



Log # 2021-1118

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 29, 2021, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on March 27, 2021, Officer Elliot Wrightsell and Officer Karina Gonzalez arrested him based on an arrest warrant.² Following its investigation, COPA reached a sustained finding regarding the allegation of arresting ██████████ without justification.

II. SUMMARY OF EVIDENCE³

On March 27, 2021, Officers Wrightsell and Gonzalez initiated a traffic stop after observing ██████████ operating a vehicle with an obstructed license plate. When Officer Gonzalez asked ██████████ for his driver's license and insurance, he complied.⁴ After Officer Gonzalez received the documents, Officer Gonzalez conducted a LEADS query on a portable data terminal (PDT). The query revealed that ██████████ was the subject of a non-serviceable warrant. After learning that ██████████ was the subject of a non-serviceable warrant, Officer Gonzalez passed his driver's license to Officer Wrightsell and asked him to conduct a second query. After Officer Gonzalez handed Officer Wrightsell the driver's license, she told him that her query revealed a non-serviceable warrant, then she asked Officer Wrightsell to verify ██████████ year of birth. In response, Officer Wrightsell said "74," indicating that ██████████ was born in 1974.⁵

After receiving the driver's license, Officer Wrightsell provided ██████████ driver's license number to an Office of Emergency Management and Communications (OEMC) dispatcher who conducted a second query. The dispatcher informed Officer Wrightsell that ██████████ was valid and clear. Additionally, the dispatcher informed Officer Wrightsell that ██████████ was the subject of an active, non-serviceable warrant, not valid in Cook County. Moments later, the dispatcher advised that ██████████ " had an active warrant, further adding, "...date of birth

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, PDT R reports, civilian interviews, and officer interviews.

⁴ ██████████ provided his vehicle registration as he looked for a digital insurance card.

⁵ Att. 1 at min 4:55 – 5:05

██████████, 1994. He's twenty-six, standing five eight, 175, black and brown, his skin is light complected."⁶ During his statement to COPA, Officer Wrightsell stated that he was not in possession of the driver's license when the dispatcher provided the warrant information. Additionally, Officer Wrightsell explained that he assumed the information provided by the dispatcher was correct, so he did not review ██████████ driver's license.⁷

After receiving the warrant notification, Officers Gonzalez and Wrightsell returned to ██████████ vehicle, and they explained to him that he was the subject of an active warrant.⁸ ██████████ acknowledged having a warrant issued by the state of Mississippi. When the Officers explained that the warrant was for Chicago, ██████████ objected to being the subject of another warrant. Despite his objections, ██████████ was taken into custody. ██████████ was released without charges after approximately five hours in custody after Central Warrants verified that the warrant was for a different ██████████

III. ALLEGATIONS

Officer Elliot Wrightsell:

1. Arresting Mr. ██████████ without justification, in violation of Rule 10.
 - Sustained, Violation of Rule 10.

Officer Karina Gonzalez:

1. Arresting Mr. ██████████ without justification, in violation of Rule 10.
 - Sustained, Violation of Rules 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals who provided a statement.

V. ANALYSIS⁹

In Illinois, officers who execute arrest warrants in good faith outside of the geographical limitation of the warrant are not held liable for false arrest.¹⁰ If ██████████ arrest had been based on the non-serviceable warrant, his arrest would have been valid. However, ██████████ arrest was not based on the non-serviceable warrant; he was arrested on a warrant issued for someone with a similar name.

⁶ Att. 1 at min 8:02-9:25. Note: ██████████ Driver's License indicates that his date of birth is ██████████, 1974, that he is five feet eleven inches tall, weighs 245 pounds, and his photo depicts a male with a medium to dark complexion. See Att. 11.

⁷ Att. 21 at min. 40:47 - 41:20

⁸ Att. 13 pp. 1 and 2

⁹ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁰ 725 ILCS 5/107-2(3)

The officers requested [REDACTED] driver's license and Officer Wrightsell recited his birth year aloud, demonstrating that the officers had access to this information and acknowledged it. Additionally, OEMC provided the officers with a physical description of the [REDACTED] with an active warrant. In this instance, [REDACTED] was 20 years older, three inches taller, approximately 60 pounds heavier, and with a darker complexion. It was incumbent upon the officers to review and recognize the distinction between the driver's license information and the information provided to them by the dispatcher and the LEADS query. A complete and proper review of the driver's license and consideration of the physical description would have mitigated the probability of the Officers confusing [REDACTED] with anyone who shared a similar name. Failing to compare the identification documentation with the information provided by OEMC was inattentive policing which transformed a routine traffic stop into an erroneous arrest. Therefore, the allegation that Officers Wrightsell and Gonzalez arrested [REDACTED] without justification, in violation of Rule 10, is **SUSTAINED**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Elliot Wrightsell

i. Complimentary and Disciplinary History¹¹

Officer Wrightsell's complimentary history is comprised of seven achievements, including one 2019 Crime Reduction Award, and six Honorable Mentions. His disciplinary history includes one October 2022 SPAR with a sustained finding for Court Appearance Violation, resulting in a Reprimand.

b. Officer Karina Gonzalez

i. Complimentary and Disciplinary History¹²

Officer Gonzalez's complimentary history is comprised of 19 achievements, including one Life Saving Award and 15 Honorable Mentions. Her disciplinary history includes three SPARs with sustained findings: a September 2022 Preventable Accident / Reprimand, an October 2022 Inattention to Duty / No Disciplinary Action, and a February 2023 Preventable Accident / Reprimand.

¹¹ Att. 27

¹² Att. 26

c. Recommended Discipline

COPA has found that Officers Gonzalez and Wrightsell violated Rule 10 by arresting [REDACTED] without justification and recommends a 15-day Suspension for both officers. Mr. [REDACTED] was arrested without justification due to the Officers' inattention to duty. An arrest without justification not only violates a citizen's rights but undermines the fragile relationship between the Department and the citizens it serves. COPA acknowledges the fact that [REDACTED] was released without charges a few hours later. In addition, both officers were relatively inexperienced at the time of this incident. However, the officers' failure to compare the information supplied by OEMC with the documentation provided by [REDACTED] inconvenienced [REDACTED] and caused him to be placed under arrest and held without justification. As such, COPA recommends the aforementioned penalty.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

March 31, 2023

Date

Appendix A

Case Details

Date/Time/Location of Incident:	March 27, 2021 / 2:30 p.m. / 437 W. Marquette Rd.
Date/Time of COPA Notification:	March 29, 2021 /10:47 a.m.
Involved Member #1:	Officer Karina Gonzalez #9309; Employee # [REDACTED]; Date of Appointment: June 16, 2017 / Unit 001/214 /Hispanic; Female
Involved Member #2:	Officer Elliot Wrightsell #4925; Employee # [REDACTED]; Date of Appointment: October 29, 2018; Unit 001/214; Black; Male
Involved Individual #1:	[REDACTED] Black; Male

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

725 ILCS 5/107-2(3): Arrest by peace officer.

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.¹³ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”¹⁴

¹³ 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 is found to be more probably true than not).

¹⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation