

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 17, 2021
Time of Incident:	6:30 PM
Location of Incident:	██████████
Date of COPA Notification:	July 18, 2021
Time of COPA Notification:	1:20 AM

The complainant alleges that he and his friends were stopped and detained without justification while parked in his vehicle.

**II. INVOLVED PARTIES**

Involved Officer #1:	Timothy Lammert, Star# 17995, Employee# ██████████, Date of Appointment: November 25, 2013, PO, Unit of Assignment: 005, DOB: ██████████, Male, White
Involved Officer #2:	Jeffery Morrow, Star# 17957, Employee# ██████████, Date of Appointment: July 27, 2018, PO, Unit of Assignment: 005, DOB: ██████████, Male, Black
Involved Individual #1:	██████████ Age: 17, Male, Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Timothy Lammert	It is alleged that on or about July 17, 2021, at or after approximately 6:30 p.m., at ██████████ ██████████ Officer Timothy Lammert Star#17995, committed misconduct through the following acts or omissions:  1. Detaining ██████████ without justification. 2. Handcuffing ██████████ without justification.	<b>Not Sustained Exonerated</b>

	<p>3. Searching the vehicle of [REDACTED] without justification.</p> <p>4. Failing to complete an Investigatory Stop Report (ISR) or to document a traffic stop in violation of S04-13-09.</p> <p>5. Failing to comply with G03-01-01 by failing to notify OEMC of their traffic stop.</p>	<p><b>Exonerated</b></p> <p><b>Sustained/ Reprimand</b></p> <p><b>Sustained/ Reprimand</b></p>
<p>Officer Jeffery Morrow</p>	<p>It is alleged that on or about July 17, 2021, at or after approximately 6:30 p.m., at [REDACTED] [REDACTED] Officer Jeffery Morrow Star#17597, committed misconduct through the following acts or omissions:</p> <p>1. Detaining [REDACTED] without justification.</p> <p>2. Handcuffing [REDACTED] without justification.</p> <p>3. Searching the vehicle of [REDACTED] without justification.</p> <p>4. Failing to comply with S03-14 by not activating their body worn camera.</p> <p>5. Failing to complete an Investigatory Stop Report (ISR) or to document a traffic stop in violation of S04-13-09.</p> <p>6. Failing to comply with G03-01-01 by failing to notify OEMC of their traffic stop.</p>	<p><b>Not Sustained</b></p> <p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Not Sustained</b></p> <p><b>Not Sustained</b></p> <p><b>Not Sustained</b></p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
  3. Rule 5: Failure to perform any duty.
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4. Rule 10: Inattention to duty.

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General Orders

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1. G03-01-01
  2. G04-01
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Special Orders

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1. S03-14
  2. S04-13-09
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Federal Laws

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1. U.S. Const. 4<sup>th</sup> Amend.
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State Laws

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1. 625 ILCS 5/11
2. 725 ILCS 5/107

## V. INVESTIGATION

### a. Interviews

COPA conducted a recorded interview with ██████████ on August 16, 2021.<sup>1</sup> According to ██████████ he and his friends were walking to his vehicle parked outside of his home when he noticed a Chicago Police vehicle driving pass his vehicle slowly and looking at it before continuing down the block. ██████████ stated that he did not think much about this in the moment and continued to enter his vehicle with his friends. As he and his friends were sitting in the vehicle getting ready to leave, ██████████ observed the same police officer return and pull behind his vehicle with additional officers in an unmarked patrol vehicle.

██████████ stated that this officer, Officer Lammert, approached him on the driver's side and immediately asked if there were any drugs or weapons in the vehicle to which ██████████ answered no. Officer Lammert then asked ██████████ for his license before ordering everyone in the vehicle to step out.<sup>2</sup> ██████████ stated he complied and was then patted down and handcuffed along with his friends at the rear of his vehicle. ██████████ stated that the officers conducted a search of the vehicle despite not asking for consent and informed ██████████ that the vehicle was on a list of vehicles to look out for but provided no other clarity as to what that meant. Once completing their search, the officers removed the handcuffs from ██████████ and his friends then released them.

**Accused Officer Morrow provided a statement to COPA on March 21, 2022.** Officer Morrow stated he was working patrol with his tactical unit when Officer Lammert alerted them to a red Nissan sedan that he wanted to investigate.<sup>3</sup> He and his team went to assist Officer Lammert, who was working alone, for safety reasons. He approached the passenger side of the vehicle and observed Officer Lammert ordering ██████████ to exit the vehicle due to the odor of marijuana. As he looked closer inside the vehicle, he recognized one of the rear passengers from a previous gun-related arrest and decided that detaining and handcuffing all remaining passengers was the safest option for the officers while a search could be conducted. He did not search the vehicle, only Officer Lammert.

