



Log # 2020-1813

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 10, 2020, the Civilian Office of Police Accountability (COPA) received a web complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████████ alleged that on May 10, 2020, Officers Daniel Fair and Jeffery Morrow stopped his vehicle and searched it without justification.² ██████████ further alleged that Officer Morrow handcuffed him and searched his person without justification. Upon review of the evidence, COPA served additional allegations to both officers regarding activation of their body worn cameras (BWCs). COPA also served an allegation to both officers regarding them making a false, incomplete, inaccurate, and/or misleading statement(s) when they completed the ISR related to ██████████. Following its investigation, COPA reached Sustained findings regarding the BWC allegations for both officers. COPA reached Not Sustained findings regarding the stop of the vehicle and the allegation related to completing the ISR for both officers. COPA also reached findings of Not Sustained regarding the handcuffing of ██████████ and the search of ██████████ person against Officer Morrow. Finally, COPA reached an Exonerated finding regarding the search of ██████████ vehicle against both officers.

II. SUMMARY OF EVIDENCE³

Officers Fair and Morrow performed a traffic stop on ██████████ vehicle for failing to stop at a stop sign.⁴ Officers Kevin Taylor and Gabriel Rodriguez assisted with the traffic stop. When Officers Taylor and Rodriguez arrived on the scene, Officers Fair and Morrow were already on the scene speaking with ██████████.⁵ Officers Morrow and Rodriguez were on the driver's side of the vehicle, while Officers Fair and Taylor were on the vehicle's passenger side.⁶ Officer Morrow asked ██████████ if he had a FOID or Conceal Carry License (CCL) card.⁷ ██████████ handed Officer

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, a civilian interview, and officer interviews.

⁴ Att. 23 - ISR.

⁵ Att. 5 at 02:08 to 02:15. Officer Rodriguez's BWC.

⁶ Att. 31, pg. 11, lns. 3 – 20. Officer Fair's transcript.

⁷ Att. 5 at 02:16 to 02:22.

Morrow his license and insurance.⁸ Officer Morrow asked ██████ how much more cannabis he had in the vehicle, and ██████ told him none and that he had just left out of the house.⁹

Officer Morrow approached ██████ vehicle again and asked ██████ to step out of the vehicle and after a second request, ██████ complied.¹⁰ Officer Morrow asked ██████ if there was anything in the vehicle, and ██████ told Officer Morrow that he just came from his house.¹¹ Officer Morrow performed a pat down on ██████ person and placed him into handcuffs.¹² Officer Morrow then searched the driver's side of ██████ vehicle while Officer Fair searched the passenger side.¹³ Officer Morrow then removed the handcuffs from ██████ hands and released him.¹⁴

Officers Morrow and Fair were interviewed by COPA.¹⁵ According to Officer Morrow, he was wearing a BWC on the date of the incident and he activated it as soon as he possibly could.¹⁶ Officer Morrow admitted that his camera was not activated when he exited his squad vehicle or when he initially approached ██████ vehicle.¹⁷ Officer Fair was also wearing a BWC on that date of the incident but did not recall whether or not it was activated.¹⁸ Officer Morrow asked ██████ to step out of the vehicle so officers could perform a narcotic search on the vehicle due to an odor of cannabis emitting from the vehicle.¹⁹ According to Officer Morrow, after ██████ stepped out of the vehicle, he observed a large bulge inside ██████ pants pocket and conducted a protective pat down.²⁰ ██████ was subsequently detained and placed into handcuffs by Officer Morrow.²¹ Officer Morrow stated that he placed ██████ into handcuffs because of his training in the academy. Officer Morrow elaborated that he was trained to detain with handcuffs when they have individuals exit a vehicle for officer safety.²² Officer Morrow could not recall if ██████ did anything to make him question his safety.²³ After ██████ was detained, Officers Morrow and Fair performed a narcotic search of the vehicle.²⁴ There were no narcotics recovered from the vehicle.²⁵

⁸ Att. 5 at 02:26 to 02:34.

