



Log # 2019-5198

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On December 23, 2019, 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 December 22, 2019, Officers Joel Soto and Vincent Ryan (collectively “the officers”) improperly detained him while applying handcuffs too tightly; subjected him and his vehicle to an improper search; failed to provide ██████████ with documentation of the interaction, until ██████████ demanded the documentation; and improperly followed him to the 10th District Station.² Upon review of the evidence, COPA served additional allegations that Officer Soto improperly documented the interaction in an Investigatory Stop Report (ISR), and that Officer Ryan engaged in an unnecessary verbal altercation and used racially biased language during the interaction. Following its investigation, COPA reached sustained findings regarding the allegations of failing to provide ██████████ with documentation of the interaction, and Officer Ryan’s unnecessary verbal altercation and use of racially biased language.

II. SUMMARY OF EVIDENCE³

On December 22, 2019, Officers Soto and Ryan were on patrol when they observed a black Nissan with a balloon obstructing the view of the driver, ██████████⁴ The officers stopped the vehicle and approached the occupants.⁵ After obtaining ██████████ driver’s license, the officers requested that ██████████ exit the vehicle. ██████████ refused to exit the vehicle. Officer Valdez was able to open the vehicle’s driver’s door, and Officer Soto applied a handcuff to ██████████ left wrist. ██████████ exited the vehicle and was detained in handcuffs.⁶ Officer Soto escorted ██████████ to the front of the CPD vehicle and completed a pat down of his person.⁷ After patting down ██████████ Officer Soto returned to ██████████

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 body worn camera (BWC) footage, CPD reports, and civilian and officer interviews.

⁴ Att. 2; Att. 33, pg. 7, lns. 6 to 22; pg. 8, lns. 4 to 7; Att. 34, pg. 6, lns. 13 and 14; pg. 7, lns. 7 to 8; Att. 36 at 00:03 to 00:17.

⁵ ██████████ was the driver and ██████████ was the front seat passenger.

⁶ Att. 36 at 01:15 to 01:32.

⁷ Att. 36 at 01:45.

vehicle and requested that ██████ exit.⁸ Officer Soto then completed a search of the vehicle, during which he remarked about detecting the odor of cannabis.⁹ After the search of the vehicle was complete, and ██████ driver's license was determined to be valid, the officers released him. Officer Soto stated, "Have a good day sir," and he entered the CPD vehicle without providing ██████ an Investigatory Stop Receipt.¹⁰

Approximately 15 seconds after the officers released ██████ and entered the CPD vehicle, ██████ approached the CPD vehicle and demanded documentation of their interaction. At this point, Officer Soto completed and issued ██████ an Investigatory Stop Receipt.¹¹

During this interaction, Officer Ryan and ██████ engaged in a verbal altercation about the legitimacy of the officers' actions.¹² At one point, ██████ complained about why the officers stopped him for a balloon in the window when "these dumbass, ignorant niggers running around here."¹³ Officer Ryan responded with words to the effect of, "So you're telling me I'm supposed to profile dumbass, ignorant niggers? Is that what you're telling me?"¹⁴

During his statement to COPA, Officer Ryan acknowledged the verbal altercation and his use of the racial epithet.¹⁵ Both officers, however, denied they followed ██████ to the district station.¹⁶ Further, the officers explained that they were in the process of completing an Investigatory Stop Receipt when ██████ approached their vehicle and demanded documentation of the interaction.¹⁷ Officer Soto also stated that he did not complete the ISR, while Officer Ryan admitted he completed the ISR but was not aware that Officer Soto had completed a protective pat down of ██████.¹⁸ Finally, Officer Soto told COPA he did not recall hearing ██████ make any comments related to the tightness of his handcuffs.¹⁹

⁸ Att. 36 at 01:56.

⁹ During their statements, the officers explained they detected the odor of burnt cannabis when they were interacting with ██████ at his vehicle's window. Att. 2; Att. 33, pg. 9, lns. 3 to 9; pg. 12, lns. 11 to 14; pg. 20, lns. 21 to 24; pg. 21, ln. 1; Att. 34, pg. 11, lns. 11 to 13; Att. 36 from 02:21 to 06:29.

