

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 30, 2018
Time of Incident:	10:59 pm
Location of Incident:	13300 S. St. Lawrence Ave. Chicago, IL 60827
Date of COPA Notification:	May 1, 2018
Time of COPA Notification:	10:52 am

Mr. [REDACTED] was driving his vehicle near 13300 S. St. Lawrence Avenue when an unmarked police car driven by Officer Paul Gentile and also occupied by Officer Patrick Forbes alerted him to pull over. Multiple gunshots were heard in the neighborhood several minutes prior to the traffic stop and there was heavy police presence in the area. The officers witnessed Mr. [REDACTED] disobey a stop sign. Mr. [REDACTED] weaved his vehicle in and out of several police vehicles before pulling over. Officer Forbes approached Mr. [REDACTED] vehicle, removed him from it, and placed him in handcuffs. Officer Gentile then searched Mr. [REDACTED] vehicle. Mr. [REDACTED] was subsequently released without any traffic citation and the officers documented the stop in an investigative stop report. Immediately following the stop, Mr. [REDACTED] called 911 and requested a supervisor to place a complaint. Sergeant Thomas Davey responded to Mr. [REDACTED] request, but Mr. [REDACTED] refused to place his complaint with him. Mr. [REDACTED] called 911 and requested a different field supervisor, but could not be provided one. Mr. [REDACTED] then walked into the 5th District Station to place his complaint in person but he was asked to leave the facility. Mr. [REDACTED] subsequently contacted COPA and his complaint was logged the following morning. COPA sustained one allegation against each of the officers for failing to provide an investigatory stop receipt to Mr. [REDACTED]

II. INVOLVED PARTIES

Involved Officer #1:	Police Officer Patrick W. Forbes, Star #2953, Employee ID # [REDACTED], Appointment Date: August 26, 2013, Unit 007 / 311, Male, [REDACTED] Birth Date: [REDACTED], 1986.
Involved Officer #2:	Detective ¹ Paul V. Gentile, Star #20610, Employee ID # [REDACTED], Appointment Date: August 27, 2007, Unit 610, Male, [REDACTED] Birth Date: [REDACTED], 1981.

¹ At the time of this incident, Paul Gentile was assigned as a Police Officer. He has since been re-assigned as a detective. He will be referred to herein by his rank and assignment at the time of occurrence. However, his current information is listed in this section.

Involved Sergeant #1: Sergeant, Unknown, Male.
 Involved Individual #1: ██████████ ██████████ Male, Black, Birth Date: ██████████, 1978.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Patrick W. Forbes	1. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly stopped the complainant in his vehicle, in violation of Rule 6.	Exonerated
	2. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly detained the complainant, in violation of Rule 6.	Exonerated
	3. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you searched the complainant's person and vehicle without probable cause or a warrant, in violation of Rule 6.	Not Sustained
	4. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you failed to provide the complainant with an investigatory stop receipt, in violation of Rules 6 and 10.	Sustained / Reprimand
Officer Paul V. Gentile	1. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly stopped the complainant in his vehicle, in violation of Rule 6.	Exonerated
	2. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly detained the complainant, in violation of Rule 6.	Exonerated
	3. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300	Not Sustained

	<p>S. St. Lawrence Avenue, you searched the complainant's person and vehicle without probable cause or a warrant, in violation of Rule 6.</p> <p>4. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you failed to provide the complainant with an investigatory stop receipt, in violation of Rules 6 and 10.</p>	<p>Sustained / Reprimand</p>
<p>Sergeant, Unknown, Male</p>	<p>1. It is alleged that on or about April 30, 2018, after 10:59 pm, at 727 E. 111th Street, you refused to take a complaint on behalf of the complainant, in violation of Rule 10.</p>	<p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 10: Inattention to duty.

Special Orders

1. S04-13-09 Investigatory Stop System

Illinois Statute

1. 625 ILCS 5/11-904 Vehicle entering stop or yield intersection.
2. 625 ILCS 5/12-201 When lighted lamps are required.
3. 725 ILCS 5/107-14 Temporary questioning without arrest.

United States Constitutional Provisions

1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.