⁹ Att. 5 at 02:34 to 02:40.

¹⁰ Att. 5 at 03:35 to 03:48.

¹¹ Att. 5 at 03:50 to 03:55.

¹² Att. 5 at 03:55 to 04:15 and Att. 3 at 00:00 to 00:20. Officer Morrow's BWC.

¹³ Att. 5 at 04:25 to 05:52 and Att. 3 at 00:28 to 02:00.

¹⁴ Att. 5 at 06:00 to 06:06 and Att. 3 at 02:05 to 02:52.

¹⁵ Att. 26 – Audio interview for Officer Fair; Att. 27 – Audio interview for Officer Morrow.

¹⁶ Att. 30, pg. 19, lns. 11 – 19.

¹⁷ Att. 30, pg. 20, lns. 13 – 20.

¹⁸ Att. 31, pg. 8, lns. 20 – 24.

¹⁹ Att. 30, pg. 15, lns. 2 – 16.

²⁰ Att. 30, pg. 15, lns. 23 – 24, pg. 16, lns. 1 – 15.

²¹ Att. 30, pg. 16, lns. 22 – 24, pg. 17, lns. 1 – 13.

²² Att. 30, pg. 17, lns. 2 – 4.

²³ Att. 30, pg. 17, lns. 5 – 8.

²⁴ Att. 30, pg. 17, lns. 19 – 20 and Att. 31, pg. 17, lns. 1 – 13.

²⁵ Att. 31, pg. 17, lns. 14 – 17.

An Investigatory Stop Report (ISR) was completed. According to Officer Morrow, he authored the report without the assistance of Officer Fair, but he did attach Officer Fair's name to the report.²⁶ Officer Fair stated he did not read the ISR until the day of his COPA interview.²⁷ Officer Morrow stated that he was the one who asked [REDACTED] if he could search his vehicle.²⁸ During his interview, Officer Morrow stated that he did not recall how [REDACTED] responded to the question regarding the search of the vehicle but that he did not need the consent because he had probable cause to search the vehicle due to the smell of cannabis.²⁹ Officer Morrow also mentioned that because he had probable cause to search the vehicle, he would have no reason to lie on the report.³⁰ Officer Fair did not ask [REDACTED] for permission to search the vehicle, and he also did not hear any other officers on the scene ask permission. Still, he stated that he has worked with Officer Morrow and that he is an upstanding officer.³¹ Officer Fair also stated that he did not need to ask [REDACTED] for permission due to the smell of narcotics.³² During his interview with COPA, [REDACTED] stated that neither officer asked his permission to search the vehicle.³³

Officer Morrow did not recall who asked [REDACTED] if they could search his person.³⁴ However, Officer Morrow stated that if he sees a large bulge on an individual when they step out of the vehicle, he is allowed to do a protective pat down and that he does not need to lie on the report because he had a reason to perform the action.³⁵ Officer Fair could not recall whether or not he heard Officer Morrow ask [REDACTED] for permission for the pat down.³⁶

III. ALLEGATIONS

Officer Jeffery Morrow:

- Stopped [REDACTED] vehicle without justification.
 - Not Sustained
- Handcuffed [REDACTED] without justification.
 - Not Sustained
- Searched [REDACTED] person without justification or permission.
 - Not Sustained
- Searched [REDACTED] vehicle without justification or permission.
 - Exonerated
- Failed to timely activate his body worn camera in violation of S03-14.
 - Sustained, in violation of Rules 2, 6 and 10.

²⁶ Att. 30, pg. 21, lns. 4 – 22, pg. 22, lns. 10 – 14 and Att. 31, pg. 19, lns. 3 – 11.

²⁷ Att. 31, pg. 19, lns. 12 – 13, pg. 20, lns. 6 – 13.

²⁸ Att. 30, pg. 24, lns. 5 – 8.

