

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	October 13, 2019/8:00 pm./ 5050 South Kedzie Avenue
Date/Time of COPA Notification:	October 15, 2019/12:30 pm
Involved Officer #1:	Amjad Hasan, Star #9932, Employee # [REDACTED], Date of Appointment: June 27, 2016, Police Officer, Unit of Assignment: 9 th District, Date of Birth: [REDACTED], 1993, Male, White
Involved Officer #2:	Nikolo Martino, Star #10112, Employee # [REDACTED], Date of Appointment: April 25, 2016, Police Officer, Unit of Assignment: 9 th District, Date of Birth: [REDACTED], 1990, Male, White
Involved Individual #1:	[REDACTED], 1975, Male, Hispanic
Case Type:	Unjustified vehicle search

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Hasan	1. It is alleged that on October 13, 2019 you conducted a traffic stop of Mr. [REDACTED] without justification.	Exonerated
	2. It is alleged that on October 13, 2019, you searched Mr. [REDACTED] vehicle without justification.	Exonerated
Officer Martino	1. It is alleged that on October 13, 2019 you conducted a traffic stop of Mr. [REDACTED] without justification.	Exonerated

II. SUMMARY OF EVIDENCE¹

On October 15, 2019, Mr. [REDACTED] filed a complaint with the Civilian Office of Police Accountability (COPA) regarding a traffic stop conducted by Chicago Police. Mr. [REDACTED] indicated he was driving his customized 2005 Ford Escape north on Kedzie Avenue, with two passengers, when the officers (now known as Officers Hasan and Martino) began following him for two blocks, pulled him over and searched his vehicle without a valid reason, on October 13.

¹COPA conducted a full and complete 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 investigations are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

After reviewing the officers' BWC footage, the complainant's statements and the Traffic Stop Summary Reports, it is clear the events described by Mr. ██████ did not occur as alleged. The officers approached the vehicle, with Officer Martino along the driver side and Officer Hasan along the passenger side.

Mr. ██████ asks if he can use his cell phone to record the interaction and Officer Martino does not object. Officer Martino cites the blue light above his license plate as the reason for the traffic stop. The officers then notice the backseat passenger is not wearing a seatbelt and the presence of opened alcohol.

Mr. ██████ indicates he did not know they were violations after the officers informed him, as the driver of the vehicle, he was liable. The officers ask Mr. ██████ and his passengers to exit the vehicle before Officer Hasan searches the passenger and driver areas of the vehicle.

After performing name checks, Officer Hasan informs Mr. ██████ he will be receiving a break and no tickets will be issued. The officers also suggest getting the light fix to prevent future traffic stops and for them to place the unopened alcohol in the trunk area of the vehicle.

III. 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 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,

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	Orlando Ortiz
Supervising Investigator:	Elaine Tarver
Deputy Chief Administrator:	Angela Hearts-Glass