V. INVESTIGATION²

a. Interviews

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

In an interview with COPA, on May 1, 2018, ██████ ██████ recounted his version of events to COPA as follows. Mr. ██████ was driving on 132nd Street when he saw a police car driving towards him in the opposite direction. The police car made a U turn and signaled him to pull over. Mr. ██████ noticed many police cars in the area and could tell that something had happened nearby. Mr. ██████ suspected that there had been a shooting, and felt as if the police were responding to one. After he was signaled to pull over, Mr. ██████ continued to drive for a short distance and made a left turn onto St. Lawrence. Mr. ██████ admitted he drove passed the police before finding a place that he felt comfortable pulling his vehicle over, stating “all the police officers I rolled passed ended up coming to me.”⁴ Mr. ██████ stated that both officers approached his vehicle. At this point, one officer came up to Mr. ██████ car and made what Mr. ██████ described as “uneasy movements” by reaching toward his gun, but not taking it out.⁵ Mr. ██████ was told to put his hands up and he placed his hands out the window. One officer opened his door and then the other officer pulled him out of the vehicle and handcuffed him. The officers moved him towards the trunk of their car. Mr. ██████ yelled “Y’all ain’t got no reason to pull me over, like! Y’all not even telling me why you stopped me!”⁶ One of the officers searched Mr. ██████ vehicle. Mr. ██████ refused to give the officers his name because they had not explained to him why he had been pulled over. Mr. ██████ was patted down and his identification was removed from his left pocket.

Mr. ██████ estimated that 10 to 15 other officers arrived on the scene at some point in the interaction. Mr. ██████ could not recall precisely when they arrived. Most of the officers were just standing around and observing. No officer told Mr. ██████ why he was pulled over. The entire incident took a little longer because Mr. ██████ “was hoopin’ and hollerin’”.⁷ Mr. ██████ estimated the entire stop took anywhere between fifteen to twenty-five minutes. After his handcuffs were removed, Mr. ██████ left the scene without any citation or paper record of the stop. No officer attempted to provide him with a paper record of the stop. Mr. ██████ drove off and called 911 from several blocks away to request a supervisor. A supervisor responded to this call, but because Mr. ██████ recognized the supervisor from the scene of the traffic stop, Mr. ██████ refused to place his complaint with him. The supervisor told him that there was no other supervisor in the field available to take his complaint. Mr. ██████ drove off and again called 911 to request a supervisor. Mr. ██████ estimated he called 911 about five times. The dispatcher relayed to him that there was no other supervisor available in the field. The dispatcher connected Mr. ██████ to COPA so Mr. ██████ could place his complaint. However, it was after COPA’s regular business hours and Mr. ██████ did not wish to leave a complaint via voicemail. Mr. ██████ instead decided to go the 5th District Station on 111th Street in person to place his complaint.

Mr. ██████ walked into the 5th District Station and observed three female officers in blue shirts at the front desk and one male “white shirt,”⁸ or sergeant to the left of them at the front desk. One of the females in a blue uniform began speaking to Mr. ██████. Mr. ██████ requested that a white shirt or someone else in charge speak with him. Mr. ██████ tried to get the attention

³ Att. 14.

⁴ Att. 14, at 2:53 and 7:05.

⁵ Att. 14, at 3:07.

⁶ Att. 14, at. 9:17.

⁷ Att. 14, at. 12:34.

⁸ Att. 14, at. 24:20.

of the sergeant at the desk, but he admitted that he never actually interacted with him. Mr. ██████ felt that the sergeant sitting at the desk could hear him but chose to ignore him. Mr. ██████ also witnessed the sergeant take a phone call that Mr. ██████ perceived to be about him, though he had no direct knowledge of this. Mr. ██████ admitted to being “very verbal and loud”⁹ in the station to capture the sergeant’s attention. One of the female officers finally requested that he exit the station. Mr. ██████ stated that the sergeant did not speak to him until the female officers began escorting him out. At which point, the sergeant stated, “If you don’t leave, you’re going to jail.”¹⁰ Several more officers then came out from the back of the station and walked Mr. ██████ out of the facility.

