Appendix A</u>

Assigned Investigative Staff

Squad#:	5
Investigator:	Ryan McPhail
Supervising Investigator:	Loren Seidner
Deputy Chief Administrator:	Angela Hearts-Glass