



Log # 2023-1282

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

### I. EXECUTIVE SUMMARY

On March 23, 2023, at approximately 9:00 pm, Sergeant (Sgt.) Vincent Vasquez responded to ██████ request for a supervisor and registered this complaint on ██████ behalf. ██████ alleged that Officer Dexter Calhoun and Officer Demetrius Robinson-Stanford stopped ██████ without justification,<sup>2</sup> and that Officer Calhoun searched ██████ without justification.<sup>3</sup> Upon review of the evidence, COPA served additional allegations that Officers Calhoun and Robinson-Stanford failed to activate their body-worn cameras (BWC) and failed to complete an Investigatory Stop Report (ISR).

Following its investigation, COPA reached sustained findings for all allegations against Officer Calhoun and not sustained findings for all allegations against Officer Robinson-Stanford.

### II. SUMMARY OF EVIDENCE<sup>4</sup>

During an interview with COPA, ██████ stated that on the night of this incident he got off work at 5:00 pm and was headed to his father's home to pick up his daughter. As ██████ walked on Pulaski Road from the nearby Blue Line station, he was on his cell phone speaking to a friend, ██████ via Facetime, when an unmarked police vehicle occupied by three plainclothes officers pulled up and stopped.<sup>5</sup> A Black male plainclothes officer with the name "Calhoun" on his vest exited the vehicle and immediately approached him. Officer Calhoun said to him, "Come

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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> ██████ also alleged that a third officer was involved in this incident, but he did not get out of the CPD vehicle. Due to inaccurate recordkeeping by 011<sup>th</sup> District tactical team management, it was not immediately clear who the involved officers were besides Officer Calhoun. Upon investigation, COPA discovered that the third involved officer may have been Officer Anthony Alvarez. Officer Alvarez was on a leave of absence throughout much of the pendency of this investigation. Due to the timeliness constraints of COPA's investigative process under applicable collective bargaining agreements, as well as a lack of clear evidence identifying Officer Alvarez, COPA elected not to serve allegations against him. However, on March 27, 2024, COPA sent a letter to 011<sup>th</sup> District Commander Davina Ward notifying CPD of a pattern of cases in the 011<sup>th</sup> District, including this investigation, where COPA was unable to verify important details due to inaccurate documentation. See Att. 29.

<sup>3</sup> 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.

<sup>4</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 Police Observation Device (POD) footage, civilian and officer interviews, Attendance & Assignment Records, and investigative search results.

<sup>5</sup> Att. 32, pg. 18, ln. 20.

– come here. You have a satchel on. Let me see if you have a gun.”<sup>6</sup> Officer Calhoun grabbed ██████ by ██████ left arm and searched his bag by grabbing and feeling the outside of the bag.<sup>7</sup> ██████ explained that Officer Calhoun never opened his satchel.<sup>8</sup> ██████ also added that Officer Calhoun never patted him down.<sup>9</sup>

██████ explained that although he allowed Officer Calhoun to grab his arm and the satchel he wore across his chest, he demanded Officer Calhoun request that a sergeant respond to the scene.<sup>10</sup> A second unidentified officer then exited the police vehicle and approached. ██████ stated that he continued to yell for a sergeant, at which point both officers re-entered the police vehicle.<sup>11</sup> As the officers began to drive away, ██████ jumped in front of their vehicle, intending to record them with his cell phone, but the police vehicle performed a U-turn and drove away before he was able to record them or their vehicle.<sup>12</sup> ██████ then telephoned 911 and reported this incident.<sup>13</sup> ██████ stated that his complaint was against Officer Calhoun, whom he described as the aggressor in this incident.<sup>14</sup>

During a telephone conversation with COPA, ██████ confirmed she was speaking with ██████ via Facetime as he walked home. During the conversation, ██████ unexpectedly appeared to place his cell phone into one of his pockets, preventing ██████ from seeing what was happening. ██████ heard ██████ say to an unseen person words to the effect, “Why are you touching me?” which was followed by an unidentified male voice asking, “What’s in the bag?” The Facetime call was then inexplicably terminated.<sup>15</sup>

The video from POD #7895W<sup>16</sup> showed ██████ walking on the sidewalk when an unmarked police vehicle stopped and one of the vehicle’s occupants exited and approached ██████<sup>17</sup> Due to the poor lighting and the distance from the POD, it was difficult for COPA to ascertain the extent of the physical contact that the officer may have had with ██████. The recording contained no audio. A second officer exited the vehicle and stood nearby, but after a few moments, both officers re-entered the police vehicle and drove away.<sup>18</sup>

A search of Evidence.com revealed that there were no BWC recordings related to this incident.<sup>19</sup> The search also showed that Officer Calhoun recorded other videos on the date of this

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<sup>6</sup> Att. 32, pg. 9, ln. 6 and pg. 7, lns. 21 to 22.