In an **interview with COPA**, on August 14, 2018, **Officer Paul Gentile**¹¹ recounted his version of events from the date of incident. Officer Gentile was on duty and assigned to “the Gardens.”¹² He was driving an unmarked vehicle while accompanied by his partner, Officer Forbes. Officer Gentile recalled hearing rapid gun fire, approximately 10-15 shots, and then driving towards the area where the shots were coming from. As he was driving, a dispatcher came over the radio and gave the pair an estimated location of where the shots originated from. He realized they were about a block away from that estimated location. As their vehicle headed east, he spotted a red vehicle turn west towards them with no lights on. He then saw that same vehicle, driven by Mr. ██████ fail to stop at a stop sign. Since the vehicle was coming from the area where the shots were fired, Officer Gentile immediately turned the squad car around and began driving after the vehicle. As he came up behind the car, he turned the squad car’s lights on. He observed Mr. ██████ vehicle gaining speed and swerving through about three police cars on the street. “As I’m getting behind him I’m thinking, you know, he’s taking off.”¹³ The squad car continued to follow Mr. ██████ vehicle as Mr. ██████ made a left turn and finally came to a complete stop near or around 13200 S. St. Lawrence.

Officer Gentile remained in the squad car while Officer Forbes approached Mr. ██████ vehicle. Officer Gentile remained behind the wheel of the car to prevent Mr. ██████ from possibly driving away if both officers exited the vehicle. He could not hear anything but swearing from Mr. ██████ and Officer Forbes trying to calm Mr. ██████ down. Specifically, Officer Gentile stated he could hear Mr. ██████ yelling “Fuck police” and “Why the fuck you stoppin’ me?”¹⁴ Officer Gentile remained in the vehicle until he saw Mr. ██████ exit his vehicle and felt assured Mr. ██████ could not drive away. He approached the vehicle and heard Officer Forbes telling Mr. ██████ he was being detained. Officer Gentile stated that Officers Forbes “did a quick, just a pat down of him to make sure he didn’t have a gun on him.”¹⁵ Officer Gentile, meanwhile, did a quick visual search of the vehicle. He did a visual search of the front seat, back seat, and floorboard. He did not recall going into any compartments in the vehicle or opening the trunk. Officer Gentile stated that they did not give Mr. ██████ any traffic citations because their focus was the gunfire and the officers needed to get back out there to investigate that.

⁹ Att. 14, at. 36:03.

¹⁰ Att. 14, at. 36:29.

¹¹ Atts. 32 and 33 (audio) and 39 (transcript).

¹² Att. 39, Page 7. Lines 3-7. Altgeld Gardens is located a couple blocks east of St. Lawrence.

¹³ Att. 39, Page 8. Line 14-15.

¹⁴ Att. 39. Page 9. Line 21-22.

¹⁵ Att. 39, Page 11. Line 4-6.

Officer Gentile stated they did not have the time or opportunity to offer Mr. ██████ an ISR¹⁶ receipt. When Officer Forbes released Mr. ██████ from his handcuffs, after what Officer Gentile estimated to be a ten minute detention, Mr. ██████ “just basically went right to the car and took off.”¹⁷ Officer Gentile admitted they did not make an attempt to give Mr. ██████ an ISR receipt because of his abrasive nature and how quickly he took off.

When asked to outline what pieces of information Officer Gentile relied on in forming his suspicion that Mr. ██████ might have been involved in the shooting incident, Officer Gentile stated,

“ . . . we heard the shots, loud, you know, succession of rifle rounds. We’re right around the corner. We’re coming up to the corner and from like the exact block where the shots fired comes up . . . he comes right through the stop sign. No lights on, no nothing. Proceeds right past us, gaining speed.

I turn around. We approach him, turn the lights on. He picks up speed. So, in my mind, he’s about to flee. He swerves in and out through the cop cars when we have the lights on. He goes around the curve and – which is another block at least – hits the turn real quick.

At that time I think he’s either about to take off, or he’s hiding the gun, or he most likely has the gun in the car where the shots just came from. So at that time, that’s why we made the stop.”¹⁸

Officer Gentile noted that it is typical for a vehicle that is involved in a drive by shooting to be operating without head lights.

