



Log # 2024-0002700

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 2nd, 2024, the Civilian Office of Police Accountability (COPA) received an initiation complaint from the Chicago Police Department (CPD), filed by ██████████ (██████████) on behalf of the Complainant ██████████ (██████████) alleging that CPD members committed misconduct.² ██████████ alleged that on February 29, 2024, Police Officer Dwane Clark (Clark) and Police Officer Divale Roberson (Roberson) illegally detained him, illegally searched him, and utilized excessive force when detaining him.³ Upon review of the evidence, COPA served additional allegations that both Officer Clark and Officer Roberson failed to generate an Investigative Stop Report (ISR) and Tactical Response Report (TRR). Following its investigation, COPA reached sustained findings on all of the allegations.

II. SUMMARY OF EVIDENCE⁴

On the Initiation Report, ██████████ stated that while on the way to a relative's house, he was detained by Officer Roberson and Officer Clark for no apparent reason.⁵ While he was being detained by the two officers, ██████████ claimed that they utilized excessive force on him, which led ██████████ to seek medical treatment.⁶ In his statement⁷ to COPA, ██████████ stated that he had parked his car and was waiting outside of ██████████ to pick his son when officers flashed their lights on ██████████ as he was walking up the stairs of the residence.⁸ ██████████ then stated that the officers asked him if he had a gun on him, to which he replied no.⁹ ██████████ stated that he attempted to ring the door bell to get inside because he believed that the officers were just harassing him since he did nothing illegal to warrant the officers' attention.¹⁰

██████████ then stated that the officers did not ask for identification and promptly slammed him against the wall and told him to stop resisting.¹¹ This led to an altercation that cause ██████████ to sustain

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 Att. 1.

³ 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.

⁴ 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, civilian interviews, and officer interviews.

⁵ Att. 1.

⁶ Att. 1, pg. 2.

⁷ Att. 2.

⁸ Att. 2 at 3:25.

⁹ Att. 2 at 3:55.

¹⁰ Att. 2 at 4:05.

¹¹ Att. 2 at 4:20.

injuries.¹² [REDACTED] Aunt then came out and witnessed the physical struggle between the parties.¹³ The officers then let [REDACTED] go after they ran his credentials and verified that he had a valid license to carry a firearm.¹⁴ Throughout his statement, [REDACTED] reiterated that the he was simply waiting outside of the residence, he was not fleeing or running, and that the officers had no reason to stop him.¹⁵

Body-worn camera (BWC) footage from Officers Roberson¹⁶ and Clark¹⁷ were retrieved and reviewed for this incident. In Officer Clark's BWC, Officer Clark can be seen approaching [REDACTED] who was standing at the entrance of [REDACTED]. As he approached [REDACTED] Officer Clark stated "come here, bro".¹⁸ Officer Clark can then be heard stating "let me see" to which [REDACTED] responds by lifting his shirt and jacket near his waistline.¹⁹ Officer Clark then placed his hands on [REDACTED] and turned him towards the wall to conduct a further search of [REDACTED] which prompted [REDACTED] to call out to his Aunt inside of the residence.²⁰ In Officer Roberson's BWC, Officer Clark has his arms wrapped around [REDACTED].²¹ Both officers attempted to place [REDACTED] into handcuffs but a physical altercation ensued.²² Eventually, the officers were able to place [REDACTED] into handcuffs and found a pistol in [REDACTED] jacket pocket.²³ He was then brought to the officers' patrol vehicle, where the officers ran a name check on him.²⁴

In his interview with COPA, Officer Roberson stated that he stopped [REDACTED] because he was under the suspicion that [REDACTED] was possessing an illegal firearm.²⁵ When asked to elaborate on his suspicions of illegality, Officer Roberson stated that [REDACTED] stuck his arms to his side, had a bulge coming out of the backside near the armpit area, failed to answer questions, and fled from the officers.²⁶ Officer Roberson stated that the initial encounter was consensual when the officers asked [REDACTED] if he had a FOID (Firearms Owner Identification) or a CCL (Conceal Carry License) but at that point [REDACTED] did not answer the question and ran up the porch.²⁷ Officer Roberson then stated that [REDACTED] became an active resistor because he failed to comply with the officers orders and resisted the officers attempts to place him into handcuffs.²⁸ After he was placed into handcuffs, a firearm was found on him.²⁹ The officers then ran a LEADS check on [REDACTED] and determined that

¹² Att. 2 at 4:35.