¹⁰ Att. 36 at 07:10. ██████ requested the officers' identifiers, which they provided. He also inquired if he would be receiving a citation, but the officers did not respond to his question. Both officers deactivated their BWCs as they entered their CPD vehicle. Att. 36 from 07:09 to end.

¹¹ Att. 35.

¹² For example, *see* Att. 38 at 03:29 to 04:05, 06:10 to 07:53, and 08:10 to 09:01.

¹³ Att. 38 at 07:10.

¹⁴ Att. 38 from 07:13 to 07:26.

¹⁵ Officer Ryan explained that his use of the racial epithet was a result of mirroring ██████ own language; however, he acknowledged that while he was trained to mirror, he was not trained to use racial epithets. Att. 34, pg. 12, lns. 2 to 24.

¹⁶ Att. 33, pg. 27, lns. 1 to 4; Att. 34, pg. 15, ln. 24; pg. 16, lns. 1 and 2.

¹⁷ Att. 33, pg. 13, lns. 22 to 24; pg. 14, lns. 1 to 24; pg. 15, lns. 1 to 11.

¹⁸ The officers also speculated that the exclusion of ██████ pat down was an inadvertent error. Att. 33, pg. 26, lns. 1 to 15; Att. 34, pg. 11, lns. 2 to 4; pg. 16, lns. 19 to 24; pg. 17, lns. 1 to 3.

¹⁹ Att. 33, pg. 10, lns. 15 to 18; pg. 17, lns. 4 to 19.

III. ALLEGATIONS²⁰

Officers Joel Soto and Vincent Ryan:

1. Performing a traffic stop on [REDACTED] without justification.
 - Exonerated.
2. Detaining [REDACTED] without justification.
 - Exonerated.
3. Handcuffing [REDACTED] without justification.
 - Exonerated.
4. Performing a pat down on [REDACTED] without justification.
 - Exonerated.
5. Searching [REDACTED] vehicle without justification.
 - Exonerated.
6. Failing to give [REDACTED] an Investigatory Stop Receipt until he demanded documentation.
 - Sustained, Violation of Rules 2, 3, and 6.
7. Following [REDACTED] to the 10th District.
 - Not Sustained.

Officer Joel Soto:

8. Handcuffing [REDACTED] too tightly.
 - Not Sustained.
9. Reporting in the Investigatory Stop Report for Event #1935606987 that you did not perform a protective pat down on [REDACTED].
 - Not Sustained.

Officer Vincent Ryan:

8. Engaging in an unnecessary verbal altercation with [REDACTED].
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.
9. Asking [REDACTED] words to the effect of "So you're telling me I'm supposed to profile dumbass, ignorant niggers? Is that what you're telling me?"
 - Sustained, Violation of Rules 2, 3, 6, 8, and 9.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

²⁰ The allegations have been reordered for the purpose of this report.

V. ANALYSIS²¹

COPA finds Allegations 1 to 5, that Officers Soto and Ryan improperly stopped, detained, handcuffed, and searched ██████ and his vehicle, are all **exonerated**. CPD members are permitted to conduct a traffic stop when there is “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.”²² Reasonable articulable suspicion is “an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member’s training and experience.”²³ In Illinois, it is illegal to drive a vehicle with any objects placed or suspended inside the vehicle that materially obstruct the driver’s view.²⁴ It is also illegal to transport cannabis that is not in a sealed, odor-proof, child-resistant container.²⁵ Therefore, when a CPD member detects the odor of cannabis emitting from a vehicle, the officer has probable cause to conduct a search of the vehicle. This principle has been extended to include searches of the driver and passengers of that vehicle.²⁶

Here, Officers Soto and Ryan observed a balloon in the passenger compartment of ██████ vehicle that potentially obscured ██████ view while driving. Thus, the officers had reasonable articulable suspicion that ██████ was operating a vehicle in violation of Illinois law, and their decision to conduct a traffic stop was reasonable. Once the officers approached the vehicle and spoke to ██████ they detected the odor of burnt cannabis; therefore, their decision to further detain ██████ was reasonable. Additionally, the officers had probable cause to complete a search of ██████ person and the vehicle for evidence of the burnt cannabis. Thus, the search of ██████ and his vehicle were also reasonable.

