



Log # 2025-0000178

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On January 12, 2025, at approximately 2:18 am, Complainant ██████████ was the subject of a traffic stop near 751 North Cicero Avenue. ██████████ was stopped by officers of the Chicago Police Department (CPD), who claimed that the reason for the stop was a broken headlight. ██████████ was ordered to exit his vehicle, which he did, and then he was subsequently placed in handcuffs and subjected to a patdown search. The officers also searched the immediate area where ██████████ was seated in the vehicle, as well as the vehicle's trunk. They discovered open liquor, but no other contraband or weapons. The officers released ██████████ and did not issue him a traffic citation; however, he was given a stop receipt.

██████████ subsequently contacted CPD regarding the circumstances of his detention and the search of his vehicle.² He further complained that the handcuffs used to restrain him were so tight that they caused him pain and bruising.³

As a result, COPA investigated the matter and arrived at sustained findings against Officer Fidel Legorreta in connection with the search of ██████████ trunk, and against Officer Eduardo Hernandez for late activation of his Body Worn Camera (BWC) and the continued detention of ██████████ during the search of his trunk. COPA found insufficient evidence to prove or disprove the allegation against Officer Legorreta regarding his use of handcuffs on ██████████

II. SUMMARY OF EVIDENCE⁴

██████████ told COPA that he had the day off from his employment. He spent the evening working on his car at a friend's garage after the end of the friend's workday. After he left, the officers pulled ██████████ over for a broken headlight. Officer Legorreta later reported that ██████████ was nervous, evasive in answering questions, and had difficulty providing proof of insurance. Additionally, when Officer Legorreta leaned into the vehicle, he smelled alcohol emanating from inside. He asked ██████████ to exit the vehicle, and ██████████ asked why. At that point, Officer Legorreta falsely told ██████████ there was an unserved restraining order in the system against him. Officer Legorreta reached into ██████████ car and opened the door, ordering

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 See CPD Initiation Report, Att. 4.

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, police reports, an interview of ██████████ and officer interviews.

him out of the vehicle. Officer Legorreta told ██████ that the purpose of the detention was to confirm service of the warrant. Officer Legorreta patted ██████ down and handcuffed him. Officer Legorreta then searched ██████ car; ██████ explicitly withheld his consent for the search. According to ██████ a part in the cabin of his car was damaged in the search, and the loose items in the car were left in disarray.⁵

Officer Legorreta searched ██████ vehicle, to include a search of the trunk, while Officer Hernandez detained ██████⁶ ██████ was left, handcuffed and standing in the cold, for approximately ten minutes. He later told COPA that he had been uncomfortable, with his wrists bruised from the application of the handcuffs.⁷ ██████ subsequently proceeded to a local police station and initiated a complaint arising out of his interaction with the officers.⁸

III. ALLEGATIONS

Officers Hernandez and Legorreta:

1. Conducted a traffic stop of ██████ without justification.
 - Not sustained

Officer Legorreta:

2. Searched ██████ vehicle, without justification.
 - Sustained, in violation of Rules 1, 2, 3, and 6.
3. Placed ██████ in handcuffs that were too tight, without justification.
 - Not sustained

Officer Hernandez:

2. Detained ██████ without justification, while the trunk of his vehicle was unlawfully searched.
 - Sustained, in violation of Rule 1, 2, and 3.
3. Failed to timely activate his BWC and record the entire incident, without justification.
 - Sustained, in violation of Rules 2, 3, 6 and 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

That said, in his statement to COPA, Officer Legorreta was not entirely straightforward in discussing what he knew about the status of service of the order of protection against ██████

⁵ Att. 17 at pgs. 5-8.

⁶ Att. 2 at 01:28.

⁷ Att. 17 at pg. 8, lns. 14 to 24.

