

SUMMARY REPORT OF INVESTIGATION

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| Date/Time/Location of Incident: | February 3, 2019 at 10:02 p.m. at 3834 S. Pulaski Rd., Chicago, IL 60632 |
| Date/Time of COPA Notification: | October 4, 2019 |
| Involved Officer #1: | Argisa Teli, Star #5806, Employee ID# [REDACTED], Date of Appointment: April 16, 2018, Rank: Police Officer, Unit of Assignment: 017, DOB: [REDACTED], 1989, Gender: Female, Race: White |
| Involved Officer #2: | Cesar Soto, Star #8166, Employee ID# [REDACTED], Date of Appointment: July 17, 2017, Rank: Police Officer, Unit of Assignment: 008, DOB: [REDACTED], 1991, Gender: Male, Race: White-Hispanic |
| Involved Individual #1: | [REDACTED] DOB: [REDACTED], 1959, Gender: Male, Race: Black |
| Case Type: | Civil Rights Violation/Improper arrest and vehicle search |

I. ALLEGATIONS

| Officer | Allegation | Finding/ Recommendation |
|---------------------|--|-------------------------|
| Officer Argisa Teli | It is alleged by the complainant that on or about February 3, 2019, at approximately 10:02 p.m., at or near 3834 S. Pulaski Rd., Chicago, IL 60632, Officer Teli, Star #5806 committed misconduct through the following acts or omissions: | |
| | 1. Removing complainant from his vehicle and arresting him without justification; and | Exonerated |
| | 2. Impounding and searching complainant’s vehicle without justification. | Exonerated |

| Officer | Allegation | Finding/ Recommendation |
|--------------------|--|-------------------------|
| Officer Cesar Soto | It is alleged by the complainant that on or about February 3, 2019, at approximately 10:02 p.m., at or near 3834 S. Pulaski Rd., Chicago, IL 60632, Officer Soto, Star #8166 | |

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| | committed misconduct through the following acts or omissions: | |
| | 1. Removing complainant from his vehicle and arresting him without justification; and | Exonerated |
| | 2. Impounding and searching complainant’s vehicle without justification. | Exonerated |

II. SUMMARY OF EVIDENCE¹

Following a review of the evidence in this matter, COPA finds that the following most likely occurred. On February 3, 2019, Officer Argisa Teli (“Teli”) and Officer Cesar Soto (“Soto”) responded to a call of a man slumped over the wheel of his vehicle at 3834 S. Pulaski Rd., Chicago, IL 60632. Upon their arrival, the officers found [REDACTED] ([REDACTED] vehicle pulled over on an overpass on Pulaski Road in the right lane of traffic, blocking that lane of traffic.

Contrary to [REDACTED] claim that he was never in an ambulance and no ambulance was ever called to the scene, the Body Worn Camera (“BWC”) footage shows that when the officers arrived on the scene, they found [REDACTED] inside the ambulance that was on scene. One of the Emergency Medical Technicians (“EMT”) told the officers that [REDACTED] health was fine, but he was “hammered.”² The officers walked over to the ambulance where [REDACTED] was sitting and waited for him to get out of the ambulance. Officer Teli and Officer Soto reported that [REDACTED] breath had a strong odor of alcohol, and [REDACTED] swayed while standing. After [REDACTED] got out of the ambulance, he told the officers that he needed to use the bathroom, and then he said something about urinating on himself.³ [REDACTED] then urinated on the side of the road.

Officer Teli then told [REDACTED] that she had to give him a field sobriety test to be sure he was able to drive safely. [REDACTED] asked her why she was doing that to him, and Officer Teli told him that they had received a call of a man slumped over his steering wheel. When Officer Teli was unable to perform the Horizontal Gaze Nystagmus Test on [REDACTED] because [REDACTED] continued to move his head, she explained to [REDACTED] how to walk in a straight line, but [REDACTED] never really attempted it. Officer Teli then gave [REDACTED] the option of going to the station to take a breathalyzer test, and [REDACTED] chose to do that. The footage from the BWC shows [REDACTED] taking the breathalyzer test at the station. However, [REDACTED] was unable to blow long enough or hard enough to get a valid sample.

During his interview, [REDACTED] gave different explanations for why someone called to say that he was slumped over the steering wheel. Initially, he said he was looking down to scratch off a lottery ticket to see if he had won. Later, he talked about having blackouts due to his health or of having a medical “let down.” But he later said that he knew that he had not blacked out.

¹COPA conducted an investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

² The word “hammered” is generally understood to mean that an individual is intoxicated.

³ It was difficult to hear whether [REDACTED] said that he had urinated, was urinating, or would urinate on himself.

III. ANALYSIS AND CONCLUSION

█████ claims that the accused officers removed him from his vehicle and searched his vehicle without justification. █████ further claims that the officers impounded his vehicle after he refused to submit to a breathalyzer test. As an initial matter, for the most part, █████ claims were disproven by the BWC footage. In addition, much of what █████ said while on the scene, at the police station, and during his interview was unclear, without context, or simply incorrect.

