



Log # 2022-0001775

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On April 29, 2022, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ the legal guardian of ██████████ and ██████████ reporting alleged misconduct by three members of the Chicago Police Department (CPD). ██████████ alleged that on April 29, 2022, Officer Alejandro Velez, #7857, Officer Derick Martin, #16026, and Officer Scott Carter, #7429, stopped them without justification; Officers Martin and Velez detained them without justification; and Officer Velez handcuffed ██████████ and ██████████ searched their backpacks, and searched ██████████ vehicle, all without justification. Upon review of the evidence, COPA served additional allegations that Officer Carter failed to activate his body worn camera (BWC), and that all three officers collectively failed to complete an Investigatory Stop Report (ISR) and provide an ISR receipt to ██████████. Following its investigation, COPA reached Sustained, Exonerated, and Not Sustained findings.

### II. SUMMARY OF EVIDENCE<sup>2</sup>

BWC evidence revealed that on the date of this incident, the accused officers initiated a traffic stop on ██████████ because he was missing his front license plate.<sup>3</sup> Officer Velez approached the vehicle,<sup>4</sup> knocked on the window, and requested ██████████ driver's license, registration, and proof of insurance. Officer Martin approached the vehicle and stood on the passenger side.<sup>5</sup> ██████████ provided his driver's license<sup>6</sup> and proceeded to look for his registration and insurance. Officer Velez then questioned ██████████ about the ownership of the vehicle and requested that he turn off the ignition.<sup>7</sup> Once the vehicle was turned off, Officer Velez opened the driver's side door and requested that ██████████ exit.<sup>8</sup> ██████████ complied, and Officer Velez questioned him about whether or not he was in possession of cannabis.<sup>9</sup>

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<sup>1</sup> 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.

<sup>2</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

<sup>3</sup> Att.5, ██████████ Statement to COPA, at 5:54-5:59, he admitted to not having a front plate.

<sup>4</sup> Att.22, Officer Velez BWC at 1:57.

<sup>5</sup> Att.20, Officer Martin BWC at 2:05.

<sup>6</sup> Att.22 at 2:17.

<sup>7</sup> Att.22 at 2:30 to 3:10.

<sup>8</sup> Att.22 at 3:14.

<sup>9</sup> Att.22 at 3:29; Att. 5 at 11:05, ██████████ denied that he or his vehicle smelled like "weed."

Officer Velez conducted a protective pat down on ██████████ grabbed his right arm, and informed him that he was not under arrest but was being detained. Officer Velez then placed a single handcuff on ██████████ right wrist.<sup>10</sup> He then opened the rear passenger door and requested that ██████████ exit the vehicle. As ██████████ exited the vehicle, Officer Velez grabbed ██████████ left hand and handcuffed him and ██████████ together.<sup>11</sup> Officer Velez stated that he handcuffed ██████████ and ██████████ for officer safety, to control the scene, and because they were young kids and he did not want to chase them if they decided to flee.<sup>12</sup> Officer Velez then conducted a protective pat down on ██████████<sup>13</sup> When ██████████ asked Officer Velez if he could call his mom, Officer Velez stated, “You can, but you’ll be done in a minute.”<sup>14</sup>

Officer Martin then knocked on the rear passenger’s window<sup>15</sup> and requested the remaining two juveniles, who were approximately 10-13 years of age, to exit the vehicle. Officer Martin instructed everyone to stand near a black cast iron fence on the sidewalk.<sup>16</sup> Officer Velez then walked toward the squad car and handed ██████████ driver’s license to Officer Carter to conduct a name check. Officer Carter did not exit the squad car during the traffic stop.<sup>17</sup> Officer Velez then walked back over to ██████████ and started to question him again about having cannabis in the vehicle. ██████████ denied having any cannabis in his possession.<sup>18</sup> Officer Velez then proceeded to conduct a narcotics search of the vehicle<sup>19</sup> and also searched the backpacks of the juvenile passengers.<sup>20</sup>

