

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 16, 2018
Time of Incident:	8:40am
Location of Incident:	6900 S. Pulaski Road, Chicago, Illinois 60629
Date of COPA Notification:	October 22, 2018
Time of COPA Notification:	4:16pm

On October 16, 2018, Officer Robert Montelongo, #19190, pulled over a car being driven by [REDACTED] for a traffic stop. Prior to conducting the traffic stop of [REDACTED] Officer Montelongo followed closely behind [REDACTED] as she was driving near Bogan High School, in a photo enforced school zoned area. Officer Montelongo observed [REDACTED] braking at multiple green lights, accelerating in speed, slowing down in speed, and driving in an erratic manner for a few blocks. [REDACTED] alleged that Officer Montelongo conducted the traffic stop without lawful justification and detained her during the traffic stop for an unreasonable amount of time. Officer Montelongo did not issue any citations during the traffic stop of [REDACTED] and affirmed that he did not complete any paperwork to document the traffic stop of [REDACTED]

II. INVOLVED PARTIES

Involved Officer #1:	Robert Montelongo, Star # 19190, Employee ID [REDACTED], Date of Appointment: September 2, 1997, Police Officer, Unit of Assignment: 120, Date of Birth: [REDACTED] 1969, Male, Spanish.
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1981, Female, White Hispanic.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Robert Montelongo	It is alleged that on or about October 16, 2018, at approximately 8:40am, at or near 6900 S. Pulaski Road, Chicago, Illinois 60629, Officer Robert Montelongo, Star #19190, committed misconduct through the following acts or omissions by:	

	1. Stopping [REDACTED] without justification.	Not Sustained
	2. Detaining [REDACTED] for an unreasonable amount of time, without justification.	Not Sustained
	3. Failing to complete an Investigative Stop Report, after the detention of [REDACTED]	Unfounded
	4. Failing to complete a Traffic Stop Statistical Study, after a traffic stop of [REDACTED]	Sustained

IV. APPLICABLE RULES AND LAWS¹

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.
2. Rule 6: Disobedience of an order or directive, whether written or oral.\

Special Orders

1. Special Order S04-13-09: Investigatory Stop System
2. Special Order S04-14-09: Illinois Traffic and Pedestrian Stop Statistical Study

Federal Laws

1. U.S. Constitution, Amendment IV

State Laws

1. Illinois State Law: 725 ILCS 5/107-14

¹ All references in this report to Department Directives are to the orders that were in effect at the time of this incident, unless otherwise noted.

V. INVESTIGATION²

a. Interviews

COPA interviewed complainant [REDACTED] [REDACTED] on November 7, 2018. A sworn affidavit was provided on November 7, 2018, the day of the interview, to affirm the electronically recorded statement provided by the complainant, [REDACTED] was true and accurate. The following is a summary of her statement.

On October 16, 2018, [REDACTED] drove in a 20mph, photo enforced school zoned area for Bogan High School. While driving in the school zoned area, [REDACTED] noticed a shiny black car driving closely behind her vehicle as she looked through her rearview mirror⁴. [REDACTED] observed the same black car continue to drive closely behind her vehicle for a few blocks, from the school zoned area near 79th Street to 75th Street, and then no longer noticed the black car until it was behind her vehicle again at 69th Street. At or near 69th and Pulaski, directly in front of the Dunkin Donuts, the black car activated its flashing interior lights and pulled [REDACTED] vehicle over.

When [REDACTED] was pulled over, she was not able to initially determine that the black car was a police officer's vehicle because she stated that it had no identifiable exterior police markings and it did not have a front license plate, which made [REDACTED] uncomfortable about being pulled over⁵. [REDACTED] called her husband and had him on speaker phone during the duration of being pulled over by the individual in the black car, who was later determined during the traffic stop to be Officer and Police Chaplain Robert Montelongo⁶. [REDACTED] asked Officer Montelongo why he pulled her over, and Officer Montelongo responded by stating that [REDACTED] had road rage. Officer Montelongo told [REDACTED] he believed she was trying to get him to hit her vehicle by stopping at the green light and told [REDACTED] she needed to "relax"⁷ multiple times during the traffic stop. [REDACTED] recalled possibly slowing down at a yellow light, for other drivers to merge into her lane, and due to the need to avoid a huge pothole. However, [REDACTED] did not recall any incident while driving prior to the traffic stop that could have been referred to as road rage.

Officer Montelongo asked [REDACTED] to provide him with her driver's license and insurance card. [REDACTED] provided Officer Montelongo with her driver's license but was not able to locate her insurance card. Officer Montelongo had [REDACTED] wait in her vehicle while he took her driver's

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

³ Attachment 10 – Audio Interview of [REDACTED] Attachment 33 – Audio Transcripts of [REDACTED]

⁴ [REDACTED] described "closely" as approximately a foot in distance between her car and the black car driving behind her.