¹³ Att. 2 at 5:20.

¹⁴ Att. 2 at 5:40.

¹⁵ Att. 2 at 11:15.

¹⁶ Atts. 3 and 4.

¹⁷ Att. 5.

¹⁸ Att. 5 at 1:19.

¹⁹ Att. 5 at 1:24.

²⁰ Att. 5 at 1:30.

²¹ Att. 3 at 1:35.

²² Att. 3 at 1:44.

²³ Att. 5 at 3:40.

²⁴ Att. 5 at 4:05.

²⁵ Att. 19, pg. 10.

²⁶ Att. 19, pg. 10 and 11.

²⁷ Att. 19, pg. 17.

²⁸ Att. 19, pg. 18.

²⁹ Att. 19, pg. 17.

he did have a valid CCL.³⁰ When asked if an ISR and a TRR was required for the incident, Officer Roberson stated that they should have written both reports.³¹

Officer Clark's statement³² is substantially similar to Officer Roberson in that Officer Clark stated that they stopped [REDACTED] under the suspicion that [REDACTED] possessed an illegal firearm. Officer Clark further added that he observed [REDACTED] left arm tight to his left side while his right arm was swinging naturally, which to Officer Clark meant that [REDACTED] was "...carrying an unholstered, illegal firearm."³³ Prior to making contact with [REDACTED] Officer Clark noted that he noticed the bulge on [REDACTED] because, while in his patrol vehicle, he was following [REDACTED] (who was walking) for a short period of time.³⁴ Officer Clark asserted that the reason for the stop was for the presumed illegal firearm and due to [REDACTED] running from them.³⁵

III. ALLEGATIONS

Police Officer Dwane Clark

1. Improperly/illegally detained [REDACTED]
 - **SUSTAINED** – In violation of Rules 2, 3, 6, and 11.
2. Improperly/illegally searched [REDACTED]
 - **SUSTAINED** – In violation of Rules 2, 3, 6, 9, and 11.
3. Utilized excessive force against [REDACTED]
 - **SUSTAINED** – In violation of Rules 2, 3, 6, 9, and 11.
4. Failed to prepare and/or issue an ISR (Investigative Stop Report)
 - **SUSTAINED** – In violation of Rules 2, 3, 5, 6, 10, and 11.
5. Failed to prepare a TRR (Tactical Response Report)
 - **SUSTAINED** – In violation of Rules 2, 3, 5, 6, 10, and 11.

Police Officer Divale Roberson:

1. Improperly/illegally detained [REDACTED]
 - **SUSTAINED** – In violation of Rules 2, 3, 6, and 11.
2. Improperly/illegally searched [REDACTED]
 - **SUSTAINED** – In violation of Rules 2, 3, 6, 9, and 11.
3. Utilized excessive force against [REDACTED]
 - **SUSTAINED** – In violation of Rules 2, 3, 6, 9, and 11.

³⁰ Att. 19, pg. 19.

³¹ Att. 19, pg. 21 and 22.

³² Att. 22.

³³ Att.22, pg. 8 and 9.

³⁴ Att. 22, pg. 11.

³⁵ Att. 22, pg. 12 and 13.

4. Failed to prepare and/or issue an ISR (Investigative Stop Report)
 - **SUSTAINED** – In violation of Rules 2, 3, 5, 6, 10, and 11.
5. Failed to prepare a TRR (Tactical Response Report)
 - **SUSTAINED** – In violation of Rules 2, 3, 5, 6, 10, and 11.

IV. CREDIBILITY ASSESSMENT

COPA assessed the credibility of the individuals who provided statements utilizing truthfulness and reliability criteria. This investigation did not reveal any evidence that caused COPA to doubt the truthfulness of any of the individuals who provided statements as the statements were consistent in describing the interactions and events between the parties. Each of the individually provided officer statements affirmed that an ISR and TRR were not generated for this incident. COPA raises doubt as to the reliability of Officers Clark and Roberson regarding their assertion that █████ was fleeing. Based on the BWC footage observed, Officers Clark and Roberson’s explanatory statements to COPA cannot be deemed reliable.