After a brief conversation with the juveniles, Officer Martin removed the handcuffs from ██████████ and ██████████<sup>21</sup> Officer Velez completed the search without finding any weapons or contraband inside the vehicle.<sup>22</sup> Officer Velez returned to the squad car, retrieved ██████████ license, and handed it back to him.<sup>23</sup> The officers released ██████████ without issuing any tickets or citations,<sup>24</sup> and no ISR Receipt was offered or provided. Officer Carter completed a Traffic Stop Statistical Study (TSSS) for this incident.<sup>25</sup> The officers admitted to not completing an ISR report.<sup>26</sup> Officer Velez stated that it was his and Officer Martin’s responsibility to complete the ISR. Officer Martin stated that he believed Officer Velez was the business officer and should have completed the ISR. Officer Carter stated that he did not complete an ISR report because he believed that Officers Velez and Martin should have completed it. Officer Carter also stated that

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<sup>10</sup> Att.22 at 3:42.

<sup>11</sup> Att.22 at 3:47 to 3:55.

<sup>12</sup> Att.29, Officer Velez’s Statement.

<sup>13</sup> Att.22 at 3:58.

<sup>14</sup> Att.22 at 4:03.

<sup>15</sup> Att.20 at 3:21.

<sup>16</sup> Att.20 at 3:21 to 4:05.

<sup>17</sup> Att.22 at 4:09 to 4:16.

<sup>18</sup> Att.22 at 4:17 to 4:26.

<sup>19</sup> Att.22 at 4:37.

<sup>20</sup> Att.22 at 5:19 to 5:48.

<sup>21</sup> Att.20 at 5:19.

<sup>22</sup> Att.22 at 4:37 to 6:07.

<sup>23</sup> Att.22 at 6:07 to 6:23.

<sup>24</sup> Att.22 at 6:23; Att.20 at 6:23.

<sup>25</sup> Atts.7 - 8.

<sup>26</sup> Att.19, Officer Martin’s Statement; Att.25, Officer Carter’s Statement; Att. 29.

he remained inside the Department vehicle doing the traffic stop and did not activate his BWC because it malfunctioned.<sup>27</sup>

### III. ALLEGATIONS

#### **Officer Alejandro Velez:**

1. Stopped [REDACTED] without justification.  
-Exonerated
2. Detained [REDACTED] without justification.  
-Not Sustained
3. Detained [REDACTED] without justification.  
-Not Sustained
4. Handcuffed [REDACTED] without justification.  
-Not Sustained
5. Handcuffed [REDACTED] without justification.  
-Not Sustained
6. Searched the backpacks of juvenile passengers without justification.  
-Not Sustained
7. Searched the vehicle without justification.  
-Not Sustained
8. Failure to complete an Investigatory Stop Report for [REDACTED]  
-Sustained, Violation of Rules 2,3, 5, 6, and 10.
9. Failure to provide an Investigatory Stop Receipt [REDACTED]  
-Sustained, Violation of Rules 2, 3, 5, 6, and 10.

#### **Officer Derrick Martin:**

1. Stopped [REDACTED] without justification.  
-Exonerated
2. Detained [REDACTED] without justification.  
-Not Sustained
3. Detained [REDACTED] without justification.  
-Not Sustained
4. Failure to complete an Investigatory Stop Report for [REDACTED]  
-Sustained, Violation of Rules 2, 3, 5, 6, and 10.
5. Failure to provide an Investigatory Stop Receipt for [REDACTED]  
-Sustained, Violation of Rules 2, 3, 5, 6, and 10.

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<sup>27</sup> COPA checked to see if a ticket was issued for Officer Carter's BWC, which revealed negative results, Att.31 and [REDACTED] & [REDACTED]. A check of Evidence.com on the date of the incident revealed that Officer Carter's BWC was functioning before and after the traffic stop, Atts.26 - 27.

**Officer Scott Carter:**

1. Stopped [REDACTED] without justification.  
-Exonerated
2. Failure to complete an Investigatory Stop Report for [REDACTED]  
-Sustained, Violation of Rules 2, 3, 5, 6, and 10.
3. Failure to provide an Investigatory Stop Receipt [REDACTED]  
-Sustained, Violation of Rules 2, 3, 5, 6, and 10.
4. Failure to activate his Body Worn Camera in a timely manner.  
-Sustained, Violation of Rules 2, 3, 5, 6, and 10.