In an **interview with COPA**, on August 14, 2018, **Officer Patrick Forbes**¹⁹ recounted his version of events from the date of incident. Officer Forbes was on duty in an unmarked vehicle with his regular partner, Officer Paul Gentile, who was driving the vehicle. The pair were on directed patrol in the 5th District. While on patrol, Officer Forbes heard 10-15 gun shots. After OEMC provided a specific address where the shots came from, the pair began touring the area. They observed Mr. ██████ vehicle fail to stop at a stop sign. Officer Forbes estimated that only a short time passed between the OEMC call and Mr. ██████ traffic infraction. Mr. ██████ vehicle also did not have its lights on. At this point, the pair initiated their lights. Officer Forbes recalled other police vehicles being around due to the shooting. He saw Mr. ██████ drive his vehicle in and out of several of these police vehicles. He estimated that Mr. ██████ continued to drive for about a block and half before finally coming to a complete stop.

Officer Forbes exited the vehicle and approached the driver’s side of Mr. ██████ vehicle. He described himself as being “tactically aware”²⁰ of the situation. Officer Gentile remained in the police vehicle in case Mr. ██████ attempted to drive away. Officer Forbes described Mr. ██████ as “very irate”²¹ when Officer Forbes asked him to exit his vehicle. Mr. ██████ was screaming

¹⁶ Investigatory Stop Report.

¹⁷ Att. 39, Page 14. Line 10-11.

¹⁸ Att. 39, Page 16. Line 4-19.

¹⁹ Atts. 28 (audio) and 38 (transcript).

²⁰ Att. 38, Page 8. Line 3.

²¹ Att. 38, Page 9. Line 16.

profanities, but not making threats. Officer Forbes asked him multiple times to get out of the vehicle before Mr. ██████ finally exited of his own accord. Officer Forbes immediately handcuffed him as other police vehicles began to arrive. Officer Forbes then patted down Mr. ██████ Officer Gentile searched the vehicle for weapons. Officer Forbes verbalized the reasoning for the search as the “totality of the circumstances with the shots fired call coming out, us hearing the shots fired call...his vehicle being out there...the erratic driving, failing to stop at a stop sign, weaving in and out of police cars, the head lights.”²² Officer Forbes stated that based on the totality, he believed Mr. ██████ may have been involved in the shooting. Officer Forbes did not witness the search of the vehicle but recalled that nothing was found, and that Mr. ██████ was released from handcuffs after only several minutes.

Officer Forbes stated they decided to give Mr. ██████ a verbal warning instead of issuing citations. He stated that he drafted the ISR before the end of the tour. He stated that Mr. ██████ behavior was just “too erratic”²³ and “too hostile”²⁴ to give him an ISR receipt, though he admitted that he never made a physical attempt to give him one.

b. Digital Evidence

Body-Worn Camera Footage²⁵ (BWC) footage capture by Sergeant Thomas Davey²⁶ depicts him arriving at the scene after Mr. ██████ has already been handcuffed. An officer appears to be searching the back seat of Mr. ██████ vehicle. Mr. ██████ is loudly yelling throughout the video. He refers to what is happening as an illegal search and seizure and mentions that someone is looking through his trunk. There is no view of any officer opening Mr. ██████ trunk. Mr. ██████ is also heard asking for his cuffs be removed. Neither Officer Forbes nor Officer Gentile interact with Mr. ██████ or Sergeant Davey in the footage.

BWC footage captured by Sergeant Thomas Davey²⁷ after the incident depicts Sergeant Davey in his vehicle, presumably responding to Mr. ██████ request for a supervisor. Mr. ██████ can be heard yelling, “I need another white shirt! He the wrong one!”²⁸ Sergeant Davey explains to Mr. ██████ that he is the only field supervisor available.

BWC footage captured by Officer Cory Jones,²⁹ Officer Matthew Keaty,³⁰ and Officer Scott Millsaps³¹ depict assisting officers arriving at the scene of the traffic stop after Mr. ██████ has already been removed from the vehicle and handcuffed. Mr. ██████ can be heard yelling but

²² Att. 38, Page 12. Lines 7-12.

²³ Att. 38, Page 14. Line 23.