⁵ [REDACTED] noted the attire of the individual, who drove the black car, as blue jeans, a white t-shirt, gym shoes, sporty sunglasses, and a black bulletproof vest, that did not clearly state Chicago Police on the vest, during the traffic stop, which added to her concern about whether the person was a police officer.

⁶ [REDACTED] identified Officer Robert Montelongo by his gold Police Chaplain star on his vest and name plate with Montelongo during the traffic stop, and by performing a Google search of "Chicago Police Officer Montelongo" and identifying him on the LinkedIn website on a computer after the traffic stop was completed.

⁷ Attachment 33, Page 8, Line 2 and Page 13, Lines 22-23.

license back to his black, unmarked vehicle, which took approximately 25 minutes in duration. ██████ stated that she was deliberately driving the speed limit and following the rules of the road prior to being pulled over to avoid there being a reason to be stopped.

During the traffic stop conducted by Officer Montelongo, two marked police vehicles slowly drove past the area of the traffic stop. However, it was observed by ██████ that Officer Montelongo signaled to the two police vehicles by “shooing them away⁸” with a motioned gesture that additional assistance from the other officers was not needed for the traffic stop. ██████ proceeded to ask Officer Montelongo why he did not want assistance from the other police officers if she had road rage, why he was not issuing her a ticket for the traffic stop, and why he was not concerned that she did not provide her insurance card. Officer Montelongo did not provide an answer or explanation to ██████. At the conclusion of the traffic stop, ██████ drove away from the location of the traffic stop, prior to Officer Montelongo leaving the area the traffic stop was conducted.

COPA interviewed accused Officer Robert Montelongo⁹ on February 28, 2020. The following is a summary of his statement.

Officer Montelongo was on duty as a sworn chaplain and a sworn police officer at the time of the incident. When the traffic stop of the complainant, ██████ occurred, Officer Montelongo stated that he wore plain clothes with a police vest, which had a large police badge on the back and a gold Chaplain star and name embroidered on the front. There was not an assigned Body-Worn Camera (BWC) to Officer Montelongo¹⁰. Upon viewing the Fleet vehicle search report, vehicle license/permit search report, and vehicle unit codes report¹¹, Officer Montelongo recalled that he drove a leased Nissan Altima pool car¹², license plate number ██████ which included a LED police light bar.

While driving Northbound on Pulaksi Road on October 16, 2018, at approximately 8:40am, Officer Montelongo observed the vehicle in front of him, driven by ██████ driving erratic, accelerating and slowing down, braking very hard at the green lights, and other cars continuously passing ██████ vehicle at the green lights. Officer Montelongo concluded that there was something wrong with the driver, such as either being intoxicated or having something medically wrong, and/or something wrong with the way the vehicle was being driven. Officer Montelongo noted that he was driving about two car lengths behind ██████ car prior to the stop. Due to the repetitive braking of ██████ Officer Montelongo activated his LED police light bar and pulled over ██████ vehicle to conduct a traffic stop.

⁸ Attachment 33, Page 10, Lines 3-7.

⁹ Attachment 30 – Audio Interview of Officer Montelongo; Attachment 34 – Audio Transcripts of Officer Montelongo.

¹⁰ Body-Worn Cameras (BWCs) are not assigned to the clergy or sworn chaplains of the Chicago Police Department (CPD).

¹¹ Att. 27, 28, and 29.

¹² A pool car may be provided to Chicago Police Department (CPD) officers if their vehicle is being repaired.

When Officer Montelongo initiated the traffic stop with [REDACTED] he introduced himself, asked [REDACTED] for her driver's license and insurance, and asked [REDACTED] what, if anything, was wrong. Officer Montelongo noted that [REDACTED] was very irate, upset, and yelled at him during the traffic stop. Officer Montelongo responded by saying something to the effect of, "Please calm down. Are you okay?"¹³ to [REDACTED] asked Officer Montelongo why he was pulling her over and Officer Montelongo stated that it was because she was braking. [REDACTED] and Officer Montelongo disagreed on whether the traffic light was green when [REDACTED] was alleged to have been repeatedly pressing the brakes on her vehicle, making it necessary that other vehicles drive past her car, and possibly causing the vehicle behind hers to come close enough to rear-end her.

Officer Montelongo took [REDACTED] driver's license and proof of insurance back to his vehicle to determine if he was going to issue her a citation for erratic driving. Officer Montelongo stated that he does not usually carry a ticket book to issue citations because it is not within the scope of his normal police chaplain duties. Officer Montelongo stated he allowed [REDACTED] to leave to avoid having to call an additional police car to issue a ticket to [REDACTED] and make her wait an additional 20 to 30 minutes while visibly upset. Officer Montelongo did not issue any citations to [REDACTED] did not complete an Investigatory Stop Report (ISR), and did not complete a Traffic Stop Statistical Study (TSS) to document the stop.

