

FINAL SUMMARY REPORT

Date/Time/Location of Incident:	November 14, 2019/5:30 pm / [REDACTED]
Date/Time of COPA Notification:	November 15, 2019/10:00 am
Involved Officer #1:	Kyle Huber, Star No. 9319, Employee No. [REDACTED], Date of Appointment: June 25, 2018; Police Officer, Unit of Assignment 009, DOB: [REDACTED], 1992; male, White
Involved Officer #2:	John Rafferty Jr., Star No. 8450, Employee No., [REDACTED], Date of Appointment: March 16, 2018; Police Officer, Unit of Assignment 009, DOB: [REDACTED], 1992; male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1996; male, Black
Case Type:	Unjustified Detention

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Kyle Huber	It is alleged that on or about November 14, 2019, at approximately 5:30 pm and 10:00 pm., at or near the vicinity of [REDACTED] Officer Kyle Huber, Star No. 9319, committed misconduct by:	
	1. Failing to activate his body worn camera.	Sustained
	2. Failing to complete an Investigative Stop Report.	Sustained
	3. Failing to issue an Investigative Stop Receipt.	Unfounded
	4. Failing to complete a Traffic Stop Study Report.	Unfounded
	5. Detaining [REDACTED] without justification.	Not Sustained

<p>Officer John Rafferty</p>	<p>It is alleged that on or about November 14, 2019, at approximately 5:30 pm and 10:00 pm., at or near the vicinity of ██████████ Officer John Rafferty, Star No. 8450, committed misconduct by:</p> <ol style="list-style-type: none"> 1. Failing to activate his body worn camera. 2. Failing to complete an Investigative Stop Report. 3. Failing to issue an Investigative Stop Receipt. 4. Failing to complete a Traffic Stop Study Report. 5. Detaining Jefferey ██████████ without justification. 	<p>Sustained</p> <p>Sustained</p> <p>Unfounded</p> <p>Unfounded</p> <p>Not Sustained</p>
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II. SUMMARY OF EVIDENCE¹

COPA obtained a statement from ██████████ at COPA offices on November 15, 2019.² COPA investigators also reviewed a Snapchat video provided by ██████████ that depicts the interaction between ██████████ and Officers Huber and Rafferty while ██████████ was in his car.³ COPA obtained the statements of Officer Huber and Officer Rafferty at COPA offices on March 21, 2022,⁴ and January 6, 2022,⁵ respectively. The following summary is based on these statements and other evidence in the record.

At approximately 5:30 pm, ██████████ (██████████) was standing near the door of his residence when he was questioned by Officer Kyle Huber (“Officer Huber”) and Officer John Rafferty (“Officer Rafferty”)⁶. The officers were at the location responding to a call regarding a burglar alarm.⁷ The officers asked ██████████ for his name, if he lived in the building, whether he had heard anything, and if he knew certain individuals.⁸ The officers ran ██████████ identification and returned it. ██████████ alleges that Officers Huber and Rafferty requested his identification and that he was detained because when he made a move to walk away, the officers told him to come back.

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 cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation.

² Att. 1.

³ Att. 13.

⁴ Att. 22. (audio) and Att. 25 (transcript).

⁵ Att. 18 (audio) and Att. 24 (transcript).

⁶Att. 27. Officer Rafferty resigned October 6, 2022.

⁷ Att. 17.

⁸ Att. 24, pg. 10, lns. 5 to 14 and Att. 25, p. 11. Lns. 12 to 13.

█████ also stated that the officers said he was making things difficult and that he exchanged insults with the officers.⁹ In contrast, Officer Rafferty described the conversation between █████ and the officers as “friendly.”¹⁰ █████ estimated that the interaction lasted about 10 minutes. Officers Rafferty and Huber stated that █████ offered his identification and was not detained because he was free to leave. They further stated that because █████ was not detained, they were not required to submit an Investigative Stop Report or provide an Investigative Stop Receipt.¹¹

At approximately 10:00 pm the same evening, while █████ was sitting in his car, Officers Huber and Rafferty pulled up beside him and attempted to hand █████ a citation for not displaying a city sticker.¹² █████ refused to accept the ticket, and an officer placed the ticket on █████ window.