<sup>7</sup> Att. 32, pg. 17, lns. 9 to 15.

<sup>8</sup> Att. 32, pg. 25, ln. 6.

<sup>9</sup> Att. 32, pg. 25, lns. 13 to 15.

<sup>10</sup> Att. 32, pg. 8, lns. 7 to 8.

<sup>11</sup> Att. 32, pg. 8, lns. 14 to 16.

<sup>12</sup> Att. 32, pg. 9, lns. 16 to 22

<sup>13</sup> Att. 32, pg. 9, ln. 24.

<sup>14</sup> Att. 32, pg. 18, lns. 13 to 14.

<sup>15</sup> Att. 19.

<sup>16</sup> 648 S. Pulaski Road.

<sup>17</sup> Att. 12 from 8:37:24 pm to 8:37:43 pm.

<sup>18</sup> Att. 12 from 8:38:02 pm to 8:38:16 pm.

<sup>19</sup> Att. 36.

incident, and the “multi-cam” feature of Evidence.com indicated that the cameras assigned to Officer Robinson-Stanford and Officer Alvarez both were in the vicinity of Officer Calhoun's camera earlier in the evening.<sup>20</sup>

Attendance and Assignment Records (A&As) indicate that on the day of this incident, Officer Calhoun and Officer Alvarez were not present for duty because it was their regular day off. The same records document that it was also Officer Robinson-Stanford's regular day off, but he volunteered to work. The A&As do not identify which, if any, police vehicle Officer Robinson-Stanford was assigned to on the date of this incident. Finally, the A&As also show that that the only 011<sup>th</sup> District tactical officer with the last name of Calhoun was Officer Dexter Calhoun.<sup>21</sup>

The Supervisor Management Logs completed by 011<sup>th</sup> District Tactical Sgt. Joseph Rizzi do not list Officer Calhoun or Officer Robinson-Stanford as being present for duty on the day of this incident.<sup>22</sup> A search of CPD databases showed that there was no ISR completed for an encounter with ██████████ on March 26, 2023.<sup>23</sup>

In a statement to COPA, Officer Calhoun stated that he did not recall this incident.<sup>24</sup> After watching the recording from POD #7895W, Officer Calhoun conceded that based on what he saw on the recording, the involved officer should have documented the contact with ██████████ by submitting an ISR.<sup>25</sup> Officer Calhoun also added that based on what he viewed on the recording, the involved officer would also have been required to activate his BWC at the onset of this incident.<sup>26</sup>

In a statement to COPA, Officer Robinson-Stanford stated that he did not recall this incident.<sup>27</sup> After watching the recording from POD #7895W, Officer Robinson-Stanford stated that based on what was contained in that recording, the officer involved in this incident should have completed an ISR and should have had their BWC activated to document the encounter.<sup>28</sup>

### III. ALLEGATIONS

#### **Officer Dexter Calhoun:**

- Stopping ██████████ without justification.
  - Sustained, in violation of Rules 1, 2, 3, and 6.
- Searching ██████████ without justification.
  - Sustained, in violation of Rules 1, 2, 3, and 6.

<sup>20</sup>Att. 36 and CMS Note CO-548511.

<sup>21</sup>Att. 13.

<sup>22</sup>Att. 17.

<sup>23</sup>Atts. 18 and 39.

<sup>24</sup>Att. 28, pg. 10, lns. 8 to 9.

<sup>25</sup>Att. 28, pg. 12, ln. 21 to pg. 13 to ln. 2.

<sup>26</sup>Att. 28, pg. 14, lns. 11 to 14.

<sup>27</sup>Att. 35, pg. 14, lns. 1 to 5.

<sup>28</sup>Att. 35, pg. 21, lns. 2 to 16.

- Failing to activate his body-worn camera, in violation of Special Order S03-14.
  - Sustained, in violation of Rules 2, 3, 5, 6, and 10.
- Failing to complete an Investigatory Stop Report, in violation of Special Order S04-13-09.
  - Sustained, in violation of Rules 2, 3, 5, 6, and 10.

**Officer Demetrius Robinson-Stanford:**

- Stopping ██████████ without justification.
  - Not Sustained.
- Failing to activate his body-worn camera, in violation of Special Order S03-14.
  - Not Sustained.
- Failing to complete an Investigatory Stop Report, in violation of Special Order S04-13-09.
  - Not Sustained.

