

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 16, 2019
Time of Incident:	8:00 PM
Location of Incident:	12 N. Karlov Ave.
Date of COPA Notification:	March 19, 2019
Time of COPA Notification:	1:58 PM

Officer Kevin Garcia received information that the sale of narcotics was occurring at Madison and Karlov. Officer Garcia with his team, Officer John Frano, Officer Marvin Bonnstetter, and Officer Marco Leon (the Officers), set up a mission to identify the alleged sale of narcotics at that location. Officer Garcia acted as the surveillance officer and identified ██████ soliciting the unlawful sale of narcotics. Officer Garcia identified ██████ sitting in the driver’s seat of a blue Mazda exchange USC for small items, suspected narcotics, with ██████

The Officers terminated surveillance and approached ██████ to place him under arrest for the solicitation of the sale of narcotics. ██████ was detained for the ongoing narcotics investigation by the Officers. ██████ admitted to the Officers that he had drugs on his person, was searched, and subsequently arrested for the possession of suspect crack cocaine. ██████ was seated in the front passenger seat of the blue Mazda and was detained for the ongoing narcotics investigation. ██████ admitted to the Officers that he had drugs on his person, was searched, and was subsequently arrested for the possession of suspect ecstasy. The blue Mazda was seized and searched because it was occupied by ██████ and ██████ who were both arrested for narcotics possession.

The allegations that the Officers detained ██████ without justification, searched ██████ without justification, searched the vehicle driven by ██████ without justification, are **exonerated**. The allegation that the Officers failed to inform ██████ the purpose of the traffic stop is **unfounded**. The allegations that the Officers detained ██████ without justification, searched ██████ without justification and arrested ██████ without justification, are **exonerated**. The allegations that the Officers detained ██████ without justification, are **exonerated**. The allegations that Officer Bonnstetter, Officer Frano, and Officer Leon searched ██████ without justification, are **exonerated**.

II. INVOLVED PARTIES

Involved Officer #1:	Officer John Frano / Star #11772 / Employee ID ██████ / DOA: 14 Aug 2000 / Unit: 025 / 213 / DOB: ██████ 1976 / Male / White
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Involved Officer #2:	Officer Marvin Bonnstetter / Star #12963 / Employee ID # [REDACTED] / DOA: 27 Jan 2003 / Unit: 025 / 213 / DOB: [REDACTED] 1980 / Male / Spanish
Involved Officer #3:	Officer Marco Leon / Star #8238 / Employee ID [REDACTED] / DOA: 5 Dec 2005 / Unit: 011 / DOB: [REDACTED] 1979 / Male / Spanish
Involved Officer #4:	Officer Kevin Garcia / Star #4890 / Employee ID # [REDACTED] / DOA: 27 Mar 2006 / Unit: 014 / 213 / DOB: [REDACTED] 1975 / Male / Spanish
Involved Individual #1:	[REDACTED] / DOB: [REDACTED] 1993 / Male / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Kevin Garcia	On March 16, 2019, at approximately 8:00 PM, at or near 12 N. Karlov Ave., Officers:	
Officer Marvin Bonnstetter	1. Detained [REDACTED] without justification.	Exonerated
Officer John Frano	2. Searched [REDACTED] without justification.	Exonerated
Officer Marco Leon	3. Searched the vehicle driven by [REDACTED] without justification.	Exonerated
	4. Failed to inform [REDACTED] the purpose of the traffic stop, in violation of MCC 9-40-035(b)(5).	Unfounded
	5. Detained [REDACTED] without justification.	Exonerated
	6. Searched [REDACTED] without justification.	Exonerated
	7. Arrested [REDACTED] without justification.	Exonerated
	8. Detained [REDACTED] without justification.	Exonerated
Officer Marvin Bonnstetter	On March 16, 2019, at approximately 8:00 PM, at or near 12 N. Karlov Ave., Officers:	

Officer John Frano

Officer Marco Leon

1. Searched [REDACTED] without justification.

Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 6 – Disobedience of an order or directive, whether written or oral.