Officer Morrow was asked why he did not appear to activate his BWC during this investigation. Officer Morrow stated that his camera was malfunctioning at the time of this incident, and had a repair ticket documenting repeated issues with his BWC activating when he would press the record button.<sup>4</sup> Officer Morrow was asked about notifying OEMC about this traffic stop, to which he could not recall any officer on scene making those notifications. Officer Morrow was also asked if he or his partners authored an ISR for this investigation to which he answered no, because his unit was only assisting Officer Lammert who was believed to be the primary officer

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<sup>1</sup> ██████████ was accompanied by his mother ██████████ who provided consent for COPA to conduct our recorded interview.

<sup>2</sup> ██████████ stated he had a valid license on him during the stop but was handcuffed before being given an opportunity to provide it to Officer Lammert.

<sup>3</sup> According to Officer Morrow, Officer Lammert did not provide the unit with a reason for the stop. They only decided to assist as a safety measure.

<sup>4</sup> COPA's review of Officer Morrow's BWC usage trail showed an activation history only beginning in August of 2021 indicating that Officer Morrow was without an assigned camera at the time of this incident. COPA was not able to find an IT request through CPD to validate any other claims of a malfunctioning BWC.

on scene. Officer Morrow clarified that this is the same reason, he did not think to notify OEMC regarding the stop, because the responsibility would have been Officer Lammert's.

Officer Morrow clarified a statement heard in the BWC regarding the stopped vehicle being on a hot list. Officer Morrow described the hot list as a car matching the description of one being used in multiples shootings in the area.

**Accused Officer Lammert provided a statement to COPA on March 21, 2022.** Officer Lammert stated that he was patrolling the area of 103<sup>rd</sup> and State when he observed [REDACTED] passing what appeared to be a possible joint among the occupants inside his vehicle. The vehicle happened to match the description of a vehicle wanted for a string of violent crimes in the area<sup>5</sup>. He was working alone at the time of this incident and noticed a tactical unit down the street and advised them of [REDACTED] vehicle so a traffic investigation could be conducted.

Officer Lammert returned with assistance from the tactical unit and approached [REDACTED] asking if there were any narcotics in the vehicle because he could smell a strong odor of burnt cannabis emanating from the vehicle as he approached. He also asked all the occupants if there were any weapons in the vehicle to which everyone answered no. He felt that potential narcotics and weapons were being concealed in the vehicle and decided to temporarily detain [REDACTED] in handcuffs so he could search the vehicle. The other occupants were also detained due to one of the rear passengers being recognized for a previous weapons offense by one of the assisting officers. Officer Lammert stated that he patted down [REDACTED] and handed him to Officer Taylor to begin his search. Officer Lammert's searches of the front driver's section and rear driver's section did not produce any narcotics or weapons. Once this search concluded, Officer Lammert stated that he released [REDACTED] on scene.

When asked why there was no Investigative Stop Report (ISR) or Investigative Stop Receipt for this incident. Officer Lammert stated that at the time of the incident, he believed the tactical unit was the primary unit and would have been the ones responsible for generating the ISR. Officer Lammert did note that upon reviewing his BWC footage, he can see how the responsibility would have been his to generate the ISR and stated it was a simple miscommunication between the officers.<sup>6</sup>

#### **b. Digital Evidence**

COPA was able to obtain body-worn camera (BWC) footage from officers involved in this event.<sup>7</sup>

**BWC footage of Officer Lammert,** shows him exiting his patrol vehicle, approaching a stopped vehicle and speaking with [REDACTED] in the driver's seat. Upon approaching [REDACTED] he asks how much marijuana he and the other occupants had been smoking because of the strong odor he was smelling. The other occupants in the vehicle responded that no one was smoking

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<sup>5</sup> Officer Lammert clarified that he recognized the vehicle's description from a supervisor's recent roll-call briefing. As he recalled, there was no license plate info, just basic make, model, and color information.

<sup>6</sup> This was Officer Lammert's same answer when asked about not notifying OEMC of the traffic stop.

<sup>7</sup> There was no BWC entry for Officer Morrow, hence his 4<sup>th</sup> allegation. This allegation is found Not Sustained due to lack of evidence pointing to negligence or intentional misuse.

marijuana. Officer Lammert asks if anyone has a concealed carry license (CCL) or if there are any weapons in the vehicle to which the occupants all answer no.

Officer Lammert opens [REDACTED] door and asks him to step out while also asking him if he has a valid driver's license. [REDACTED] can be seen holding his license and insurance information in his hand asking why he is being asked to step out when he has what Officer Lammert asked for. Officer Morrow can be seen on the passenger side of the vehicle speaking with [REDACTED] and the other occupants telling them that everything was fine, that the officers just needed to make sure there were no weapons in the vehicle, and to just listen to what orders were being given.