**IV. CREDIBILITY ASSESSMENT**

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

**V. ANALYSIS<sup>28</sup>****a. Officers Velez, Martin, and Carter were justified in stopping [REDACTED]**

The officers initiated a traffic stop because [REDACTED] operated a vehicle with a missing front license plate. [REDACTED] admitted to not having a front license plate. Under Illinois Law, a driver operating a motor vehicle must display and attach registered license plates to the front and rear of the vehicle.<sup>29</sup> Therefore, this allegation is **Exonerated**.

**b. Officers Velez and Martin detention of [REDACTED] and [REDACTED]**

Officers Velez and Martin conducted a traffic stop because [REDACTED] vehicle was missing a front plate. The BWC depicted that Officer Velez commented about the odor of cannabis emitting from the vehicle, which led to [REDACTED] and the other occupants in the vehicle being detained. [REDACTED] denied that he or his vehicle smelled like cannabis. There is insufficient evidence to verify whether the odor of cannabis was emanating from the vehicle, and in the absence of such evidence, this allegation cannot be proved/disproved. Therefore, this allegation is **Not Sustained**.

**c. Officer Velez handcuffed [REDACTED] and [REDACTED] and searched the vehicle and backpacks of the juvenile passengers.**

Officer Velez stated that he asked [REDACTED] and [REDACTED] to exit the vehicle because he smelled cannabis, so he conducted a narcotics search of the vehicle and the backpacks of the juvenile passengers. Officer Velez explained that he detained and handcuffed [REDACTED] and [REDACTED] together for officer safety and so that they would not attempt to flee. In Illinois and the City of Chicago, cannabis can only be lawfully transported if it is in a sealed, odor-proof, child-resistant container. Therefore, when a CPD member detects the odor of cannabis emitting from a vehicle,

<sup>28</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>29</sup> Illinois Vehicle Code 625 ILCS 5/3-413

the officer has probable cause to conduct a search of the vehicle. Furthermore, this principle has been extended to include searches of the driver and passengers of that vehicle.<sup>30</sup> However, ██████ denied that he or his vehicle smelled like cannabis, and there was no cannabis found in the vehicle. Based on the available evidence, there is insufficient evidence to prove/disprove the allegations. Therefore, the allegations are **Not Sustained**.

**d. Officers Velez, Martin, and Carter failed to complete an ISR and issue an ISR receipt.**

Chicago Police Department members are required to complete an Investigatory Report and provide the subject with an ISR receipt detailing the reasons for the stop.<sup>31</sup> CPD members are required to complete an ISR for any stop that involves a Protective Pat Down or any other search. Furthermore, sworn members are required to provide the subject of the stop with a completed Investigatory Stop Receipt, which should include the event number, the reason for the stop, and the sworn member's name and star number, and failure to do so would be a violation of Rules 2, 3, 5, 6, and 10. In this case, Officers Velez, Martin, and Carter conducted a traffic stop on ██████ Stanky's vehicle. Officers Velez and Martin requested ██████ and his passengers out of the vehicle, detained them, handcuffed ██████ and ██████ and Officer Velez conducted a narcotics search of the vehicle and the backpacks of the juveniles in the vehicle.

Officer Carter stated that he did not complete an ISR report or provide an ISR receipt because he believed that Officers Velez and Martin should have completed it. However, he did a name check on ██████ when Officer Velez handed him his driver's license. Officer Martin stated that he did not complete an ISR or provide an ISR receipt because he believed that Officer Velez was the business officer and should have completed it. Officer Velez admitted to not completing an ISR or issuing an ISR receipt and stated that it was both his and Officer Martin's responsibility. The officers did not attempt to issue ██████ an ISR receipt, which questions whether they were going to complete an ISR. It is apparent that the officers did not communicate amongst themselves as to who would or should complete the ISR. Officers Velez, Martin, and Carter were all responsible for ensuring that an ISR was completed and that an ISR receipt was provided to ██████ because they were all involved in the traffic stop. Therefore, the allegations are **Sustained**.