General Orders

1. G06-01-01 Field Arrest Procedures – effective 8 Dec 2017

Special Orders

1. S04-13-09 Investigatory Stop System – effective 10 Jul 2017
2. S07-03-06 Seizure and Forfeiture of Vehicles, Vessels, and Aircraft – effective 1 Nov 2014
3. S07-03-05 Impoundment of Vehicles for Municipal Code Violations – effective 13 Nov 2013

Municipal Codes of Chicago

1. 9-40-035 Traffic Stop Code of Conduct
2. 10-8-515 Soliciting Unlawful Business

V. INVESTIGATION¹

a. Interviews

[REDACTED] provided a statement to COPA on March 19, 2019.² [REDACTED] was driving and pulled into a parking space on Karlov for Tasty’s after seeing his cousin [REDACTED] wave to him. As soon as [REDACTED] parked, two unmarked CPD cars drove up and blocked [REDACTED] vehicle in and approached [REDACTED] who was at [REDACTED] car. The officers detained [REDACTED] and stated that their reason for doing so was they received information that a black male wearing all black had a gun. Without telling [REDACTED] why, the officers requested that [REDACTED] exit his vehicle, which he complied with. An officer asked him if he had any drugs on his person and [REDACTED] admitted to having weed in his inner jacket pocket.³ [REDACTED] admitted to also having cocaine in the same pocket which the officer recovered.⁴ [REDACTED] was then placed under arrest. [REDACTED] saw that the front passenger of the vehicle, [REDACTED] was also placed into handcuffs. [REDACTED] alleged that Officer Frano searched the vehicle and then began to search [REDACTED] by unbuckling one of the

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

² Att. 5

³ Att. 5 at 5:25:11 PM

⁴ Att. 5 at 5:25:29 PM

two pairs of pants [REDACTED] was wearing. [REDACTED] witnessed Officer Frano searching [REDACTED] in his genital area and believed that it was an illegal search.⁵ [REDACTED] stated that [REDACTED] was “dirty” and the officer recovered a bag of ecstasy from [REDACTED] person.⁶

Officer Frano told [REDACTED] and [REDACTED] that if “you help us, we can help you”.⁷ Officer Frano’s offer was declined and the three were transported in the same vehicle to the district station. When [REDACTED] got to the 11th District station, he admitted to an officer that he still had drugs on his person.⁸ [REDACTED] was uncuffed and provided the officer with a bag of crack cocaine and pills of ecstasy. [REDACTED] told Officer Frano that he took ownership of the narcotics that were found and that his cousin [REDACTED] had nothing to do with the narcotics and should not be charged. [REDACTED] said that the same unit was constantly after him, referring to a group of officers working out of the Grand and Central station.⁹

COPA interviewed Officer Leon on December 2, 2019.¹⁰ Officer Leon stated that his team had received information relating the sale of narcotics at Madison and Karlov. Officer Leon was assigned as an enforcement officer for the mission and partnered with Officer Frano. While Officer Leon waited with Officer Frano at a nearby location in their vehicle, Officer Garcia relayed via radio his observation of narcotics transactions taking place.¹¹ Officer Garcia relayed the description of [REDACTED] and that he was saying “got rocks” to passing cars.¹²

Officer Leon drove with Officer Frano and followed Officer Marvin Bonnestetter, who had picked up Officer Garcia, to the area of arrest. Officer Leon exited his vehicle and approached the driver’s side of a blue Mazda which [REDACTED] was seen entering. [REDACTED] was ordered out of the vehicle and Officer Leon focused on [REDACTED] who was seated in the vehicle’s driver’s seat. Officer Frano asked [REDACTED] if he had any narcotics. [REDACTED] exited the vehicle and told Officer Frano that he had weed in the inner pocket of his jacket.¹³ Officer Frano recovered suspected crack cocaine and placed [REDACTED] under arrest. During this encounter, Officer Leon was standing guard. Officer Leon believes that the blue Mazda was searched after [REDACTED] was placed into custody.¹⁴ [REDACTED] was seated in the front passenger side of the blue Mazda and was subsequently arrested for the possession of narcotics.

COPA interviewed Officer Frano on November 18, 2019.¹⁵ Officer Frano related that he was assigned to be a narcotics enforcement officer for a mission to identify alleged narcotics sales at Madison and Karlov. Information was relayed via radio to him and his partner Officer Leon by surveillance Officer Garcia who confirmed observing narcotics transactions in the vicinity

⁵ Att. 5 at 5:27:43

⁶ Att. 5 at 5:27:45

⁷ Att. 5 at 5:28:56

⁸ Att. 5 at 5:30:17

⁹ At. 5 at 5:35:40

¹⁰ Att. 1

¹¹ Att. 1 at 05:19

¹² Att. 1 at 10:28

¹³ Att. 1 at 17:32

¹⁴ Att. 1 at 19:55

¹⁵ Att. 2

of the targeted mission area.¹⁶ Officer Garcia also relayed suspect and vehicle description.¹⁷ Officer Garcia was picked up by Officer Bonnstetter and all four officers in two separate vehicles travelled to the area where narcotics activity was observed. ██████ was seen getting into the driver's side rear passenger seat of a blue Mazda. Officer Garcia and Officer Bonnstetter arrived first and approached the blue Mazda. ██████ was placed into custody for the observations previously made by Officer Garcia.¹⁸