V. ANALYSIS³⁶

a) IMPROPERLY/ILLEGALLY DETAINED █████

Officers may detain an individual based on an investigative stop, which is defined as “the temporary detention and questioning of a person in the vicinity where the person was stopped based on specific and articulable facts (Reasonable Articulable Suspicion) that the person is committing, is about to commit, or has committed a criminal offense”.³⁷ In jurisdictions where citizens can legally carry concealed weapons, the mere presence of a concealed weapon, without more, cannot support a reasonable suspicion that the suspect is illegally carrying that gun.³⁸ The Illinois Firearm Conceal Carry Act states that if an officers initiates an investigative stop, the licensee has a duty to inform the officer that they are carrying a concealed firearm.³⁹

In their statement to COPA, Officers Clark and Roberson stated that they had approached █████ after they spotted a bulge in █████ jacket pocket and suspected the bulge was an illegal firearm. Second to the bulge, the officers stated that █████ was walking in an “unnatural walking motion” and avoided the officers’ questions. These factors, even in combination and viewed with rational inferences being made, do not amount to a reasonable belief that █████ was committing a crime, about to commit a crime, or had committed a crime. As Officer Roberson stated, the only reason they stopped █████ was to verify if he was illegally carrying a firearm.

The officers then stated that █████ fled from the officers, but this contention is not supported by the BWC footage. The BWC of Officer Clark shows █████ walking up the stairs and stopping at

³⁶ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

³⁷ Att. 16, Special Order S04-13-09 Investigatory Stop System, II, A.

³⁸ United States v. Jones (United States District Court for the Northern District of Illinois, Eastern Division December 22, 2023).

³⁹ Att. 24.

the door of his aunt's house as Officer Clark approached him and prior to being detained. At no point did █████ flee or attempt to flee as the officers stated in their statements to COPA. In furtherance of their position, the officers stated that since █████ had a firearm on him, he was required by Illinois law (430 ILCS 66/10) to tell the officers he was carrying. However, this requires the officers to initiate a legal investigative stop, which in this instance was not met for the aforementioned reasons. The officers had no justifiable rationale to reasonably conclude that █████ had committed a crime, was committing a crime, or was about to commit a crime.

Without any additional factors, this allegation must be **SUSTAINED**.

b) IMPROPERLY/ILLEGALLY SEARCHED █████

When an officer has detained a subject based upon Reasonable Articulate Suspicion that criminal activity is afoot and, during that detention, develops additional Reasonable Articulate Suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger of attack to the officer or another, the officer may conduct a Protective Pat Down of the outer clothing of the subject for hard objects that could be used as weapons.⁴⁰ As mentioned above, the officers did not have the requisite reasonable articulable suspicion to conduct the stop. Subsequently, the officers should not have conducted the search on █████ Therefore, this allegation is **SUSTAINED**.

c) UTILIZED EXCESSIVE FORCE AGAINST █████

The Fourth Amendment classifies the use of force as a form of seizing an individual, which requires the officer to do so if they have satisfied the Fourth Amendment.⁴¹ Under *Graham v. Connor*, officers are authorized to utilize force that is reasonable, necessary, and proportional according to the severity of the crime, the threat presented, and the level of resistance being offered by the subject.⁴² As stated above, Officers Clark and Roberson did not satisfy the requirements set forth by the Fourth Amendment in order to initiate the stop on █████ Because the detention was not proper, the officers' use of force on █████ was not reasonable nor was it necessary. Therefore, this allegation is **SUSTAINED**.

d) FAILED TO PREPARE AND/OR ISSUE AN ISR (INVESTIGATIVE STOP REPORT)

Department directives require officers to complete an Investigative Stop Report any time they conduct an investigatory stop and any types of searches to include protective pat downs.⁴³ In this case, it is undisputed, by all parties, that █████ was stopped and searched by Officers Roberson and Clark. Therefore, the officers should have completed an ISR and issued a receipt. Because this was not done, this allegation is **SUSTAINED**.

⁴⁰ Att. 16, Special Order S04-13-09 Investigatory Stop System, VI, A1.