²⁴ Att. 38, Page 14. Line 1.

²⁵ CPD provided 18 files of Body Worn Camera footage: 5 files related to this incident and 13 files unrelated to this incident. CPD provided 3 files of In Car Camera footage but none related to this incident. Officer Forbes and Gentile were not assigned body-worn cameras on the date of the incident and their unmarked vehicle was not equipped with an in-car camera.

²⁶ Att. 40, Sgt. Davey, BWC video 4:16 in length.

²⁷ Att. 40, Sgt. Davey BWC 6:20 in length (“6:20”).

²⁸ Att. 40, Sgt. Davey BWC 6:20 at 00:48.

²⁹ Att. 40.

³⁰ Att. 40.

³¹ Att. 40.

none of the footage depicts the initial stop, search, or any interaction between Mr. [REDACTED] and the accused officers.

OEMC provided audio of the radio frequency heard by the accused officers on the date of incident. Beat 4578B states there is an emergency involving a “semiautomatic weapon, we’re on 132nd and Corliss.”³² Beat 6729 (the beat of the accused officers) is then heard stating they have heard about 15-20 shots, specifically automatic weapon.³³ The dispatcher also states “We’re also getting a ticket, guys, of 13336 South Riverdale, the caller heard 10 gunshots . . . could have possibly come from 133rd Street.”³⁴

c. Documentary Evidence

The **Investigative Stop Report (ISR)**³⁵ is authored by Officers Forbes and Gentile, who are collectively referred to as A/Os in the narrative. The ISR was approved by Reviewing Supervisor Michael A. Cavanaugh #1063. The ISR, in summary, states that the A/Os responded to a call of shots fired near 13200 S. Corliss. The A/Os heard approximately 10-15 shots fired in rapid succession. The A/Os observed Mr. [REDACTED] vehicle driving “erratically, failing to stop at a stop sign.”³⁶ There is no mention of the headlights on Mr. [REDACTED] car. The officers attempted to stop Mr. [REDACTED] vehicle, at which point they witnessed the vehicle swerve around several police vehicles before coming to an abrupt stop. The ISR states: “Due to the nature of the call, abrasive driving, and failure to initially stop, A/Os ordered the listed subject out of the vehicle believing him to possibly be armed.”³⁷

The subject is described as “hostile” and the ISR notes that the officers were unable to provide Mr. [REDACTED] with a reason for the stop because he was “shouting profanities.”³⁸ It is noted that a pat down of the subject and a search of the vehicle were conducted due to the totality of the circumstances. The results of both searches were negative. The ISR notes that the officers were unable to provide the subject with a stop receipt.

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

³² Att. 41. This occurs at 00:10 in the OEMC recording marked Z9 2255-2355.

³³ Att. 41. This occurs at 00:28 in the OEMC recording marked Z9 2255-2355.

³⁴ Att. 41. This occurs at 02:34 in the OEMC recording marked Z9 2255-2355.

³⁵ Att. 13.

³⁶ Att. 13.

³⁷ Att. 13.

³⁸ Att. 13.

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 reviewed complied with 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 complied with Department policy than that it did not, 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 makes a finding of **Exonerated** for **allegation #1** against both Officers Forbes and Gentile, that they improperly stopped the complainant in his vehicle. An officer may initiate a traffic stop based on the observation of a minor traffic infraction. In this instance, the accused officers both stated they observed Mr. █████ proceed through a stop sign without making a complete stop. 625 ILCS 5/11-904(b) states that "Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by stop sign shall stop at a clearly marked stop line." Both officers attested to viewing Mr. █████ vehicle make this traffic infraction.

Furthermore, both Officers Forbes and Gentile attested to observing Mr. █████ operating his vehicle without the required visible headlights. 625 ILCS 5/12-201 (b) requires, "at least two lighted head lamps, with at least one on each side of the front of the vehicle, which satisfy the United States Department of Transportation requirements...from the period of sunset to sunrise." Although not documented in the ISR, both officers stated in their interviews that Mr. █████ vehicle was observed without operable headlights around 11:00 pm, well after sunset.