After Officer Montelongo decided not to provide [REDACTED] with any citations or documentations for the traffic stop, he walked back to [REDACTED] vehicle from his vehicle and said something to the effect of, "Ma'am, calm down. Please don't brake like that at a green light. You're going to get rear-ended, and you're going to possibly get hurt or hurt someone else. Go have a good day. Calm down."¹⁴ [REDACTED] called Officer Montelongo a "jerk"¹⁵ in response and then drove away in her car once the traffic stop was complete.

b. Digital Evidence

There is no **In-Car Camera (ICC)**¹⁶ footage or **GPS Data**¹⁷ for the vehicle Officer Montelongo drove.

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;

¹³ Attachment 34, Page 19, Lines 16-17.

¹⁴ Attachment 34, Page 22, Lines 13-19.

¹⁵ Attachment 34, Page 22, Line-21.

¹⁶ Att. 20.

¹⁷ Att. 19, 24, and 25.

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 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

a. **There is no evidence to prove or disprove Officer Montelongo stopped [REDACTED] without justification.**

Under the Fourth Amendment of the United States Constitution, courts have determined that the standard in which to conduct a traffic stop is generally divided into the categories of reasonable suspicion and probable cause. Reasonable suspicion is the standard required for a traffic stop in Illinois and for an officer to pull over an individual in the state of Illinois. An officer must demonstrate that there were "specific and articulable facts" associated with the individual and the circumstances reasonably warrant an intrusion. *See Terry v. Ohio*, 392 U.S. 1 (1968). Chicago Police Department's (CPD) members are permitted to conduct a lawful traffic stop, which requires reasonable articulable suspicion. CPD's Directives state that reasonable suspicion should be founded on specific and objective facts or observations of the individual witnessed by the officer, dependent upon the totality of the circumstances the officer observes and reasonably infers as a result of their observations, and amounts to more than a hunch or mere suspicion.¹⁸

Here, statements were provided to COPA by [REDACTED] and Officer Montelongo about the traffic stop. Officer Montelongo stated that while he was

¹⁸ S04-13-09(II)(C).

driving on Pulaski Road for a few blocks, the vehicle in front of him, driven by [REDACTED] was driving erratic, braking hard without reason at multiple green lights, by accelerating and slowing down, and that other cars were continuously passing [REDACTED] vehicle at the green lights. The actions in which Officer Montelongo observed [REDACTED] vehicle being driven led him to conclude that there was something wrong with the driver, [REDACTED] either possibly being intoxicated or having something medically wrong, which prompted him to perform a traffic stop. However, Officer Montelongo did not document the traffic stop of [REDACTED] through paperwork or provide [REDACTED] with a citation for the traffic stop, both of which could have properly noted his reasonable articulable suspicion for stopping [REDACTED] during a lawful or justified traffic stop. On the other hand, [REDACTED] stated she drove 20mph in the photo enforced school zoned area, as well as continued to adhere to the traffic rules while driving from the school zoned area near 79th Street to at or near 69th and Pulaski. Therefore, there is no evidence to prove or disapprove that Officer Montelongo conducted a justified or lawful traffic stop of [REDACTED] because he failed to document the traffic stop through paperwork or a citation. Furthermore, the statements provided by [REDACTED] and Officer Montelongo differed regarding the justification of the stop. As a result of there being insufficient evidence to prove or disprove the allegation, COPA finds that Allegation #1 against Officer Montelongo is **Not Sustained**.

b. There is no evidence to prove or disprove Officer Montelongo detained [REDACTED] for an unreasonable amount of time, without justification.

The Department's policy allows for temporary detention and questioning of a person in the vicinity of where the person was stopped based on reasonable articulable suspicion that the individual is committing an offense.¹⁹ Under Illinois State Law, an officer may stop a person for a reasonable period of time when the officer reasonably infers from the circumstances that the person is committing an offense.²⁰ Pursuant to Illinois statutory law and U.S. Supreme court rulings, an officer may conduct a stop if it is based on specific and articulable facts. The sole purpose of the temporary detention is to prove or disprove the suspicion.²¹

Here, statements were provided to COPA by [REDACTED] and Officer Montelongo about the detention of [REDACTED] during the traffic stop. According to [REDACTED] statement, the detention of [REDACTED] lasted approximately 25 minutes in duration, from the time the traffic stop ensued to its completion. The entire traffic stop of [REDACTED] included Officer Montelongo asking for [REDACTED] driver's license and proof of insurance while she was seated inside her vehicle, Officer Montelongo going back to his unmarked vehicle with [REDACTED] driver's license to determine if he was going to issue her a citation for erratic driving, Officer Montelongo making multiple attempts with his words to calm down [REDACTED] during the traffic stop, Officer Montelongo returning to [REDACTED] vehicle to return her driver's license, and

¹⁹ S04-13-09(II)(C).