²⁹ Att. 30, pg. 24, lns. 9 – 14, pg. 25, lns. 10 – 15.

³⁰ Att. 30, pg. 25, lns. 10 – 15.

³¹ Att. 31, pg. 21, lns. 12 – 24, pg. 22, lns. 1 – 14.

³² Att. 31, pg. 21, lns. 12 – 16.

³³ Att. 11 at 20:00 to 20:26 – Audio interview of [REDACTED]

³⁴ Att. 30, pg. 26, lns. 5 – 7.

³⁵ Att. 30, pg. 26, lns. 1 – 4.

³⁶ Att. 31, pg. 23, lns. 9 – 24.

Made a false, incomplete, inaccurate, and/or misleading statement(s) when completing the ISR related to [REDACTED]
- Not Sustained

Officer Daniel Fair:

Stopped [REDACTED] vehicle without justification or permission.
- Not Sustained

Searched [REDACTED] vehicle without justification or permission.
- Exonerated

Failed to activate his body worn camera in violation of S03-14.
- Sustained, in Violation of Rules 2, 6 and 10.

Made a false, incomplete, inaccurate, and/or misleading statement(s) when completing the ISR related to [REDACTED]
- Not Sustained

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS³⁷

COPA finds the allegations against Officers Morrow and Fair, that they stopped [REDACTED] vehicle without justification or permission, **Not Sustained**. A lawful traffic stop requires at least an articulable and reasonable suspicion that the particular person stopped is breaking the law, including traffic law.³⁸ According to Officer Morrow and Fair, they stopped [REDACTED] for failing to stop at a stop sign. However, [REDACTED] asserted that he did stop at the stop sign. There is no independent evidence or witnesses to support or dispel the allegation. Therefore, COPA finds this allegation Not Sustained.

COPA finds the allegation against Officer Morrow, in that he handcuffed [REDACTED] without justification, **Not Sustained**. [REDACTED] was handcuffed by Officer Morrow upon exiting his vehicle. Courts have found that there are situations in which concerns for the safety of police officers or the public justify handcuffing the detainee for a brief duration of an investigatory stop.³⁹ The critical question is whether “the use of such restraints is reasonably necessary for safety under the specific facts of the case.”⁴⁰ According to Officer Morrow, he handcuffed [REDACTED] because he learned during his training at the academy that anybody who steps out of a vehicle should be

³⁷ For a definition of COPA’s findings and standards of proof, see Appendix B.

³⁸ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

³⁹ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2009).

⁴⁰ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2d Dist. 2009).

detained for officer safety. However, Officer Morrow could not recall if [REDACTED] did anything to make him question his safety, as such, COPA finds this allegation Not Sustained.

COPA finds the allegation against Officer Morrow, in that he searched [REDACTED] person without justification or permission, **Not Sustained**. Officers are not permitted to conduct a limited search for weapons during every valid investigatory stop.⁴¹ The officer may subject the person to a limited search for weapons, only if the officer reasonably believes that the person is armed and dangerous.⁴² Officer Morrow performed a protective pat down on [REDACTED] because he observed a large bulge in [REDACTED] pocket, and he wanted to make sure that the item was not a harmful object to the officers. However, the bulge was not observed on BWC, and there is no independent evidence or witnesses to support or dispel the statement that there was a bulge. Officer Morrow also could not recall if [REDACTED] did anything to make him question his safety, as such, COPA finds this allegation Not Sustained.

COPA finds the allegations against Officers Morrow and Officer Fair, that they searched [REDACTED] vehicle without justification or permission, **Exonerated**. Under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.”⁴³ In the present case, both Officers Morrow and Fair stated that they smelled cannabis emitting from the vehicle. [REDACTED] admitted that he smoked at home before getting into the vehicle. Based on the information available to the officers at the time of the incident, the officers had probable cause to search the vehicle to determine if there was any cannabis inside the vehicle. Therefore, COPA finds this allegation Exonerated.