**IV. CREDIBILITY ASSESSMENT**

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

In this case, COPA finds that ██████████ was a credible witness. First, he initiated this complaint immediately after the incident occurred, and he provided COPA with an additional audio witness. Further, ██████████ statement to COPA was materially consistent with what was depicted on the POD video. Conversely, Officer Calhoun stated he could not recall this incident, despite the evidence indicating that he was the officer who stopped and searched ██████████ COPA finds that this reticence to accept responsibility diminished Officer Calhoun's credibility.

**V. ANALYSIS<sup>29</sup>**

**a. Officer Identification / Allegations against Officer Robinson-Stanford**

Based on the available evidence, COPA finds that is more likely than not that the officer who stopped and searched ██████████ was Officer Calhoun. COPA bases this finding on ██████████ physical description of the officer who searched him, along with the fact that ██████████ saw Calhoun's name printed on his vest.<sup>30</sup> Although the A&As indicate that Officer Calhoun was not working on the date of this incident, his BWC videos from other points that evening prove otherwise.

<sup>29</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>30</sup> ██████████ described the officer who searched him as a Black male in plainclothes in an unmarked CPD vehicle. Officer Calhoun is a Black male who was working on an 011<sup>th</sup> District tactical team at the time this incident occurred in the

On the other hand, there is less evidence to prove that the second involved officer was Officer Robinson-Stanford. Although BWC video established that Officer Robinson-Stanford worked with Officer Calhoun at some points that evening, there is no BWC video linking him to this specific event. In addition, the POD video was recorded from too far away to make a positive identification of any one officer. And while ██████ was able to provide COPA with Officer Calhoun's name, he did not observe the nametag of the other officer. Given that, COPA is unable to conclude that it is more likely than not that Officer Robinson-Stanford was the second involved officer. Therefore, COPA finds there is insufficient evidence to prove or disprove the allegations against Officer Robinson-Stanford by a preponderance of the evidence. As such, all allegations against Officer Robinson-Stanford are **not sustained**.

#### **b. Stopping and Searching ██████**

COPA finds that Allegations #1 and #2 against Officer Calhoun, that he stopped and searched ██████ without justification, are **sustained**. The Fourth Amendment of the U.S. Constitution protects people against unreasonable searches and seizures.<sup>31</sup> According to CPD policy, an investigatory stop is the temporary detention and questioning of a person in the vicinity where the person was stopped, based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.<sup>32</sup> For investigatory stops, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the person is committing, is about to commit, or has committed a criminal offense.<sup>33</sup>

First, COPA finds that Officer Calhoun stopped and searched ██████ by grabbing ██████ arm and feeling the outside of his satchel. This is proven by: 1) ██████ testimony describing the incident and identifying Officer Calhoun by name; 2) ██████ witness testimony, during which she recounted ██████ protesting that someone was touching him and a separate, unidentified voice asking what was in the bag, and 3) the POD video capturing the incident. Moreover, COPA finds that Officer Calhoun lacked the reasonable articulable suspicion to conduct either the stop or the search of ██████ satchel. In this instance, Officer Calhoun provided no explanation or specific articulable facts, either in writing or during his statement to COPA, which would have justified his decision to stop and search ██████. As such, COPA finds that allegations #1 and #2 are sustained, in violation of Rules 1, 2, 3, and 6.

#### **c. Failing to Activate BWC**

COPA finds Allegation #3, that Officer Calhoun failed to activate his BWC, is **sustained**. To increase transparency and improve the quality and reliability of investigations, CPD policy

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011<sup>th</sup> District. Additionally, CPD tactical officers are generally assigned to unmarked vehicles and are known to wear plainclothes.

<sup>31</sup> U.S. Const., amend. IV.

<sup>32</sup> Att. 37, S04-13-09 II(A), Investigatory Stop System (effective July 10, 2017 to present).

<sup>33</sup> Att. 37, S04-13-09 II(C)(1).

requires law-enforcement-related activities to be electronically recorded.<sup>34</sup> Law-enforcement-related activities include, but are not limited to, calls for service, investigatory stops, traffic stops, foot and vehicle pursuits, arrests, use of force incidents, emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene, high risk situations, and any other instances when enforcing the law.<sup>35</sup> The decision to record is mandatory, not discretionary.<sup>36</sup> CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident.<sup>37</sup> If circumstances prevent the activation of a BWC at the beginning of an incident, the member will activate their camera as soon as practical.<sup>38</sup>

Here, Officer Calhoun was captured on video engaging in police activity, namely detaining a civilian and conducting a search. Despite this, Officer Calhoun did not activate his BWC. Therefore, Allegation #3 is sustained by a preponderance of the evidence, in violation of Special Order S03-14 and Rules 2, 3, 5, 6, and 10.