III. ANALYSIS AND CONCLUSION

An Investigatory Stop is the temporary detention and questioning of a person in the vicinity of where the person is stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.¹³ It is not a voluntary contact during which a person feels free to leave the officer’s presence.¹⁴ Detaining a person without justification is a violation of the 4th Amendment of the U.S. Constitution and Department Rule 6.

Here, it is undisputed that █████ was detained because of the burglar alarm service call. Although █████ was not handcuffed or patted down during the interaction, officers questioned him and ran his identification through their database. Moreover, █████ claim that the interaction between him and the officers was hostile is more credible than the officers’ claim that the interaction was friendly, considering █████ voluntary statement to COPA investigators that he directed insulting language at the officers. However, due to █████ proximity to the location of the site of the burglar alarm service call and the nature of the questions that the officers asked █████ there is insufficient evidence to conclude that the detention was unjustified. Therefore, COPA finds that the allegation that █████ was detained without justification is **Not Sustained**.

Because █████ detention was an Investigatory Stop, Officers Huber and Rafferty were required to complete an Investigative Stop Report to document the detention.¹⁵ The officers did not complete an Investigative Stop Report by their own admission.¹⁶ Officers Huber and Rafferty, therefore, violated S04-13-09 and Department Rule 6. COPA finds the allegations that Officers Huber and Rafferty failed to complete an Investigative Stop Report to be **Sustained**.

However, Officers Huber and Rafferty were not required to provide █████ with an Investigative Stop Receipt. Officers are required to provide an Investigative Stop Receipt when

⁹ Att. 1 at 4:44 to 5:34.

¹⁰ Att. 24, pg. 16, lns. 8 to 9.

¹¹ Att. 24, pg. 14, ln. 16 to pg. 15, line2; Att. 25. Pg. 15 lns. 10 to 14 and pg. 15 ln. 22 to pg. 16 ln. 2.

¹² Att. 13.

¹³ S04-13-09(II)(A).

¹⁴ S04-13-09(II)(A).

¹⁵ S04-13-09(VIII)(A)(1).

¹⁶ Att. 24, pg. 15, 21 to 24 and Att. 25, pg. 15, lns. 10 to 14.

an Investigative Stop involves a protective pat down or other search.¹⁷ Clear and convincing evidence here supports that neither ██████ nor his property was searched. COPA finds the allegations that Officers Huber and Rafferty failed to issue an Investigative Stop Receipt to be **Unfounded**.

Members who initiate traffic stops that result in the issuance of a personal service citation are required to complete a Traffic Stop Statistical Study Sticker and affix it to the citation.¹⁸ Failure to do so would be a violation of Rule 6. Here, there is insufficient evidence that a traffic stop was initiated. The video provided by ██████ shows ██████ sitting in a stationary vehicle when either Officer Huber or Officer Rafferty drives by him and attempt to hand ██████ a citation through the window of their squad car. At no time do the officers exit the vehicle. Moreover, the citation was for lack of a city sticker, a non-moving citation. COPA finds this allegation to be **Unfounded**.

Illinois law and Special Order S03-14 (III)(B)(1)(a) provide that an officer's body-worn camera should be activated until the officer is no longer engaged in a law-enforcement related activity.¹⁹ Here, the officers were at the location of the incident in response to a service call relating to a burglar alarm. Calls for service are law-enforcement related activities. The officers, therefore, were required to activate their body worn cameras when asking ██████ questions relating to the service call. Indeed, body worn camera video, in this instance, would have provided strong verifiable evidence regarding whether the interaction was consensual. Officers Huber and Rafferty, therefore, violated S03-14 and Department Rule 6. COPA finds this allegation to be **Sustained**.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Kyle Huber

i. Complimentary and Disciplinary History

Officer Huber has received 78 various awards.

ii. Recommended Discipline

COPA found that Officer Huber violated Rule 6 when he failed to activate his BWC and complete an Investigatory Stop Report. For these reasons, combined with the officer's complimentary history and no disciplinary history, COPA recommends a **Reprimand**.

b. Officer John Rafferty Jr.

Officer Rafferty failed to activate his BWC and failed to complete an ISR, **Officer Rafferty resigned from the CPD**.

¹⁷ S0-13-09 (VIII)(A)(3).

¹⁸ S04-14-09(V)(C)

¹⁹ S03-14 (III)(A)(2).

Approved:



Angela Hearts-Glass
Deputy Chief Administrator Investigator

4-6-2023

Date