Officers Forbes and Gentile did document Mr. █████ failure to stop at the stop sign and driving in and around other police cars in Investigatory Stop Report #000511756.³⁹ Mr. █████ own statement corroborates his driving passed police cars. As such, COPA finds that Officers Forbes and Gentile stopped Mr. █████ vehicle with legal justification.

COPA makes a finding of **Exonerated** for **allegation #2** against both Officers Forbes and Gentile, that they improperly detained Mr. █████ The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantee the right of individuals to be free from unreasonable searches and seizures.⁴⁰ Police-citizen encounters are categorized into three tiers:

³⁹ Att. 13.

⁴⁰ U.S. Const., amend. IV; Ill. Const. 1970, art. I, §6.

(1) an arrest of a citizen, which must be supported by probable cause; (2) a temporary investigative seizure conducted pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968) and 725 ILCS 5/107-14, which must be supported by reasonable, articulable suspicion of criminal activity; and (3) a consensual encounter.⁴¹ A *Terry* stop must be limited in scope and duration because it is an investigative detention, which must be temporary and last no longer than necessary to effectuate the purpose of the stop.⁴² Handcuffing does not automatically convert an investigatory stop into an arrest.⁴³ There are situations in which concerns for the safety of the police officer or the public justify handcuffing the detainee for the brief duration of an investigatory stop.⁴⁴

In the present case, Mr. ██████ was briefly detained by Officers Forbes and Gentile and then released. Officer Forbes approached Mr. ██████ vehicle, ordered him out of the vehicle, and placed handcuffs on him. According to Officer Gentile, the detention of Mr. ██████ only lasted about ten minutes. Officers Gentile and Forbes detained Mr. ██████ because they both heard 10 to 15 gunshots in the area where they observed Mr. ██████ driving his vehicle without any headlights on. Further, both officers observed Mr. ██████ fail to stop at a stop sign. When the officers activated their emergency lights to stop Mr. ██████ he increased his speed, swerved through three police vehicles, and proceeded to continue to drive for about a block before he stopped for officers. When Officer Forbes asked Mr. ██████ to exit his vehicle, he became very irate and started swearing at the officers. Officers Forbes and Gentile documented in their ISR that due to nature of the call, abrasive driving and failure to initially stop, the officers ordered Mr. ██████ out of the vehicle because they believed him to possibly be armed. Given the fact that Officers Forbes and Gentile detention of Mr. ██████ was temporary and supported by reasonable suspicion of criminal activity, COPA finds this allegation against Officers Forbes and Gentile is exonerated.

COPA makes a finding of **Not Sustained** for **allegation #3** against both Officers Forbes and Gentile, that they searched Mr. ██████ person and vehicle without probable cause. The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantee the right of individuals to be free from unreasonable searches and seizures.⁴⁵ Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop. However, “[t]he officer may subject the person to a limited search for weapons...only if the officer reasonably believes that the person is armed and dangerous.”⁴⁶ Officers may also search the passenger compartment of a vehicle for weapons during a traffic stop, if the officers “possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.”⁴⁷ An officer’s subjective belief is not determinative, but probative in determining the validity of the frisk.⁴⁸ Under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.”⁴⁹

⁴¹ *People v. McDonough*, 239 Ill. 2d 260, 268 (2010).

⁴² *People v. Johnson*, 408 Ill. App. 3d 107, 113 (2d Dist. 2010) (citing *Florida v. Royer*, 460 U.S. 491, 500 (1983)).

⁴³ See, e.g. *United States v. Stewart*, 388 F.3d 1079, 1084-85 (7th Cir. 2004); *People v. Starks*, 190 Ill. App 3d 503, 509 (2d Dist. 1989).

⁴⁴ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2009).

⁴⁵ U.S. Const., amend. IV; Ill. Const. 1970, art. I, s 6.

⁴⁶ *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

⁴⁷ *Michigan v. Long*, 463 U.S. 1032, 1051 (1983).

⁴⁸ *Id.*.