#### **d. Lack of ISR**

COPA finds that Allegations #4, that Officer Calhoun failed to complete an ISR, is **sustained**. CPD policy requires officers to complete an ISR when they conduct an investigatory stop.<sup>39</sup> Here, Officer Calhoun conducted an investigatory stop of [REDACTED] but he did not complete an ISR. Therefore, COPA finds that allegation #4 is sustained, in violation of Special Order S04-13-09 and Rules 2, 3, 5, 6, and 10.

### **VI. DISCIPLINARY RECOMMENDATION**

#### **a. Officer Dexter Calhoun**

##### **i. Complimentary and Disciplinary History<sup>40</sup>**

Officer Calhoun's complimentary history is comprised of 143 awards, the highlights of which include one Unit Meritorious Performance Award, one Superintendent's Honorable Mention, two Police Officer of the Month awards, one Honorable Mention Ribbon Award, and six Department Commendations. Officer Calhoun's disciplinary history includes a sustained finding for conduct unbecoming during a December 2019 incident when he directed insulting and profane language at a civilian, for which he received a reprimand. He has also received two SPARs: 1) an October 2023 SPAR for failure to perform assigned tasks, resulting in a reprimand, and 2) an April 2024 court appearance violation, resulting in a reprimand.

<sup>34</sup> Att. 38, S03-14 II(A), Body Worn Cameras (effective April 30, 2018 to December 29, 2023).

<sup>35</sup> Att. 38, S03-14 III(2)(a-r).

<sup>36</sup> Att. 38, S03-14 III(A)(1).

<sup>37</sup> Att. 38, S03-14 III(A)(2).

<sup>38</sup> Att. 38, S03-14 III(A)(2).

<sup>39</sup> Att. 37, S04-13-09 III(C).

<sup>40</sup> Att. 40.

**ii. Recommended Discipline**

COPA has found that Officer Calhoun violated Rules 1, 2, 3, 5, 6, and 10 when he stopped and searched [REDACTED] without justification, failed to activate his BWC, and failed to complete an ISR. In aggravation, COPA notes that Officer Calhoun's inability to recall his involvement in this incident, and his complete failure to document the incident in any way, significantly hindered COPA's investigation. It was only due to the POD video and [REDACTED] observation of Officer Calhoun's nametag that COPA was able to confirm the encounter even occurred. COPA further notes that Officer Calhoun activated his BWC two other times while on duty that day. This raises the question of why he did not do so when he stopped and searched [REDACTED]. In addition, COPA finds it concerning that Officer Calhoun would jump out of a car, detain and search someone merely walking down the street, and then immediately leave without completing the necessary paperwork. His actions demonstrate a concerning disregard for the rights of civilians such as [REDACTED] and for his obligations as a CPD member.

In mitigation, COPA notes Officer Calhoun's impressive and extensive complimentary history. However, COPA also notes Officer Calhoun's recent disciplinary history, which includes a sustained finding for disrespectful behavior towards a civilian and a SPAR for failing to perform assigned tasks, which further establishes his disregard for CPD policy and procedures. Given this, COPA recommends a penalty of **5-day suspension** and **retraining** on CPD's Investigatory Stop System and BWC policies.

Approved:

[REDACTED]

Steffany Hreno  
*Director of Investigations*

9/11/2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	March 26, 2023 / 8:35 pm / 4000 W Fifth Ave, Chicago, IL 60624.
Date/Time of COPA Notification:	March 26, 2023 / 10:07 pm.
Involved Member #1:	Officer Dexter Calhoun / Star #17364 / Employee # [REDACTED] / DOA: October 31, 2016 / Unit 011 / Male / Black.
Involved Member #2:	Officer Demetrius Robinson-Stanford / Star #11341 / Employee # [REDACTED] / DOA: May 16, 2017 / Unit 011 / Male / Black.
Involved Individual #1:	[REDACTED] / Male / Black.

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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.

Applicable Policies and Laws

- U.S Constitution, amendment IV.
- Special Order S03-14, Body Worn Cameras (effective April 30, 2018 to December 29, 2023).
- Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017 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.<sup>41</sup> 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.”<sup>42</sup>

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<sup>41</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>42</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