Officer Garcia ordered the blue Mazda's front seat passengers, ██████ and ██████ from their vehicle.¹⁹ Officer Frano asked ██████ if he had any drugs on his person which he replied that he had weed in his inside jacket pocket.²⁰ Officer Frano searched the inside jacket pocket of ██████ and recovered a Ziploc bag with eight suspect crack cocaine rocks. Officer Frano arrested ██████ for narcotics possession, placed handcuffs on him, and conducted a custodial search of his person. Officer Frano then asked ██████ if he had any drugs on his person which he replied that he had pills in his front waistline area.²¹ Officer Frano recovered 31 suspected ecstasy pills from the front waistline area of ██████ was arrested for narcotics possession. Because the blue Mazda was involved with the narcotics arrest of ██████ it was impounded and searched before it was relocated. Officer Frano witnessed Officer Garcia informing ██████ why he was being stopped.²²

COPA interviewed Officer Bonnstetter on November 25, 2019.²³ Officer Bonnstetter's team was advised of narcotics sales occurring at Madison and Karlov. Officer Bonnstetter's team decided to conduct a narcotics surveillance mission and Officer Bonnstetter was assigned to be an enforcement officer partnered with surveillance officer Officer Garcia. Officer Garcia relayed to the team that he observed hand-to-hand transactions from the passengers of a blue Mazda and ██████²⁴ Officer Garcia relocated to Officer Bonnstetter's vehicle and formulated a place to place ██████ under arrest for soliciting unlawful business.²⁵ Officer Bonnstetter and Office Garcia approached the blue Mazda in their vehicle while Officer Leon and Officer Frano followed them. Officer Bonnstetter parked behind the blue Mazda, exited his vehicle and approached ██████ seated in the driver's side rear passenger seat, and placed him into custody.²⁶ Officer Bonnstetter ordered ██████ out of the vehicle to place him under arrest for soliciting unlawful business.²⁷

Officer Bonnstetter heard ██████ tell Officer Frano that he had weed on his person.²⁸ Officer Frano recovered suspect narcotics and placed ██████ under arrest for the offense. Officer

¹⁶ Att. 2 at 05:05

¹⁷ Att. 2 at 05:05

¹⁸ Att. 2 at 08:48

¹⁹ Att. 2 at 09:15

²⁰ Att. 2 at 10:43

²¹ Att. 2 at 14:10

²² Att. 2 at 18:50

²³ Att. 3

²⁴ Att. 3 at 13:00

²⁵ Att. 3 at 06:49

²⁶ Att. 3 from 07:20 to 07:38

²⁷ Att. 3 at 09:16

²⁸ Att. 3 at 17:24

Frano searched [REDACTED] for the ongoing narcotics investigation.²⁹ Officer Frano recovered suspect narcotics from [REDACTED] person and was subsequently placed under arrest. Officer Bonnstetter assisted with the search of [REDACTED] blue Mazda after his arrest for narcotics possession.³⁰

COPA interviewed Officer Garcia on January 27, 2020.³¹ Officer Garcia was told by an unregistered confidential informant about the sale of crack cocaine in the area of Madison and Karlov.³² Officer Garcia set up a point of surveillance on the street in an attempt to observe alleged illicit activity.³³ Officer Garcia observed [REDACTED] matching the physical description provided by the CI yelling “got rocks” near 6 N. Karlov.³⁴ Officer Garcia understood “got rocks” to be the solicitation of the unlawful sale of crack cocaine. Officer Garcia observed on two separate occasions an unknown subject approach [REDACTED] and provide him with paper currency. [REDACTED] would then go to [REDACTED] who was seated with [REDACTED] in a blue Mazda, to exchange the paper currency for a small item. [REDACTED] would then return to the unknown subject and provide that small item.³⁵

