



Log # 2023-2235

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 25, 2023, the Civilian Office of Police Accountability (COPA) received an online complaint from [REDACTED] reporting alleged misconduct by members of the Chicago Police Department (CPD). [REDACTED] alleged that on May 25, 2023, CPD Officers Monica Hernandez, Larrick West, Ivan Gonzalez, and Matthew Beesley improperly searched her vehicle.² Upon review of the evidence, COPA served an additional allegation that the officers failed to activate their body worn camera in a timely manner. Following its investigation, COPA reached Sustained findings for all the body worn camera allegations and Exonerated findings on the search allegations.

II. SUMMARY OF EVIDENCE³

On the morning of May 25, 2023, Officers Hernandez, Gonzalez, West and Beesley were assigned as tactical team officers on routine patrol of the 11th District. At approximately 8:50 a.m., the officers were traveling near Van Buren St. heading northbound on Western Ave. The Officers observed [REDACTED] abruptly merge into the lane the officers were traveling on and nearly strike them. Officers conducted a traffic stop, and pulled [REDACTED] over near 229 S. Western Ave.⁴

Officer Hernandez and Gonzalez approached the vehicle, related the nature of the traffic stop, and requested [REDACTED] driver's license. [REDACTED] was unable to provide a driver's license but tendered her FOID card as identification and stated her husband had her driver's license.⁵ PO Hernandez asked [REDACTED] if there were any firearms in the vehicle, to which [REDACTED] answered, "No."⁶ [REDACTED] was then instructed to step out of the vehicle and wait near the rear of the car. It was later revealed to Officer Hernandez that [REDACTED] could not provide proof of insurance.⁷ Officer Beesley opened the passenger door, grabbed a passport, and handed it to Officer Hernandez.

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, civilian and officer interviews, event queries, and radio transmission.

⁴ Att. 10, Investigatory Stop Report, Side 2 Narrative section.

⁵ Att. 27, Officer Hernandez COPA statement 8.15.2023 (Pg. 8, Ln 23, 24) (Pg. 9, Ln 1-15)

⁶ Att. 27, Officer Hernandez COPA statement 8.15.2023 (Pg. 8, Ln 23, 24) (Pg. 9, Ln 1-15)

⁷ Att. 27, Officer Hernandez COPA statement 8.15.2023 (Pg. 8, Ln 23, 24) (Pg. 9, Ln 1-15)

Officer Beesley, again, asked [REDACTED] if there were any firearms in the vehicle to which [REDACTED] stated, "No."⁸ Officer Hernandez conducted a name check with [REDACTED] full name and date of birth, which confirmed [REDACTED] had a valid Driver's License and FOID card.⁹ Officer Beesley leaned into the driver's side and with his flashlight looked under the steering wheel before he walked away from the vehicle.¹⁰ Officer Gonzalez also briefly searched the rear and front of the driver's seat.¹¹ Officer West also searched the passenger side and then the area on the back of the passenger side.¹²

Officers Hernandez then returned [REDACTED] passport and FOID card. Officer Hernandez told [REDACTED] she could go with no ticket and offered her an ISR receipt, but [REDACTED] declined.¹³

III. ALLEGATIONS

Officer Monica Hernandez:

1. Failed to timely activate his body worn camera.
 - Sustained, Violation of Rules 5 & 6.

Officer Larrick West:

1. Failed to timely activate his body worn camera.
 - Sustained, Violation of Rules 5 & 6.
2. Searched [REDACTED] vehicle, without justification.
 - Exonerated

Officers Ivan Gonzalez:

1. Failed to timely activate his body worn camera.
 - Sustained, Violation of Rules 5 & 6.
2. Searched [REDACTED] vehicle, without justification.
 - Exonerated

Officer Matthew Beesley:

1. Failed to timely activate his body worn camera.
 - Sustained, Violation of Rules 5 & 6.
2. Searched [REDACTED] vehicle, without justification.
 - Exonerated

⁸ Att. 3, Officer Beesley's BWC at 2:15 and 3:13.

⁹ Att. 4, Officer Hernandez BWC at 1:06.

¹⁰ Att. 3, Officer Beesley BWC at 5:05.

¹¹ Att. 5, Officer Gonzalez BWC at 2:15.

¹² Att. 2, Officer West BWC at 5:08.

¹³ Att. 4, Officer Hernandez BWC at 3:45.

IV. CREDIBILITY ASSESSMENT

COPA interviewed Officers Hernandez, West, Gonzalez, and Beesley in August 2023.¹⁴ This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS¹⁵

a. BWC Allegations

COPA finds the allegation that Officers Hernandez, West, Gonzalez, and Beesley failed to timely activate their body worn cameras is **sustained**.

CPD members are authorized 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.¹⁶ In this case, the record is clear that the officers did not activate their body worn cameras at the beginning of the incident. Officer Hernandez activated her BWC after [REDACTED] was asked to step out of the vehicle.¹⁷ Officer Gonzalez activated his BWC when [REDACTED] was already outside and near the rear of the vehicle.¹⁸ Officer Beesley stated he activated his BWC when it was safe and feasible to do so and confirms according to department policy it was not activated in a timely manner.¹⁹ Officer West, did not activate BWC when he exited the squad car or at the beginning of the incident.²⁰ For these reasons, COPA finds the allegation is supported by a preponderance of the evidence; the officers did not activate their body worn camera in a timely manner.

b. Searching Allegations

COPA finds the allegation that Officers West and Gonzalez searched [REDACTED] vehicle without justification is **Exonerated**. Under *Michigan v. Long*, officers may make a protective search of the passenger compartment of a vehicle, limited to those areas in which a weapon may be placed or hidden, when they “possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.”²¹

¹⁴ Att. 17, 18, 19 and 20 Officers COPA statements.