⁸ Att. 17 at pg. 9, lns. 6 to 10.

and when he knew it.⁹ Officer Legorreta maintained that when he initially saw that there was an order of protection against ██████████ he did not see whether or not the order had been served, and only learned that it had been served when he consulted the PDT in his vehicle a second time, after he had already ordered ██████████ out of the car. Even if this statement was accurate or credible, Officer Legorreta still positively asserted to ██████████ that CPD records indicated he had not been served with the order of protection. The only discrepancy is whether or not Officer Legorreta was aware of the true facts at the time he made the statement to ██████████ and if he knew that the order had already been served on ██████████. In any event, the statement he made to ██████████ was inaccurate, and Officer Legorreta had every reason to know it was inaccurate at the time.

V. ANALYSIS¹⁰

A. There is insufficient evidence to prove or disprove that the traffic stop was unjustified.

COPA finds Allegation 1 against Officers Legorreta and ██████████ that they conducted a traffic stop of ██████████ without justification, is **not sustained**. The ISR prepared by Officer Legorreta states that ██████████ was stopped for having a broken headlight, and ██████████ indicated on BWC footage that he had recently been pulled over for the same offense.¹¹ However, according to the Initiation Report,¹² ██████████ later told Sergeant Gentile that both of his headlights were functioning at the time of the stop.¹³ ██████████ in his statement to COPA, indicated surprise that this was the reason for the traffic stop, as he had just spent significant time at his friend's garage working on the car (his tools were in the front seat), and he was certain that his car's headlights were functioning properly; the car was relatively new.¹⁴ As BWC footage did not reflect whether the headlights were functioning, and given the conflicting accounts of ██████████ and the officers, COPA lacks sufficient evidence to prove or disprove that the traffic stop was unjustified.

B. The search of ██████████ vehicle exceeded what could be justified under the circumstances.

COPA finds Allegation 2 against Officer Legorreta, that he searched ██████████ vehicle without justification, is **sustained**. Here, ██████████ was stopped for a broken headlight. While a protective sweep of ██████████ vehicle may have conceivably been justified by his observed behaviors, a search of the entire vehicle was not.

“The Fourth Amendment to the Constitution of the United States guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.”¹⁵ In order to lawfully search a vehicle, officers must have a search warrant, consent, or probable cause that the vehicle contains evidence of a crime. Additionally, reasonable articulable suspicion of a threat

⁹ Att. 22, pgs. 19 to 23.

¹⁰ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹¹ Att. 5; Att. 1 at 2:00 to 2:47 minutes.

¹² Att. 4.

¹³ Att. 4.

¹⁴ Att. 17, at p. 5, lns. 7 to 16. *See also* pg. 9 at lns. 11 to 16.

¹⁵ G02-01(IV)(B), Protection of Human Rights (effective June 30, 2022 to present).

to officer safety may suffice for a protective sweep of areas immediately accessible to the occupant(s) during an investigatory stop, but the scope of the search must be limited to the facts which give rise to the need for a search.¹⁶

Here, Officer Legorreta indicated that the search of [REDACTED] vehicle was for officer safety.¹⁷ Based upon the ISR, the officers reportedly believed that [REDACTED] may have been armed and dangerous.¹⁸ Therefore, a patdown of [REDACTED] as well as a patdown (protective sweep) of the immediate area of the passenger compartment where [REDACTED] had been sitting, were arguably permitted to search for weapons.¹⁹ During the protective sweep, Officer Legorreta found open liquor in the vehicle; however, this did not provide probable cause to search the trunk area.²⁰ Officer Legorreta, in his statement to COPA, attempted to justify his search of the trunk based on the design of [REDACTED] car, as the seats have the ability to fold down flat.²¹ However, the seats were not actually folded down flat, and BWC clearly shows that Officer Legorreta searched the entirety of the trunk by accessing it through the rear trunk door, not the passenger compartment of the vehicle.