Officer Garcia would relay observations via radio to his team in real time or as soon as practicable as to maintain covert surveillance.³⁶ Officer Garcia requested Officer Bonnstetter pick him up via radio so that their vehicle followed by the vehicle with Officer Leon and Frano in it could relocate to the parked blue Mazda.³⁷ Officer Bonnstetter parked behind the blue Mazda at which time Officer Garcia exited and saw [REDACTED] attempting to get into the rear driver’s side passenger seat.³⁸ Officer Garcia immediately placed [REDACTED] under arrest for the soliciting of unlawful business.³⁹ Officer Garcia ordered [REDACTED] and [REDACTED] out of the vehicle and they complied. While his three teammates were continuing the narcotics investigation with [REDACTED] and [REDACTED] Officer Garcia searched the immediate area of where [REDACTED] was in the process of entering the blue Mazda.⁴⁰ Officer Garcia’s cursory search was the attempt to identify any items or weapons that may have been dropped by [REDACTED] Officer Garcia began a more thorough search of the vehicle after Officer Frano recovered narcotics from [REDACTED] who was the owner of the vehicle. Officer Garcia also heard [REDACTED] admit to Officer Frano that he had pills on his person, was searched, and subsequently arrested for narcotics possession.⁴¹ [REDACTED] blue Mazda was searched because it was impounded incident to [REDACTED] arrest.

b. Documentary Evidence

²⁹ Att. 3 at 20:33

³⁰ Att. 3 at 18:45

³¹ Att. 4

³² Att. 4 at 05:25

³³ Att. 4 at 07:48

³⁴ Att. 4 at 08:39

³⁵ Att. 4 from 09:50 to 10:18

³⁶ Att. 4 at 13:07

³⁷ Att. 4 at 13:40

³⁸ Att. 4 at 16:15

³⁹ Att. 4 at 16:30

⁴⁰ Att. 4 at 23:38

⁴¹ Att. 4 at 28:50

An Arrest Report for ██████ was reviewed.⁴² ██████ was observed by Officer Garcia exchanging an item for a small item with a co-arrestee. ██████ was detained as part of a narcotics investigation. ██████ admitted to having marijuana on his person and was subsequently searched. Suspect crack cocaine was recovered and inventoried under #14400180. Also recovered was a total cash amount of \$1647 inventoried under #14400184. ██████ was arrested and transported to the 25th District for processing. During processing, Officer Bertini discovered on ██████ person additional crack cocaine, inventoried under #14400182, and a bag of pills, inventoried under #14400183.

An Arrest Report for ██████ was reviewed.⁴³ ██████ was detained as part of a narcotics investigation and admitted to Officer Frano that he had some pills on his person. Officer Frano searched ██████ and recovered the bag of pills, inventoried under #14400192, and placed ██████ under arrest.

An Arrest Report for ██████ was reviewed.⁴⁴ Officer Garcia heard ██████ solicit the unlawful sale of crack cocaine. On two separate occasions, Officer Garcia witnessed ██████ conduct hand-to-hand transactions with a co-arrestee which he believed to be narcotics related. ██████ was arrested for the soliciting unlawful business. ██████ arrest report also indicates that two grams of narcotics were recovered from his person.

An Original Case Incident Report was reviewed.⁴⁵ The report summarizes the actions of the Officers and the arrests of ██████ and ██████. The report indicates that narcotics were only recovered from ██████ and ██████ person. Various amounts of USC were recovered from all three arrestees.

Property Inventory descriptions for ██████ for #14400180⁴⁶, #14400182⁴⁷, #14400183⁴⁸, and #14400184⁴⁹ were reviewed. #14400180 describes 8 black bags of suspected crack cocaine recovered by Officer Frano at the place of arrest. #14400182 is described as 12 bags of suspected crack cocaine recovered by Officer Bertini. #1440183 describes a bag of 27 hits of suspected MDMA recovered by Officer Bertini. #14400184 describes USC totaling \$1,647 recovered by Officer Frano at the location of arrest.

Property Inventory #14400190 was reviewed.⁵⁰ #14400190 describes 31 doses of suspected MDMA recovered from ██████ person by Officer Frano.

A Supplementary Report authored by Officer Leon was reviewed.⁵¹ The report states that ██████ told Officer Leon that he would come to the location of his part-time employment and

⁴² Att. 9

⁴³ Att. 10

⁴⁴ Att. 11

⁴⁵ Att. 12

⁴⁶ Att. 13

⁴⁷ Att. 14

⁴⁸ Att. 15

⁴⁹ Att. 16

⁵⁰ Att. 17

⁵¹ Att. 18

show Officer Leon that he beat the case as well as file a complaint against the officer. Officer Leon relates that he works part-time security at the Apple Store and that he was worried of receiving a battery in retaliation for the arrest of [REDACTED]

An A & A Sheet for Unit 213 for March 16, 2019 was reviewed.⁵² The A & A Sheet shows that Officers Bonnstetter, Frano, Garcia, Leon, and Bertini were on duty the day of the alleged complaint.