[REDACTED] and the other occupants comply, were all handcuffed and detained at the rear of [REDACTED] vehicle. Officer Lammert leaves [REDACTED] with Officer Taylor so he can conduct a search of the vehicle. Officer Lammert conducts a brief search of the front and rear driver's side of the vehicle before returning to [REDACTED] Officer Lammert then removes [REDACTED] handcuffs and advises him that the vehicle was on a hot list.

**BWC footage of Officer Kevin Burke**, shows him exiting his patrol vehicle and approaching a stopped vehicle's passenger side. Officer Lammert can be heard asking the occupants if there were weapons in the vehicle and for [REDACTED] to step out of the vehicle. Officer Burke then opens the rear passenger door when Officer Morrow approaches the passenger side and asks the occupants if there were any weapons in the vehicle. The occupants all answer that there are no weapons in the vehicle but one of the rear passengers asks if Officer Morrow recognizes him from a previous incident. Officer Morrow acknowledges the occupant stating, "I know you" and asks them all to comply with Officer Lammert's orders to exit the vehicle.

The rear passenger-side occupant complies and is handcuffed following a brief pat-down. This passenger is then detained at the rear of the vehicle while Officer Burke conducts a brief search of the rear of the vehicle. Once the search is completed, Officer Burke removes the occupant's handcuffs and tells them to be safe before leaving. Officer Morrow can be seen handcuffing and detaining the front passenger, but not conducting a search of the vehicle.

**BWC footage of Officer Taylor**, shows him approach a stopped vehicle from the driver's side where Officer Lammert is already speaking with [REDACTED] As [REDACTED] and the other occupants are asked to step out, Officer Taylor advises the rear driver-side passenger that he is not under arrest before handcuffing him and detaining him at the rear of the vehicle. Officer Taylor remains with all of the detained occupants at the rear of the vehicle carrying on small talk and asking his detainee about a previous incident where the detainee was recognized from.

### c. Documentary Evidence

**COPA was only able to obtain minimal documentary evidence.** This evidence includes assignment sheets and GPS reports from this event. Neither piece of evidence proved to be of significant help in COPA reaching its findings outside of confirming the involvement of the accused officers.

## VI. 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 reviewed complied with 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 conduct complied with Department 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. *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, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

## VII. ANALYSIS

**Allegation 4 for Officer Lammert**, states that Officer Lammert failed to complete an Investigatory Stop Report (ISR) or document the traffic stop in violation of S04-13-09 is **Sustained**. BWC footage of Officer Lammert shows he was the first person to speak with [REDACTED] and make many of the decisions on scene including the detention of [REDACTED] the search of [REDACTED] vehicle, and releasing [REDACTED] on scene. Many of these decisions are made by those who are in control or leading the investigation thus placing the responsibility of documenting the investigation on him. Furthermore, Officer Morrow stated in his interview that he and his team were of the mindset that the investigation was Officer Lammert's because he asked for their assistance with the stop. In his statement, Officer Lammert also admitted that he understood how he could be seen as the primary officer despite that not being his mindset at the time of the traffic stop. Officer Lammert stated that it was a simple miscommunication between the officers and took responsibility for the lack of documentation.

**Allegation 5 for Officer Lammert**, states that Officer Lammert failed to comply with G03-01-01 by failing to notify OEMC of the traffic stop. As established in the analysis in Allegation 4, Officer Lammert was considered the primary officer on scene by handling most of

the decisions made regarding the traffic stop. Despite being the primary officer, Officer Lammert failed to ensure that OEMC was notified of the traffic stop.

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Timothy Lammert**

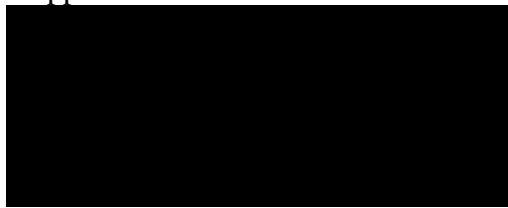
**i. Complimentary and Disciplinary History**

1. 2019 Crime Reduction Award, Attendance Recognition Award, 4 Department Commendations, Recognition of Physical Fitness, 84 Honorable Mentions, Honorable Mention Ribbon Award, Traffic Stop of the Month.
2. No Disciplinary History

**ii. Recommended Penalty, by Allegation**

1. **Allegation No. 4 – Reprimand** - Officer Lammert failed to complete an Investigatory Stop Report (ISR) or document the traffic stop in violation of S04-13-09 and during his interview took responsibility for the failure to comply.
2. **Allegation No. 5 – Reprimand** – As the leading officer on the stop, Officer Lammert failed to comply with G03-01-01 by failing to notify OEMC of the traffic stop.

Approved:



4/4/2023

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date