COPA finds that Officer Legorreta's protective sweep should have been limited solely to areas of the vehicle where a weapon could reasonably be located and where [REDACTED] could have gained immediate control, such as the portions of the passenger compartment that [REDACTED] could have accessed from where he was sitting in the front seat.²² However, Officer Legorreta exceeded these parameters when his search included the vehicle's trunk area. Therefore, COPA concludes that the search of [REDACTED] trunk exceeded the bounds of any lawful protective sweep and was not based on probable cause of any relevant offense. As such, this allegation is sustained.

C. There is insufficient evidence to determine that use of handcuffs to detain [REDACTED] was misconduct under the circumstances.

COPA finds Allegation 3 against Officer Legorreta, that he placed [REDACTED] in handcuffs that were too tight without justification, is **not sustained**.

¹⁶ *Terry v. Ohio*, 392 U.S. 1, 19 (1968), quoting *Warden v. Hayden*, 387 U.S. 294, 310 (1967).

¹⁷ Att. 16 at pg. 11, lns. 10 to 13.

¹⁸ Att. 5. According to the report, contributing to reasonable suspicion were the following factors: (1) the possibility that [REDACTED] vehicle was involved in an illegal street-racing incident where firearms were present; (2) a recent shooting having occurred in the area (i.e. high crime area); (3) [REDACTED] nervousness and evasiveness in answering the officer's questions; (4) the smell of open alcohol in the vehicle; (5) the time of day (2:18 a.m.); and (6) [REDACTED] failure to promptly exit the vehicle when commanded to do so.

¹⁹ See *Commonwealth v. Vanderlinde*, 27 Mass. App. Ct. 1103, 1104, 534 N.E.2d 811 (1989), where fear for their safety justified officers in ordering the driver and the passenger out of their vehicle and conducting a protective sweep of the passenger compartment, after the driver had first tried to evade capture, and the passenger had reached into the well between the front seats during the stop (i.e. furtive movements). See also *State v. Gamble*, 218 N.J. 412, 95 A.3d 188 (July 2014).

²⁰ Under 625 ILCS 5/11-502 of the Illinois Vehicle Code, it is illegal for any driver to transport, carry, possess or have any open alcohol container in the passenger area of any motor vehicle upon a highway in Illinois. This does not include the trunk.

²¹ Att. 22, pg. 12, lns. 8 to 24. See also the ISR, at Att. 5 ("DUE TO VEHICLE BEING A 2 DOOR AND EASILY ACCESSIBLE FROM AN ARMS LENGTH...").

²² See *Michigan v. Long*, 463 U.S. 1032.

Per the Initiation Report,²³ ██████ indicated that the handcuffs placed on his wrists were too tight and caused pain to his wrists. An analysis of the BWC footage of the incident did not show that ██████ said anything to the officers about the tightness of the cuffs, nor did he ask the officers to loosen the handcuffs.²⁴ ██████ however, recalled mentioning this to Officer Legorreta during the incident.²⁵ When ██████ later reported to Sergeant Gentile that the handcuffs had been too tight, he refused medical assistance.²⁶ COPA concludes that it is possible the handcuffs were too tight, but this alone would not constitute misconduct on the part of the officers, as they had no reasonable way to know that the handcuffs were causing ██████ pain. There is insufficient evidence to conclude that the officers intentionally misused the handcuffs or were aware that the handcuffs had been applied to ██████ in such a way as to cause him pain. Therefore, this allegation is not sustained.

D. During the improper search of ██████ trunk, ██████ continued detention was unjustified.

COPA finds Allegation 2 against Officer ██████ that he detained ██████ without justification while the trunk of his vehicle was unlawfully searched, is **sustained**. As discussed above, the search of ██████ trunk exceeded the scope of a protective sweep of the passenger compartment of the vehicle. In order to justify the search of the trunk, the officers were required to have probable cause, which they did not have. Thus, COPA concludes that the search of the trunk was unlawful. While Officer Legorreta bears responsibility for actually conducting the search, it was Officer Hernandez who detained ██████ during this unlawful search. An investigatory detention may only last as long as is reasonable to further the lawful investigation which prompted the stop. The detention of the complainant herein exceeded that.²⁷