A Vehicle Impoundment/Seizure Report for the vehicle involved was reviewed.⁵³ The report indicates that [REDACTED] is the owner of the blue Mazda 6 which Officer Garcia saw used in the suspected narcotics activity. The narrative cites the reason for impoundment/seizure as being occupied by individuals who possessed suspected narcotics.

c. Digital Evidence

There was no pertinent video footage reviewed for this incident.

d. Additional Evidence

COPA attempted to contact both [REDACTED] and [REDACTED] to obtain statements regarding [REDACTED] allegations.⁵⁴ Both [REDACTED] and [REDACTED] did not respond to COPA's request to be contacted and neither were interviewed about the allegations.

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
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation

⁵² Att. 20

⁵³ Att. 8

⁵⁴ Att. 22

establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* At ¶ 28.

VII. ANALYSIS

COPA finds the allegations that the Officers detained ██████████ without justification, are exonerated. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. An investigatory stop permits Department members to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.⁵⁵ The Officers developed reasonable articulable suspicion based on Officer Garcia’s observations of ██████████ hand-to-hand transactions with ██████████ who was soliciting the sale of narcotics. ██████████ was ordered to exit the vehicle identified as being involved in suspected narcotics transactions and detained during the Officers’ narcotics investigation. COPA finds the allegations that the Officers detained ██████████ without justification, are **exonerated**.

COPA finds the allegations that the Officers searched ██████████ without justification, are exonerated. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. Department members are “responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law”.⁵⁶ ██████████ was asked if he had any drugs on his person which he admitted that he did. ██████████ admission to possessing narcotics adds to the totality of the circumstances and gave the Officers probable cause that he was actively committing the crime of possessing narcotics. ██████████ identified the location of the narcotics and were recovered by Officer Frano. ██████████ was subsequently arrested and searched incident to arrest. COPA finds the allegations that the Officers searched ██████████ without justification, are **exonerated**.

COPA finds the allegations that the Officers searched the vehicle driven by ██████████ without justification, are exonerated. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. A vehicle that is used in the attempt to commit a crime or in the commission of a crime in which the vehicle’s owner has knowledge or consents to may be seized.⁵⁷ A vehicle that is seized and impounded for municipal code violations will be searched and personal property will be inventoried.⁵⁸ The blue Mazda that ██████████ was driving was observed by Officer Garcia to be used in the commission of narcotics sales and possession. ██████████ was the owner of the blue Mazda and was seated in the front passenger seat when the Officers detained all its passengers for a narcotics investigation. Both ██████████ and ██████████ admitted

⁵⁵ Att. 27: S04-13-09 II. Definitions – A.

⁵⁶ Att. 27: S04-13-09 III. Policy – B.

⁵⁷ Att. 28: S07-03-06 V. Vehicle Seizures Under 720 ILCS 550 and 720 and 570 – A.

⁵⁸ Att. 29: S07-03-05 Impoundment of Vehicles for Municipal Code Violations – effective 13 Nov 2013

to possessing narcotics on their persons while in the blue Mazda. Both [REDACTED] and [REDACTED] were arrested for the possession of narcotics and [REDACTED] was arrested for the solicitation of the unlawful sale of narcotics. All three were subsequently arrested and the blue Mazda was seized and searched. COPA finds the allegations that the Officers searched the vehicle driven by [REDACTED] without justification, are **exonerated**.

COPA finds the allegations that the Officers failed to inform [REDACTED] the purpose of the traffic stop, in violation of MCC 9-40-035(b)(5), are unfounded. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. Sworn Department members that conduct a traffic stop must inform the driver as to the reason and purpose of the stop.⁵⁹ [REDACTED] was seated in the driver's seat of the blue Mazda that was identified by Officer Garcia as being involved in a suspected narcotics transaction. After parking behind the blue Mazda, the Officers approached the vehicle and ordered the occupants out. [REDACTED] was informed that he was detained for an ongoing narcotics investigation by Officer Frano. COPA finds the allegations that the Officers failed to inform [REDACTED] the purpose of the traffic stop, in violation of MCC 9-40-035(b)(5), are **unfounded**.