⁴⁹ *People v. James*, 163 Ill. 2d 302, 312 (1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

In the present case, Officer Forbes performed a pat-down on Mr. [REDACTED] and Officer Gentile searched Mr. [REDACTED] vehicle. According to Officer Forbes, they were in the area when they heard 10-15 shots being fired, and then he and his partner observed Mr. [REDACTED] vehicle near the area. Mr. [REDACTED] drove without any headlights on and failed to stop at a stop sign. When Officer Forbes and his partner tried to pull Mr. [REDACTED] over, he kept driving, serving in between several police vehicles and even made a turn before he stopped for the officers. When Officer Forbes approached Mr. [REDACTED] vehicle, Mr. [REDACTED] was very irate and yelled profanities at Officer Forbes. Officer Forbes had to ask Mr. [REDACTED] out of the vehicle multiple times before he would comply. Once Mr. [REDACTED] finally exited the vehicle, Officer Forbes performed a pat-down of Mr. [REDACTED] and Officer Gentile performed a search of Mr. [REDACTED] vehicle. Officer Gentile observed the same things as Officer Forbes, and also noted that Mr. [REDACTED] picked up speed as they were trying to pull him over. Given all the things both officers observed and the totality of the circumstances, Officer Gentile searched Mr. [REDACTED] vehicle for a possible weapon. According Officer Gentile, he searched the driver's seat and under the driver's seat, the passenger's seat and underneath the passenger's seat, and the back seat and the floorboard. Officer Gentile did not recall if he searched the trunk. The law allows, an officer to perform a limited search of a person and that person's vehicle, when the officer reasonably that the person is armed and dangerous. Given the fact that Officer Gentile did not recall whether or not he searched the trunk of Mr. [REDACTED] COPA finds the allegation Not Sustained.

COPA makes a finding of **Sustained** for **allegation #4**, that Officers Forbes and Gentile failed to provide Mr. [REDACTED] with an Investigatory Stop Report Receipt. Special Order S04-13-09(VIII)(A)(3) states that the officers are to provide an individual with a completed receipt, which includes the officers' names and star numbers, event number and the reason for the stop, when an investigatory stop (i) involves a pat-down or other search; and (ii) no other document reflects the reason for the detention. This is a minimal amount of information for which there is a preprinted form⁵⁰ and can be completed in a very brief amount of time, with or without the preprinted form. In this instance, Officer Forbes cited Mr. [REDACTED] behavior as well as the ongoing investigation of the shooting as reasons for why an ISR receipt was not provided to Mr. [REDACTED]. There were numerous other officers on scene who were able to quickly depart to resume the shooting investigation. There was no immediate urgency that required Officers Forbes and Gentile to exit the scene before providing Mr. [REDACTED] with the required receipt. Officer Forbes admitted there was no physical attempt made to provide Mr. [REDACTED] with the ISR receipt. If Mr. [REDACTED] behavior was so hostile as to preclude even an attempt at giving him the receipt, that should have been more accurately described within the ISR report. If all Mr. [REDACTED] displayed was verbal discontent, it was not impossible or impractical to attempt to hand him a receipt. Therefore, COPA finds this allegation is sustained.

COPA makes a finding of **Unfounded** for the allegation that an unknown, male sergeant refused to take a complaint on behalf of Mr. [REDACTED] in violation of Rule 10. By Mr. [REDACTED] own testimony, he never interacted with the male he described as a "white shirt" within the 10th District Station. Mr. [REDACTED] was in an agitated state by the time he entered the station. He had already made an estimated five 911 calls requesting a supervisor. Mr. [REDACTED] admitted to being "very verbal and

⁵⁰ Department Form CPD-11.912.

loud.”⁵¹ He also attested to the fact that, though he tried to get the Sergeant’s attention, the Sergeant did not actually speak to him until he was being escorted out of the station for his abrasive behavior. Mr. ██████ was not able to provide COPA with a name, badge number, or distinct enough physical description to discern which supervisor he encountered in the station. Without a positive identification of the accused and, more importantly, because Mr. ██████ admits he was never actually denied the opportunity to place a complaint, COPA finds this allegation to be unfounded.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Patrick Forbes

i. Complimentary and Disciplinary History

a. Complimentary: Officer Forbes has received 1 Lambert Tree; 1 Police Blue Star Award; 1 Superintendent’s Award of Valor; 1 Special Commendation; 7 Department Commendations; 2 Police Officer of the Month Awards; 3 Unit Meritorious Performance Awards; 2 Honorable Mention Ribbon Awards; 125 Honorable Mentions; 1 Traffic Stop of the Month Award; 1 Top Gun Arrest Award; 3 Complimentary Letters; 2 Attendance Recognition Awards; and the 2019 Crime Reduction Award.