E. Officer Hernandez activated his BWC late.

COPA finds Allegation 3 against Officer Hernandez, that he failed to timely activate his BWC and record the entire incident, without justification, is **sustained**. CPD policy requires its members to electronically record all law-enforcement-related activities.²⁸ Law-enforcement-related activities include, but are not limited to, responding to calls for service, investigatory stops, traffic stops, foot and vehicle pursuits, arrests, searches, high risk situations, and any other instances when enforcing the law.²⁹ The decision to record is mandatory, not discretionary.³⁰ CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident.³¹

Here, Officer Hernandez activated his BWC late (Officer Hernandez's BWC footage comprised a total elapsed time of 04:22, while the BWC footage of Officer Legorreta showed an

²³ Att. 4.

²⁴ See Atts. 1 and 2.

²⁵ See Att. 17 at pg. 7, ln. 11.

²⁶ Att. 25, pg. 9, lns. 1 to 5

²⁷ The complainant was restrained in handcuffs for just over seven minutes. Att. 1, from 07:17 to 14:25.

²⁸ S03-14 (V)(A), Body Worn Cameras (effective August 8, 2024, to present).

²⁹ S03-14 (II)(I).

³⁰ S03-14 (V)(A)(1).

³¹ S03-14 (V)(A)(2).

elapsed time of 16:05).³² Since the officers arrived on the scene at the same time, the elapsed time of their respective BWC footage should be approximately the same. Officer Hernandez affirmed the allegation but provided a justification (“Due to the factors of the nature of the stop with high violent crimes, recent shootings, the takeovers at hand, I was worried more about safety at that moment when I felt everything was good.”)³³ COPA finds this justification was insufficient to excuse non-compliance with the applicable CPD policy; therefore, this allegation is sustained.

VI. DISCIPLINARY RECOMMENDATION

A. Officer Fidel Legorreta

i. Complimentary and Disciplinary History

Officer Legorreta has received 104 various awards, to include one honorable mention ribbon award and one life saving award. He has three sustained complaints in the past five years. In Log 2023-0001905, Officer Legorreta received a 5 day suspension after he was found to have improperly searched an individual and their vehicle. In Log 2023-0002227, he was reprimanded for failing to provide an individual with a stop receipt, and in Log 2023-0005622, he received a violation noted for failing to make the required notification of an eluding incident. Officer Legorreta also received three SPARS in 2024, each resulting in a 1-day suspension, for neglect of duty, a uniform violation, and a preventable accident.³⁴

ii. Recommended Discipline

COPA has found that Officer Legorreta violated Rules 1, 2, 3, and 6 when he searched the trunk of [REDACTED] vehicle without justification. In aggravation, COPA notes that Officer Legorreta has a prior finding of misconduct related to an improper vehicle search. Additionally, during his COPA statement in this case, Officer Legorreta attempted to justify his actions rather than accept responsibility for his misconduct. COPA is also troubled by the manner in which Officer Legorreta influenced his less experienced partner to commit misconduct.

Also noteworthy is Officer Legorreta’s failure to interact with [REDACTED] in a truthful manner. CPD policy states that members “will act with a high degree of ethics, professionalism, and respect for the public, and in a manner that promotes trust between the Department and the communities it serves.”³⁵ From a review of the BWC footage³⁶ and a review of the other

³² Att. 1.

³³ Att. 26, pg. 19, lns. 3 to 16

³⁴ Att. 27.

³⁵ GO3-02 II (B).