COPA finds the allegations that the Officers detained [REDACTED] without justification, are exonerated. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. An investigatory stop permits Department members to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.⁶⁰ Officer Garcia identified [REDACTED] as the individual he heard soliciting the unlawful sale of crack cocaine. The Officers approached [REDACTED] who was in the process of entering [REDACTED] blue Mazda, with the intention of arresting him for the solicitation of unlawful business based on the observations of Officer Garcia. COPA finds the allegations that the Officers detained [REDACTED] without justification, are **exonerated**.

COPA finds the allegations that the Officers searched [REDACTED] without justification, are exonerated. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. Department members must conduct a thorough search of a person taken into custody in accordance with established Department procedures.⁶¹ [REDACTED] was searched incident to arrest for the solicitation of unlawful business of the sale of narcotics based on the observations of Officer Garcia. COPA finds the allegations that the Officers searched [REDACTED] without justification, are **exonerated**.

COPA finds the allegations that the Officers arrested [REDACTED] without justification, are exonerated. Rules 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. No person may occupy the public way to solicit any unlawful business.⁶² Officer Garcia attested [REDACTED] verbal solicitation of the unlawful sale of narcotics. The Officers approached [REDACTED] to arrest him based on Officer Garcia's observations. [REDACTED] was arrested for the possession of narcotics with the intent to deliver and the solicitation of an unlawful business. The subsequent narcotics investigation resulted in the arrest of [REDACTED] and [REDACTED] for the

⁵⁹ Att. 30: MCC 9-40-035(b)(5)

⁶⁰ Att. 27: S04-13-09 II. Definitions – A.

⁶¹ Att. 31: G06-01-01 II. Procedures – A.

⁶² Att. 32: MCC 10-8-515(a)

admission of possession of a controlled substance. COPA finds the allegations that the Officers arrested ██████████ without justification, are **exonerated**.

COPA finds the allegations that the Officers detained ██████████ without justification, are exonerated. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. An investigatory stop permits Department members to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.⁶³ Officer Garcia identified the blue Mazda ██████████ was seated in as being involved in a narcotics transaction. The Officers detained ██████████ as part of the narcotics investigation they were conducting in response to Officer Garcia’s observations of ██████████ suspected hand-to-hand transactions with ██████████ who was seated in the blue Mazda. ██████████ was detained as part of the narcotics investigation because he was seated in the blue Mazda. COPA finds the allegations that the Officers detained ██████████ without justification, are **exonerated**.

COPA finds the allegations that Officer Bonnstetter, Officer Frano, and Officer Leon searched ██████████ without justification, are exonerated. Rule 6 prohibits Department members from the disobedience of an order or directive, whether written or oral. Department members are “responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution, and the law”.⁶⁴ ██████████ was asked if he had any drugs on his person which he admitted that he did. ██████████ admission to possessing narcotics adds to the totality of the circumstances and gives an officer probable cause that he is actively committing a crime. ██████████ voluntarily provided the drugs he possessed to Officer Frano and was searched incident to arrest. COPA finds the allegations that Officer Bonnstetter, Officer Frano, and Officer Leon searched ██████████ without justification, are **exonerated**.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Kevin Garcia	On March 16, 2019, at approximately 8:00 PM, at or near 12 N. Karlov Ave., Officers:	
Officer Marvin Bonnstetter	1. Detained ██████████ without justification.	Exonerated
Officer John Frano	2. Searched ██████████ without justification.	Exonerated
Officer Marco Leon	3. Searched the vehicle driven by ██████████ without justification.	Exonerated

⁶³ Att. 27: S04-13-09 II. Definitions – A.

⁶⁴ Att. 27: S04-13-09 III. Policy – B.

	<p>4. Failed to inform ██████████ the purpose of the traffic stop, in violation of MCC 9-40-035(b)(5).</p> <p>5. Detained ██████████ without justification.</p> <p>6. Searched ██████████ without justification.</p> <p>7. Arrested ██████████ without justification.</p> <p>8. Detained ██████████ without justification.</p>	<p>Unfounded</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Marvin Bonnstetter</p> <p>Officer John Frano</p> <p>Officer Marco Leon</p>	<p>On March 16, 2019, at approximately 8:00 PM, at or near 12 N. Karlov Ave., Officers:</p> <p>1. Searched ██████████ without justification.</p>	<p>Exonerated</p>

Approved:

██████████

4/28/20

 Andrea Kersten
 Deputy Chief Administrator – Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	2
Investigator:	Anthony Wall
Supervising Investigator:	Bob Coleman
Deputy Chief Administrator:	Andrea Kersten