COPA finds the allegations against Officer Morrow and Officer Fair, regarding BWC violations, **Sustained**. Special Order S03-14, requires department members to activate the system to event mode at the beginning of an incident and will record the entire incident for all law enforcement related activities.⁴⁴ In this case, Officer Morrow admitted to not activating his BWC when he got out of the vehicle or when he approached [REDACTED]. According to Officer Morrow, he activated his BWC when it was safe to do so. Officer Fair also admitted that he was wearing a BWC but could not recall whether it was activated. There is no evidence establishing that Officer Fair activated his BWC. Further, Officer Morrow failed to activate his BWC in a timely manner. Therefore, COPA finds these allegations against both officers Sustained, in violation of Rules 2, 6 and 10.

COPA finds the allegations against Officer Morrow and Officer Fair, in that they made a false, incomplete, inaccurate, and/or misleading statement(s) when completing the ISR, **Not Sustained**. An ISR was completed regarding the stop of [REDACTED] by Officers Morrow and Fair. According to

⁴¹ *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

⁴² *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

⁴³ *People v. James*, 163 Ill. 2d 302, 312 (Ill. 1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

⁴⁴ S03-14- Body Worn Cameras (effective April 30, 2018 to present).

the ISR, officers asked ██████ for permission to pat him down and to search his vehicle and he consented to both. However, the officers do not recall exactly how ██████ consented. The request to search ██████ and his vehicle was also not heard on the assisting officers' BWCs nor Officer Morrow's BWC. However, Officer Morrow started his BWC late, so there is no record of what occurred before the video started. In addition, Officer Fair did not have his BWC activated during the incident. The officers denied making any misleading statements on the ISR. Without more evidence, COPA cannot support or dispel the allegations, and as such, COPA finds the allegations Not Sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jeffery Morrow

i. Complimentary and Disciplinary History⁴⁵

Officer Morrow has received 84 various awards and a Violation Noted in 2023 for Operation/Personnel Violations Neglect of Duty.

ii. Recommended Discipline

COPA found that Officer Morrow violated Rules 2, 6, and 10 when he failed to activate his BWC timely. For these reasons, combined with the officer's complimentary history and disciplinary history, COPA recommends a **03-day Suspension**.

b. Officer Daniel Fair

i. Complimentary and Disciplinary History⁴⁶

Officer Fair has received 90 various awards and a Violation Noted in 2023 for Operation/Personnel Violations Neglect of Duty.

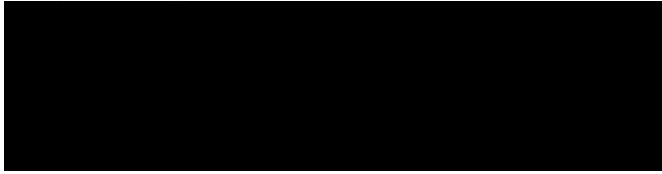
ii. Recommended Discipline

COPA found that Officer Fair violated Rules 2, 6, and 10 when he failed to activate his BWC. For these reasons, combined with the officer's complimentary history and disciplinary history, COPA recommends a **03 day Suspension**.

⁴⁵ Att. 32.

⁴⁶ Att. 33.

Approved:



11-30-2023

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Case Details

Date/Time/Location of Incident:	May 10, 2020/ 11:13 am/ 120 th Street & Wentworth Avenue
Date/Time of COPA Notification:	May 10, 2020/ 3:50 pm
Involved Member #1:	Jeffery Morrow, employee# [REDACTED] Date of Appointment: July 27, 2018, 005/376, Male, Black
Involved Member #2:	Daniel Fair, employee# [REDACTED] Date of Appointment: June 16, 2017, 005/376, Male, Black
Involved Individual #1:	[REDACTED] Male, 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

- S03-14- Body Worn Cameras (effective April 30, 2018 to present).

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.⁴⁷ 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.”⁴⁸

⁴⁷ 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).

⁴⁸ *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