³⁶ Att. 16, pg. 4, ln. 1 to pg. 5, ln. 9, and p. 7, ln. 9 to pg. 8, ln. 22 (“OFFICER LEGORRETA: All right. Do me do me a favor, just step out for me real quick, okay? MR. [REDACTED] Why? OFFICER LEGORRETA: Huh? I’ll explain in a moment because the order of protection is not showing that you’ve been served. So I got to call the sergeant so that he could serve you with his phone. MR. [REDACTED] No. I already got served. OFFICER LEGORRETA: It’s showing me not served, so –“); see also Att. 16, pg. 14, lns. 3 to 8, where the officer admits to lying in an attempt to secure the complainant’s cooperation (“OFFICER LEGORRETA: You don’t know? Okay.

evidence,³⁷ it is clear that Officer Legorreta misled ██████████ regarding the status of the service of the restraining order. This untruth was part of the rationale that Officer Legorreta used to order ██████████ out of his vehicle. Although there may be a legitimate place for misdirection in the criminal investigative process, it was unnecessary in these circumstances and contravened the officer’s duty of honesty, courtesy, and fair-dealing.³⁸ This is an aggravating factor to consider in determining an appropriate level of discipline; Officer Legorreta’s conduct reflected poorly on the Department.

Considering the foregoing, to include Officer Legorreta’s complimentary and disciplinary history, COPA recommends that he receive a **1 to 29 day suspension** and **retraining** regarding the Fourth Amendment.

B. Officer Eduardo Hernandez

i. Complimentary and Disciplinary History

Officer Hernandez has received a total of 10 awards. He received one reprimand in 2025 for a court appearance violation.³⁹

ii. Recommended Discipline

COPA has found that Officer Hernandez violated Rules 1, 2, 3, 6, and 10 when he failed to timely activate his BWC and continued to detain ██████████ during the improper search of his trunk. However, COPA notes there are substantial mitigating factors with respect to Officer Hernandez. At the time of this incident, Officer Hernandez had less than two years of experience as a police officer. The evidence shows that throughout this incident, Officer Hernandez was following the lead of his more experienced partner, Officer Legorreta. Officer Hernandez’s misconduct in continuing to detain ██████████ only occurred because Officer Legorreta improperly searched ██████████ trunk. It is for these reasons that COPA recommends Officer Hernandez receive a **reprimand** and **retraining** regarding the Fourth Amendment and CPD’s BWC policy.

Approved:

██████████

5/23/2025

Steffany Hreno
Acting Deputy Chief Administrator

Date

No, nothing it’s -- because this guy has a served order of protection, but he was being goofy. I was just trying to get his cooperation. So I told him that he wasn’t served yet, but he -- he -- he is served. Yeah. It’s showing that he served. Yeah. All right. Bye.”)

³⁷ See, for example, Att. 17 at pg. 6.

³⁸ See generally, Rules and Regulations of the Chicago Police Department.

³⁹ Att. 28.

Appendix ACase Details

Date/Time/Location of Incident:	January 12, 2025 / 2:18 a.m. / 751 North Cicero Avenue, Chicago, IL 60644
Date/Time of COPA Notification:	January 12, 2025 / 2:48 a.m.
Involved Officer #1:	Eduardo Hernandez, Star #18648, Employee ID# [REDACTED], Date of Appointment: February 27, 2023, Unit of Assignment: 015, Male, Hispanic
Involved Officer #2	Fidel Legorreta, Star #5902, Employee ID# [REDACTED], Date of Appointment: September 27, 2018, Unit of Assignment: 025, Male, Hispanic
Involved Officer #3 (Witness – Initiation Report)	Sgt. James Gentile, Star #1577, Employee ID# [REDACTED], Date of Appointment: January 23, 2006, Unit of Assignment: 017, Male, White
Involved Individual #1:	[REDACTED] Male, Hispanic

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. Const. amend. IV.
- Illinois Constitution, art. I, sec. 6.
- 625 ILCS 5/11-502
- G02-01, Protection of Human Rights (effective June 30, 2022 to present).
- G03-02: De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023 to present).
- SO3-14: Body Worn Cameras (effective August 8, 2024 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.⁴⁰ 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.”⁴¹

⁴⁰ 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).

⁴¹ *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