b. Disciplinary: Officer Forbes has not been disciplined or received any SPARs in the past five years.

ii. Recommended Penalty, Allegation #4

COPA considers the complimentary history and lack of disciplinary history in determining its recommendation here. Officer Forbes has received significant recognition and commendations for his work as a member of the Chicago Police Department. It is indicative of exemplary service by a member. COPA recommends that Officer Forbes receive a reprimand here.

b. Officer Paul Gentile

i. Complimentary and Disciplinary History

a. Complimentary: Officer Gentile has received 2 Superintendent’s Honorable Mentions; 1 Special Commendation; 11 Department Commendations; 1 Police Officer of the Month Award; 1 Life Saving Award; 3 Unit Meritorious Performance Awards; 3 Honorable Mention Ribbon Awards; 205 Honorable Mentions; 1 Traffic Stop of the Month Award; 1 Top Gun Arrest Award; 6 Complimentary Letters; 2 Recognition / Outside Government Agency Awards; 4 Attendance Recognition Awards; 1 Emblem of Recognition – Physical Fitness; 1

⁵¹ Att. 14, at 36:03.

NATO Summit Service Award; 1 Presidential Election Deployment Award – 2008; and the 2009 and 2019 Crime Reduction Awards.

b. Disciplinary: Officer Gentile has received two SPARs in 2018, both for preventable accidents in which he was reprimanded. Officer Gentile has no other disciplinary history in the past five years.

ii. Recommended Penalty, Allegation #4

COPA considers the complimentary history and the lack of any serious disciplinary history in determining its recommendation. Officer Gentile has received significant recognition and commendations for his work as a member of the Chicago Police Department. It is indicative of exemplary service by a member. COPA recommends that Officer Gentile receive a reprimand here.

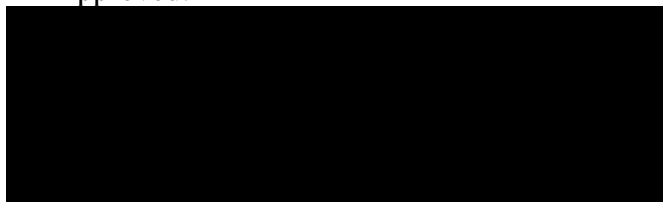
IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Patrick W. Forbes	1. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly stopped the complainant in his vehicle in violation of Rule 6.	Exonerated
	2. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly detained the complainant in violation of Rule 6.	Exonerated
	3. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you searched the complainant's person and vehicle without probable cause or a warrant in violation of Rule 6.	Not Sustained
	4. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you failed to provide the complainant with an investigatory stop receipt in violation of Rules 6 and 10.	Sustained / Reprimand

<p>Officer Paul V. Gentile</p>	<p>1. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly stopped the complainant in his vehicle in violation of Rule 6.</p> <p>2. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you improperly detained the complainant in violation of Rule 6.</p> <p>3. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you searched the complainant's person and vehicle without probable cause or a warrant in violation of Rule 6.</p> <p>4. It is alleged that on April 30, 2018, at approximately 10:59 pm in the vicinity of 13300 S. St. Lawrence Avenue, you failed to provide the complainant with an investigatory stop receipt in violation of Rules 6 and 10.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Sustained / Reprimand</p>
<p>Sergeant, Unknown, Male</p>	<p>1. It is alleged that on or about April 30, 2018, after 10:59 pm, at 727 E. 111th Street, you refused to take a complaint on behalf of the complainant in violation of Rule 10.</p>	<p>Unfounded</p>

Approved:



6-30-2020

 Angela Hearts-Glass
 Deputy Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	5
Investigator:	Chenese Brown
Supervising Investigator:	Loren Seidner
Deputy Chief Administrator:	Angela Hearts-Glass