**e. Officer Carter failed to activate his body worn camera.**

All Chicago Police Department members equipped with BWCs must "activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement related activities."<sup>32</sup> Officer Carter admitted to not activating his BWC because he never exited the Department vehicle. Officer Carter further stated that his BWC was malfunctioning on the date of the incident. However, no ticket was issued for Officer Carter's BWC malfunctioning, and there was evidence supporting that Officer Carter's BWC was working on the date of the incident. Therefore, this allegation is **Sustained**.

<sup>30</sup> People v. Zayed, 2016 IL App (3rd) 140780 (2016).

<sup>31</sup> S04-13-09(VIII)(a), Investigatory Stop System

<sup>32</sup> S03-14 III (A), Body Worn Cameras (effective April 30, 2018-present)

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Alejandro Velez**

#### **i. Complimentary and Disciplinary History<sup>33</sup>**

Officer Velez has received 168 various awards and a SPAR in 2023 for Failure to Perform Assigned Tasks and received no disciplinary action.

#### **ii. Recommended Discipline**

COPA found that Officer Velez violated Rules 2, 3, 5, 6, and 10 when he failed to complete an ISR and issue an ISR receipt. For these reasons, combined with the officer's complimentary and disciplinary history, COPA recommends a **1-2 day(s) suspension**.

### **b. Officer Derrick Martin**

#### **i. Complimentary and Disciplinary History<sup>34</sup>**

Officer Martin has received 217 various awards and has no disciplinary history.

#### **ii. Recommended Discipline**

COPA found that Officer Martin violated Rules 2, 3, 5, 6, and 10 when he failed to complete an ISR and issue an ISR receipt. For these reasons, combined with the officer's complimentary and no disciplinary history, COPA recommends a **1-2 day(s) suspension**.

### **c. Officer Scott Carter**

#### **i. Complimentary and Disciplinary History<sup>35</sup>**

Officer Carter has received 123 various awards. His disciplinary history included a Sustained case in 2021 for Operation/Personnel Violations Weapon Lost/Stolen and received a 5-day suspension, a SPAR in 2023 for Failure to Perform Assigned Tasks and received a 1-day off, and a SPAR in 2023 for Failure to Perform Assigned Tasks and received a Reprimand.

#### **ii. Recommended Discipline**

COPA found that Officer Carter violated Rules 2, 3, 5, 6, and 10 when he failed to complete an ISR, issue an ISR receipt, and activate his body worn camera. For these reasons, combined with

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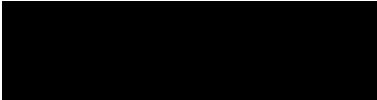
<sup>33</sup> Attachment 32.

<sup>34</sup> Attachment 33.

<sup>35</sup> Attachment 34.

the officer's complimentary and disciplinary history, COPA recommends a **2-4 day(s) suspension.**

Approved:



01-08-2024

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LaKenya White  
*Director of Investigations*

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Date

Appendix ACase Details

Date/Time/Location of Incident:	April 29, 2022 / 4:50 p.m. / 11528 South Michigan Ave.
Date/Time of COPA Notification:	April 29, 2022 / 5:35 p.m.
Involved Officer #1:	Officer Alejandro Velez, Star #7857, Employee # [REDACTED] Date of Appointment: August 16, 2017, Unit of Assignment: 005, Hispanic, Male
Involved Officer #2:	Officer Derrick Martin, Star#16026, Employee # [REDACTED] Date of Appointment: July 30, 2018, Unit of Assignment:005, Black, Male
Involved Officer #3:	Officer Scott Carter, Star #7429, Employee # [REDACTED] Date of Appointment: August 29, 2005, Unit of Assignment: 005, Black, Male
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 2003, Male, Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED] 2009, 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

- S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017-present)
- S03-14 III (A), Body Worn Cameras (effective April 30, 2018-present)



**Appendix**  
**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.<sup>36</sup> For example, 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. 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.”<sup>37</sup>

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<sup>36</sup> 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).

<sup>37</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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