²⁰ S04-13-09(IV)(A).

²¹ S04-13-09(V)(A).

Officer Montelongo deciding not to call an additional police car to issue a ticket to ██████ and make her wait an additional 20 to 30 minutes while visibly upset, according to Officer Montelongo's statement. Though the detention of ██████ was conducted for the timeframe it took Officer Montelongo to reasonably prove or disprove his suspicion of ██████ possibly being intoxicated or having something medically wrong due to her driving actions, Officer Montelongo failed to properly document the detention during the traffic stop through paperwork or a citation. Thus, there was no documentation provided by Officer Montelongo to denote the timeframe or justification of the detention of ██████ during the traffic stop. As a result of there being insufficient evidence to prove or disprove the allegation, COPA finds that Allegation #2 against Officer Montelongo is **Not Sustained**.

c. Officer Montelongo was not required to complete an Investigative Stop Report, after the detention of ██████

Under the Department's policy, an Investigative Stop Report (ISR) is to be completed by a Chicago Police Department (CPD) sworn member when there is an investigatory stop, a probable cause stop when no other document captures the reason for the detention, or there is a protective pat down or other search.²²

Here, ██████ was pulled over and stopped for a traffic stop based on Officer Montelongo's reasonable suspicion. For the duration of the traffic stop, ██████ was sitting in the driver's seat, inside of her vehicle, and was not removed from her vehicle. ██████ vehicle was not searched and there was not a protective pat down conducted during the traffic stop. Since this was a traffic stop and no applicable citation was issued to ██████ a Traffic Stop Statistical Study (TSS) could more appropriately document and capture the reason for the detention and stop, instead of an Investigative Stop Report (ISR). Thus, although Officer Montelongo failed to complete an ISR and affirmed in his statement to COPA that he did not complete an ISR, he was not required to complete an ISR per the Department's policy. Based on clear and convincing evidence that the conduct alleged is not required by a CPD policy, COPA finds that Allegation #3 against Officer Montelongo is **Unfounded**.

d. Officer Montelongo failed to complete a Traffic Stop Statistical Study, after a traffic stop of ██████

Rule 6 of the Chicago Police Department Rules of Conduct prohibits an officer from disobedience of an order or directive, whether written or oral. Under the Department's policy, Department members are required to complete and submit a Traffic Stop Statistical Study for every traffic stop initiated, unless a Personal Service Citation is issued.²³

²² S04-13-09(III)(D)(1)(b)(c).

²³ S04-14-09 (V)(A).

Here, a traffic stop was conducted by Officer Montelongo, while [REDACTED] was sitting inside her vehicle, in the driver’s seat. Officer Montelongo did not ask [REDACTED] to step outside of her vehicle at any time during the traffic stop, nor did he search her vehicle. Additionally, Officer Montelongo did not provide [REDACTED] with any citations or documentation for the traffic stop conducted. However, during the traffic stop, Officer Montelongo asked [REDACTED] to provide her driver’s license and proof of insurance. Thus, Officer Montelongo was required to complete a Traffic Stop Statistical Study (TSS) because no citation was issued to [REDACTED] during the traffic stop and the written CPD rule mandates a TSS be completed for every traffic stop if a citation was not provided for the traffic stop. Officer Montelongo also affirmed that he did not complete a TSS during his statement to COPA. Based on a preponderance of the evidence that the alleged conduct occurred, COPA finds that Allegation #4 against Officer Montelongo is **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Robert Montelongo

i. Complimentary and Disciplinary History

59 Honorable Mentions. 1 Honorable Mention Ribbon Award. 3 Complimentary Letters. 3 Life Saving Awards. 1 Department Commendation. No disciplinary history.

ii. Recommended Penalty, by Allegation

Officer Montelongo did not document his interaction with [REDACTED] and failed to complete a Traffic Stop Statistical Study. It is for these reasons that COPA recommends a penalty of **3-day suspension**.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
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<p>Officer Robert Montelongo</p>	<p>It is alleged that on or about October 16, 2018, at approximately 8:40am at or near 6900 S. Pulaski Road, Chicago, Illinois 60629, Officer Robert Montelongo, Star # 19190, committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Stopping [REDACTED] without justification. 2. Detaining [REDACTED] for an unreasonable amount of time, without justification. 3. Failing to complete an Investigative Stop Report, after a detention of [REDACTED] 4. Failing to complete a Traffic Stop Statistical Study, after a traffic stop of [REDACTED] 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Unfounded</p> <p>Sustained</p>
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Approved:

[REDACTED]

6-30-2022

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date