Allegation 1⁴

The BWC footage shows that █████ first claim, that the police officers removed him from his vehicle and arrested him without justification, is false. During his interview, █████ was indignant that no ambulance was ever at the scene and that he was never sitting in an ambulance. He further stated that the officers pulled him out of his car while he was legally parked and waiting for his food, after placing an order at a Mexican restaurant near where he was parked. However, the BWC footage shows that when the officers arrived, they pulled up near an ambulance and █████ car, both of which were blocking the right lane of traffic on Pulaski Road. █████ was sitting inside the ambulance. Contrary to █████ claim, he was not legally parked in a lane of moving traffic, and there was no Mexican restaurant or other business on the overpass.

The evidence establishes that the officers had probable cause to arrest █████ for Driving Under the Influence (“DUI”). When the officers first arrived, an EMT told them that they found █████ passed out in the front seat of his car. The EMT said that █████ health was fine, but he was “hammered” or intoxicated. The officers also recognized signs of █████ being intoxicated. They reported that they noticed that █████ breath had a strong odor of alcohol, and that █████ swayed when he was standing.

Officer Teli attempted to conduct the Horizontal Gaze Nystagmus Test to determine whether █████ was intoxicated, █████ moved his head, so she could not complete the test. Officer Teli also tried to have █████ walk in a straight line, another field sobriety test, but after she gave █████ instructions for the test, █████ was either unwilling or unable to complete the task. While it sometimes appeared that █████ did not hear or understand the instructions, during his interview, he said that he understood the instructions. Regardless, █████ never refused to do the field sobriety tests. Instead, when Officer Teli gave █████ the option of taking a breathalyzer test at the station, █████ elected to do that. Although █████ stated in his interview that he refused to take the breathalyzer test, the BWC footage shows that █████ did, in fact, take the breathalyzer test. The police were unable to get a blood alcohol reading from his test, because he was unable to blow long enough or hard enough to get a valid sample.

Furthermore, █████ indicated to COPA investigators that his arrest was the result of an insidious form of racially profiling and/or Officer Teli’s failure to respect his disabilities. Initially,

⁴ Because the claims are the same against both Officer Teli and Officer Soto, COPA has analyzed the allegations of both officers together.

there is nothing to corroborate ██████ statements. In addition, much of what ██████ has said has been shown to be inaccurate, not reliable.

██████ did not explain why he believes he was racially profiled, other than to say he did not believe that he needed to be handcuffed after his arrest at the police station while sitting in a “cage.” First, there is no indication that he was in a cage. Rather, he can be seen in a room off the hallway, complaining about being handcuffed to the wall. Being handcuffed to the wall while at the police station after an arrest does not, by itself, show racial profiling nor misconduct. ██████ acknowledged that the cuffs were taken off when he was placed in the lock-up. Furthermore, during his interview, ██████ acknowledged that the officers did not make any references to race.

There is also no evidence to suggest that the officers did not respect his disabilities. ██████ said that he kept trying to tell Officer Teli that he was disabled and had health issues, but she did not care about that. He also states that Officer Teli stated that she did not believe that he was disabled. There was considerable BWC footage from the scene and while they were inside the police station, and there is nothing to indicate that ██████ spoke about his disabilities or that Officer Teli disregarded any disabilities. In fact, Officer Teli was professional with ██████ at all times. When they arrested ██████ at the scene, the officers tried to arrange to have a larger vehicle come to the scene to more comfortably transport ██████ to the station.

In sum, based on statements made by the EMTs, the officers’ recognition that ██████ exhibited signs of intoxication, and the fact that ██████ was found slumped over in his vehicle, while pulled over blocking a lane of traffic on an overpass, the officers had probable cause to arrest ██████ for DUI. Accordingly, COPA has determined that Officer Teli and Officer Soto are Exonerated as to Allegation 1.

Allegation 2

██████ also alleges that the officers impounded his vehicle without justification, because he refused the breathalyzer. Apart from the fact that ██████ never refused the breathalyzer, the police were legally justified in impounding and searching his vehicle. While the vehicle search is not visible on the footage, ██████ car was impounded, which would have permitted the officers to search the vehicle.

Officers may impound vehicles in furtherance of “public safety” or “community caretaking functions.” *People v. Nash*, 409 Ill. App. 3d 342, 347 (2011), citing *South Dakota v. Opperman*, 428 U.S. 364 (1976). When ██████ was arrested, his vehicle was located in a lane of traffic on a busy overpass. Thus, for public safety purposes, it was appropriate for the officers to remove and impound ██████ vehicle. In addition, the police are permitted to search vehicles that are impounded. When a vehicle is lawfully impounded, an inventory search is a judicially created exception to the warrant requirement of the fourth amendment. *Nash*, 409 Ill. App. 3d at 347-48. Such a search is permissible under the Fourth Amendment where the objective for the search is (1) to protect the owner’s property, (2) to protect the police from claims of lost, stolen, or vandalized property, and (3) to guard the police from danger. *Nash*, 409 Ill. App. 3d at 348.

Thus, [REDACTED] car was properly impounded and properly searched because it was impounded. For those reasons, COPA has determined that Officer Teli and Officer Soto are Exonerated as to Allegation 2.

Approved:

[REDACTED]

May 28, 2020

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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| Squad#: | 3 |
| Investigator: | Michele Lavin |
| Supervising Investigator: | Matthew Haynam |
| Deputy Chief Administrator: | Andrea Kersten |