¹⁵ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

¹⁶ Special Order S03-14, Body Worn Cameras (effective July 10, 2017 – present).

¹⁷ Att. 27, Officer Hernandez COPA statement 8.15.2023 (Pg. 25, Ln 6-12)

¹⁸ Att. 28, Officer Gonzalez COPA statement 8.16.2023 (Pg. 18, Ln 9-15)

¹⁹ Att. 25, Officer Beesley COPA statement 8.22.2023 (Pg. 15, Ln 2-6)

²⁰ Att. 26, Officer West COPA statement 8.15.2023 (Pg. 24, Ln 14-24)

²¹ *Michigan v. Long*, 463 U.S. 1032, 1051 (1983).

Officer Gonzales stated he conducted a “scope search or a visual search of the immediate area was performed, the general area where she (██████) was at, driver’s side front and rear or front seat and back seat.”²² Officer West stated that he briefly conducted a search “due to the fact that she (██████) did have a FOID, for officer safety, there could be a weapon in her vicinity, her direct reach, and that was just the area that was looked into which included drivers’ compartment, the passenger compartment, the back seat, the floorboard of the back seat and stuff like that.”²³ Officer Beesley stated that he searched under the driver’s seat to make sure there were no firearms or anything else that could hurt anyone when she (██████) got back in the vehicle.²⁴

The officers observed ██████ suddenly merging into their lane almost causing a collision which created a Reasonable suspicion to detain ██████ for an investigation. Reasonable articulable suspicion is “an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulate 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”.²⁵ The temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity.²⁶

Therefore, COPA finds the officers’ decisions to stop ██████ and search her vehicle were reasonable, and Allegation #2 is Exonerated.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Monica Hernandez

i. Complimentary and Disciplinary History²⁷

Officer Monica Hernandez has received 35 complimentary awards, including 32 honorable mentions. Officer Hernandez has no record of discipline.

ii. Recommended Discipline

COPA has considered Officer Hernandez’s complimentary history and lack of disciplinary history. Officer Hernandez violated Department policy by not activating her BWC in a timely manner. COPA recommends a violation noted.

²² Att. 28, Officer Gonzalez COPA statement 8.16.2023 (Pg. 16, Ln 17-19 & Pg. 17, Ln 1-6)

²³ Att. 26, Officer West COPA statement 8.15.2023 (Pg. 11, Ln 23-24 & Pg. 12, Ln 1-7)

²⁴ Att. 25, Officer Beesley COPA statement 8.22.2023 (Pg. 11, Ln 21-22 & Pg. 12, Ln 1-2)

²⁵ S04-13-09 (Il. C.) Investigatory Stop System (effective July 10, 2017 to present)

²⁶ S04-13-09 (Il. A.) Investigatory Stop System (effective July 10, 2017 to present)

²⁷ Att. 31

b. Officer Larrick West

i. Complimentary and Disciplinary History²⁸

Officer Larrick West has received 19 complimentary awards, including 16 honorable mentions, and 2 Department commendations. Officer West has been disciplined six times. Officer West has been reprimanded three times and received a total of four days suspension. It should be noted that four of Officer West's six incidents of discipline were for failure to perform assigned tasks.

ii. Recommended Discipline

COPA has considered Officer West's complimentary history and recent disciplinary history. Officer West violated Department policy by not activating his BWC in a timely manner. COPA recommends a 4-day Suspension.

c. Officers Ivan Gonzalez

i. Complimentary and Disciplinary History²⁹

Officer Ivan Gonzalez has received 23 complimentary awards, including 21 honorable mentions. Officer Gonzalez has been disciplined three times, all SPARs. In total, Officer Gonzalez has been reprimanded twice and received one day suspension.

ii. Recommended Discipline

COPA has considered Officer Gonzalez's complimentary history and disciplinary history. Officer Gonzalez violated Department policy by not activating his BWC in a timely manner. COPA recommends a 2-day Suspension.

d. Officer Matthew Beesley

i. Complimentary and Disciplinary History³⁰

Officer Matthew Beesley has received 71 complimentary awards, including 60 honorable mentions, and two Department commendations. Officer Beesley has no record of discipline.

ii. Recommended Discipline

²⁸ Att. 30

²⁹ Att. 29

³⁰ Att. 32

COPA has considered Officer Beesley's complimentary history and lack of disciplinary history. Officer Beesley violated Department policy by not activating his BWC in a timely manner. COPA recommends a violation noted.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

October 30, 2023

Date

Appendix A

Case Details

Date/Time/Location of Incident:	May 25, 2023 / 9:10 am / 300 S. Western Ave., Chicago, IL 60612.
Date/Time of COPA Notification:	May 25, 2023 / 10:19 am.
Involved Member #1:	Officer Monica Hernandez, Star #3527, Employee ID # [REDACTED] DOA: November 16, 2017, Unit: 011, Female, Hispanic.
Involved Member #2:	Officer Larrick West, Star #17947, Employee ID # [REDACTED] DOA: June 25, 2018, Unit: 011, Male, Black.
Involved Member #3:	Officer Ivan Gonzalez., Star #6653, Employee ID # [REDACTED] DOA: October 29, 2018, Unit: 011, Male, Hispanic.
Involved Member #4:	Officer Matthew Beesley., Star #18844, Employee ID # [REDACTED] DOA: July 15, 2013, Unit: 011, Male, White.
Involved Individual #1:	[REDACTED] Female, White.

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).
- Michigan v. Long, 463 U.S. 1032, 1051 (1983).

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.³¹ 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.”³²

³¹ 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).

³² *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