COPA finds Allegation 6, that Officers Soto and Ryan failed to provide ██████ with an Investigatory Stop Receipt until ██████ demanded documentation of the interaction, is **sustained**. CPD policy provides that, “[u]pon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.”²⁷ Here, it is undisputed that the officers searched ██████ and his vehicle; however, as detailed above, the officers informed ██████ he was free to leave, told him to have a good day, and returned to their CPD vehicle without providing ██████ with an Investigatory Stop Receipt. It was only after ██████ stopped the officers and demanded documentation that they gave him an Investigatory Stop Receipt. CPD policy is clear that the issuance of such a receipt, absent a subsequent arrest, is required when a person or their effects are searched. While the officers ultimately did issue ██████ an Investigatory Stop Receipt, it was after

²¹ For a definition of COPA’s findings and standards of proof, see Appendix B.

²² *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

²³ Att. 40, S04-13-09 II(C) Investigatory Stop System (effective July 10, 2017 to present).

²⁴ 625 ILCS 5/12-503(c).

²⁵ 625 ILCS 5/11-502.15(c); also see MCC 7-24-099(b)(4).

²⁶ *People v. Zayed*, 2016 IL App (3rd) 140780 (2016).

²⁷ Att. 40, S04-13-09 VIII(A)(3).

they had deemed the interaction over and only after █████ insisted on documentation. Therefore, COPA finds the officers' actions violated CPD policy and Rules 2, 3, and 6.²⁸

COPA finds Allegation 7, that Officers Soto and Ryan followed █████ to the 10th District Station, is **not sustained**. COPA was unable to locate any evidence, other than the parties' statements, which supports or refutes this allegation. COPA also notes that the officers were assigned to the 10th District at the time of this incident, and they could have independently traveled to the station at the conclusion of this interaction.

COPA finds Allegation 8 against Officer Soto, that he handcuffed █████ too tightly, is **not sustained**. There is no evidence in the record that Officer Soto applied the handcuffs too tightly, or that he was made aware of any complaints by █████ that the handcuffs were too tight.

COPA finds Allegation 9 against Officer Soto, that he failed to properly document his pat down of █████ in an ISR, is **not sustained**. Although the ISR indicates that █████ was not subjected to a pat down, Officer Soto was not the author of the report. Officer Ryan completed the ISR, and he told COPA he was unaware that Officer Soto had conducted a pat down of █████ While there is no dispute that the ISR failed to properly document the pat down, it is unclear if this omission was due to a lack of communication, carelessness, or intentional misconduct. For these reasons, COPA finds the allegation is not sustained.

COPA finds Allegations 8 and 9 against Officer Ryan, that he engaged in an unnecessary verbal altercation with █████ and used a racial epithet, are both **sustained**. CPD Rules 8 and 9 prohibit members from engaging in unjustified verbal altercations and/or maltreating or disrespecting any person.²⁹ Additionally, CPD policy mandates that "members treat all persons with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner...and maintain a courteous, professional attitude in all contacts with the public."³⁰ The policy also states that members "will not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner."³¹

Here, Officer Ryan admitted he used the word "nigger" in his interaction with █████ which is universally recognized as a derogatory and racially biased word. Although Officer Ryan insisted that he was simply mirroring █████ own language, his use of the racial epithet constituted a clear violation of CPD policy and rules. Additionally, BWC captured Officer Ryan repeatedly engage █████ in an unnecessary verbal argument, including but not limited to the following comments:

²⁸ As a practical matter, had █████ not been aware he was entitled to some form of documentation, it is more likely than not that the officers would not have issued him an Investigatory Stop Receipt.

²⁹ Section V, Rules 8 and 9 of the Rules and Regulations of the Chicago Police Department.

³⁰ Att. 41, G02-01 III(B), Human Rights and Human Resources (effective October 2017 to June 30, 2022); Att. 44, G02-04 II(C), Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017 to June 30, 2022).

³¹ Att. 41, G02-01 (III)(D).