⁴¹ *Graham v. Connor*, 490 U.S. 386 (1989)

⁴² *Graham v. Connor*, 490 U.S. 386 (1989)

⁴³ Att. 16, Special Order S04-13-09 Investigatory Stop System, VII, B.

e) FAILED TO PREPARE A TRR (TACTICAL RESPONSE REPORT)

General Order G03-02-02 states that officers are required to generate a Tactical Response Report any time that they use force that extends beyond verbal commands or control holds in conjunction with handcuffing. ⁴⁴ Both officers agreed that their use of force on █████ extended beyond verbal commands and control techniques in conjunction with handcuffing. Moreover, both officers agreed that they should have filed a TRR for this situation but failed to do so. Therefore, this allegation should be **SUSTAINED**.

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Dwane Clark

i. Complimentary and Disciplinary History⁴⁵

As of October 10, 2024, Officer Clark has received a total of 93 awards, including two Department Commendations, one 2019 Crime Reduction Award, 89 Honorable Mention, and one Problem Solving award. In the last five years, Officer Clark has no Sustained Complaints. In the last five years, Officer Clark has had a Spar History showing four Sustained Findings for a variety of transgressions. Disciplinary action in those instances ranged from a reprimand to two days off.

ii. Recommended Discipline

COPA has found that Officer Clark violated rules 2, 3, 5, 6, 9, 10, and 11 by stopping █████ without justification, searching █████ without justification, utilizing force on █████ without justification, failing to prepare an ISR, and failing to prepare a TRR. Based on this information, COPA recommends a **3-Days Suspension and retraining**.

b. Police Officer Divale Roberson

i. Complimentary and Disciplinary History⁴⁶

As of October 10, 2024, Officer Roberson has received a total of 249 awards, including two Top Gun Awards, one Special Commendation, one Problem Solving Award, one Officer of The Month Award, five Department Commendations, one 2019 Crime Reduction Award, and 231 Honorable Mention. In the last five years, Officer Roberson has no Sustained Complaints. In the last five years, Officer Roberson has had a Spar History showing two Sustained Findings for failure to timely activate BWC and failure to submit a report. Disciplinary action taken for the BWC violation

⁴⁴ Att. 15, General Order G03-02-02, Incidents Requiring the Completion of a Tactical Response Report, III, A.

⁴⁵ Att. 23.

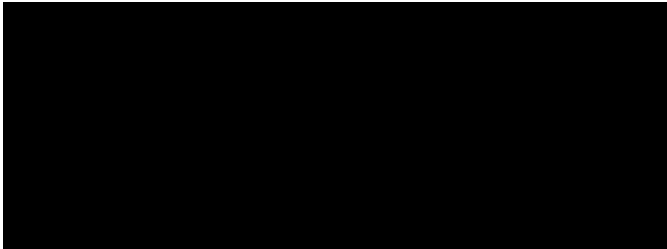
⁴⁶ Att. 23.

was a reprimand. No disciplinary action was taken for failing to submit a report.

ii. Recommended Discipline

COPA has found that Officer Roberson violated rules 2, 3, 5, 6, 9, 10, and 11 by stopping [REDACTED] without justification, searching [REDACTED] without justification, utilizing force on [REDACTED] without justification, failing to prepare an ISR, and failing to prepare a TRR. Based on this information, COPA recommends a **1-Day Suspension and retraining.**

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

3-11-25

Date

Appendix A

Case Details

| | |
|---------------------------------|---|
| Date/Time/Location of Incident: | February 29, 2024 / 11944 S. Wallace St. |
| Date/Time of COPA Notification: | March 2, 2024 / 10:30 PM |
| Involved Officer #1: | Dwane Clark, Star #11420, Employee ID # [REDACTED], Date of Appointment: October 16, 2019, Unit of Assignment: 005, Male, Black |
| Involved Officer #2: | Divale Roberson, Star #16993, Employee ID # [REDACTED], Date of Appointment: October 31, 2016, Unit of Assignment: 005, 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 11:** Incompetency or inefficiency in the performance of duty.

Applicable Policies and Laws

- Graham v. Connor, 490 U.S. 386 (1989)
- United States v. Jones (United States District Court for the Northern District of Illinois, Eastern Division December 22, 2023)
- 430 ILCS 66/10 Firearm Conceal Carry Act
- G03-02-01 Response to Resistance and Force Options (effective 28 June 2023 to present)

- G03-02-02 Incidents Requiring the Completion of a Tactical Response Report (effective 28 June 2023 to present)
- S04-13-09 Investigatory Stop System (effective 10 July 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.⁴⁷ 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.”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