- “Listen, you want an audience, I’ll give you an audience... You want an audience? You want an audience? I’ll give you an audience. You want to go to jail? I’ll give you an audience. I’ll give you an audience.”³²
- “The louder you get, the louder I get. The louder you get, the louder I get. You want them to watch? Is that what you want? Do you want all these people to watch you, or what? That’s okay. Listen, we all got cameras on man, so cool.”³³
- “Nobody being harassed. Ain’t nobody harassing you. I’ve never met you from Adam. Ain’t nobody... I ain’t even met you. That’s harassment. Well, you know what harassment is?”³⁴
- “So you’re telling me I’m supposed to profile dumbass, ignorant niggers? Is that what you’re telling me?”³⁵
- “You want to get louder and louder, that’s fine. We’ll give you a voice. Go ahead. Keep going, brother. Keep going.”³⁶

Officer Ryan’s comments show that he did not engage with ██████ in a professional and courteous manner; instead, he used an antagonistic and condescending tone, and he disrespected ██████ throughout the entire encounter. Therefore, COPA finds that Officer Ryan’s verbal abuse and use of the racial epithet violated CPD policy and Rules 2, 3, 6, 8, and 9.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Joel Soto

i. Complimentary and Disciplinary History³⁷

Officer Soto has received 297 various awards. In the last five years, Officer Soto has served a one-day suspension for being intoxicated while off-duty in 2019. He has also received two SPARS for preventable accidents in 2021, which resulted in a reprimand and a one-day suspension.

ii. Recommended Discipline

COPA has found that Officer Soto violated Rules 2, 3, and 6 by failing to give ██████ an Investigatory Stop Receipt until ██████ demanded documentation of the stop. Officer Soto’s misconduct was minor and otherwise negligible, especially in light of the fact that he gave ██████ his name and other identifiers upon request, and he ultimately provided ██████ with an Investigatory Stop Receipt. It is for these reasons, combined with Officer Soto’s extensive complimentary

³² Att. 38 at 03:43.

³³ Att. 38 at 04:05.

³⁴ Att. 38 at 06:10.

³⁵ Att. 38 at 07:20.

³⁶ Att. 38 at 07:53.

³⁷ Att. 42.

history and minimal disciplinary history, that COPA recommends Officer Soto receive a **reprimand**.

b. Officer Vincent Ryan

i. Complimentary and Disciplinary History³⁸

Officer Ryan has received 220 various awards. In the last five years, Officer Ryan has served a one-day suspension for being intoxicated while off-duty in 2019.

ii. Recommended Discipline

COPA has found that Officer Ryan violated Rules 2, 3, 6, 8, and 9 when he engaged in a verbal altercation with █████ used a racial epithet, and failed to give █████ an Investigatory Stop Receipt until █████ demanded documentation of the stop. Officer Ryan’s use of the word “nigger” is inexcusable, and the fact that Officer Ryan used it while engaged in enforcement actions makes his conduct even more egregious. However, in mitigation, COPA notes that Officer Ryan used the racial epithet to mirror █████ own language, and it was not directed or targeted at █████ Additionally, Officer Ryan acknowledged to COPA that his word choice—whether mirroring or not—was inappropriate. It is for these reasons, combined with Officer Ryan’s extensive complimentary and minimal disciplinary history, that COPA recommends Officer Ryan receive a **30-day suspension**.

Approved:

████████████████████

Steffany Hreno
Director of Investigations

5/8/2023

Date

³⁸ Att. 43.

Appendix ACase Details

Date/Time/Location of Incident:	December 22, 2019 / 12:00 pm / 3353 W. 13 th Street, Chicago IL 60623
Date/Time of COPA Notification:	December 23, 2019 / 9:44 am
Involved Member #1:	Officer Joel Soto, Star #19351, Employee ID # [REDACTED] DOA: November 24, 2014, Unit: 183, Male, Hispanic.
Involved Member #2:	Officer Vincent Ryan, Star #12351, Employee ID # [REDACTED] DOA: October 5, 2012, Unit: 610, Male, White.
Involved Individual #1:	[REDACTED] Male, Black.
Involved Individual #2:	[REDACTED] Female, Black.

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

- G02-01: Human Rights and Human Resources (effective October 5, 2017 to June 30, 2022)³⁹
- G02-04: Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017 to June 30, 2022)⁴⁰
- S04-13-09: Investigatory Stop System (effective July 10, 2017 to present)⁴¹

³⁹ Att. 41.

⁴⁰ Att. 44.

⁴¹ Att. 40.

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.⁴² 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.”⁴³

⁴² 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).

⁴³ *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