



Log # 2024-6608

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On August 13, 2024, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████ reporting alleged misconduct by members of the Chicago Police Department (CPD). ██████ alleged that on October 1, 2022, Police Officers Clifford Martin, Jr., and Christopher Parker stopped him and searched his vehicle without justification.² ██████ also explained that he had been arrested as a result of the vehicle search and had been incarcerated for the following two years until his case was eventually dismissed. Following its investigation, COPA reached Not Sustained findings against both officers regarding the allegation of searching ██████ vehicle without justification.³

II. SUMMARY OF EVIDENCE⁴

The relevant CPD reports from this arrest state that on the afternoon of October 1, 2022, Officers Martin and Parker were on patrol when they passed a blue Hyundai Sonata sedan and saw that its driver and sole occupant, later identified as ██████ was not wearing a seatbelt.⁵ They performed a U-turn and initiated a traffic stop on the vehicle, but as they approached it, they observed ██████ dropping his arms and shoulders down toward the vehicle's floorboard. The officers reported that they had smelled a strong odor of burnt cannabis coming from the Hyundai's interior, and that ██████ became visibly nervous and began to shake while conversing with them. The officers removed ██████ from his vehicle, detained him, and conducted what they described as a "narcotics search" of the Hyundai's interior; this search resulted in the discovery of 1) a plastic bag containing

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 In his initial web complaint to COPA, ██████ also alleged that Officer Martin had committed "perjury" on a police report. Att. 1, pg. 2. COPA found that Officer Parker, not Officer Martin, authored the reports for this arrest. Atts. 7, 8, and 9. When interviewed by COPA, ██████ did not make any allegations about false information in CPD reports. *See* Atts. 2 and 16. ██████ did allege that Officer Martin testified falsely during a hearing on a Motion to Suppress on June 18, 2024; specifically, ██████ alleged that Officer Martin's testimony that he saw ██████ reaching underneath his seat as the officers approached the vehicle was false and that Officer Martin's testimony that he smelled burnt cannabis in ██████ vehicle was false. *See* Att. 16, pg. 9, ln. 4, to pg. 10, ln. 12; pg. 13, lns. 11 to 18; pg. 19, lns. 4 to 22. After reviewing the available evidence, COPA did not find objective, verifiable evidence to support bringing allegations against Officer Martin or Officer Parker for making false statements in reports or testimony.

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 body-worn camera (BWC) footage, police reports, officer interviews, a civilian interview, and a criminal court hearing transcript.

⁵ Att. 7, pg. 2; Att. 8, pg. 2; Att. 9, pg. 2. Officer Parker is listed as the reporting officer for the Arrest Report, the Original Case Incident Report (OCIR), and the Investigatory Stop Report (ISR) associated with ██████ arrest, and the narrative portions of these reports are identical.

a leafy substance thought to be cannabis and 2) a loaded handgun, for which [REDACTED] was arrested.⁶ The Event Query Report shows that the officers ran a check on [REDACTED] name and learned that he was a convicted gun offender who had failed to complete his annual registration.⁷

The officers' BWC recordings show that Officer Martin was driving a CPD squad car with Officer Parker riding in the passenger position as they traveled south on S. State St.⁸ They turned east onto W. 107th St., then stopped just past the intersection of W. 107th and S. Perry Ave.⁹ Officer Martin executed a U-turn and traveled back west on W. 107th St., briefly paused before crossing S. State St., then continued across and stopped just past the intersection of W. 107th St. and S. State St.¹⁰

The officers activated their BWCs, which had previously been operating in the devices' video-only buffered mode. Officer Parker entered a license plate number in the PDT and noted that the vehicle was registered to [REDACTED] from Peoria, Illinois.¹¹ As the audio playback began, both officers exited their squad car; Officer Martin said, "He's trying to reach," and Officer Parker replied, "Yep, yep, yep."¹² The officers walked forward toward a blue Hyundai Sonata sedan with one occupant, later identified as [REDACTED] in the driver's position; as they approached, [REDACTED] head tilted over sideways toward the Sonata's passenger-side.¹³ Also, Officer Martin quickly raised his right hand and gestured towards his nose before lowering his hand.¹⁴ Officer Martin told [REDACTED] to stop reaching as he moved up toward the driver's door, while Officer Parker advanced to the front passenger door.¹⁵ The Hyundai's front driver and passenger windows were already partially open as the officers approached, and [REDACTED] more fully lowered the front driver's window as Officer Martin quickly introduced himself, stated that his BWC was recording, and explained that [REDACTED] was being stopped for not wearing a seatbelt.¹⁶ [REDACTED] told Officer Martin he had been wearing his seatbelt, and demonstrated how he had wrapped the shoulder belt around his back so it did not cross his chest; however, Officer Martin informed him that this method of wearing the belt did not satisfy the law's seatbelt requirement.¹⁷

[REDACTED] provided his driver's license and proof of insurance, and Officer Martin made a brief gesture with his right hand as he examined the documents.¹⁸ Immediately after making this gesture, Officer Martin opened the Hyundai's driver-side front door and ordered [REDACTED] to step out of the vehicle; at the same time, Officer Parker opened the front passenger-side door and pulled out the

⁶ Atts. 7, 36, and 37.

⁷ Att. 10, pg. 3. The Event Query timestamps show the officers did not run a name check on [REDACTED] until after they had already searched his vehicle and found the handgun.

⁸ Att. 3 at 0:00 to 0:33; Att. 4 at 0:00 to 0:28.

⁹ Att. 3 at 0:33 to 1:05; Att. 4 at 0:28 to 1:00.

¹⁰ Att. 3 at 1:05 to 2:04; Att. 4 at 1:00 to 2:00.

¹¹ Att. 3 at 2:00 to 2:03.

¹² Att. 3 at 2:04 to 2:07; Att. 4 at 2:00 to 2:03.

¹³ Att. 4 at 2:03 to 2:06.

¹⁴ Att. 4 at 2:02 to 2:04.

¹⁵ Att. 3 at 2:11 to 2:13; Att. 4 at 2:06 to 2:08.

¹⁶ Att. 3 at 2:13 to 2:19; Att. 4 at 2:08 to 2:14.

¹⁷ Att. 3 at 2:19 to 2:25; Att. 4 at 2:14 to 2:20.

¹⁸ Att. 3 at 2:25 to 2:42; Att. 4 at 2:20 to 2:37. Officer Martin testified in court that he had gestured with his right hand as a way of signaling to Officer Parker that [REDACTED] hands appeared shaky to him. See Att. 14, pg. 21, lns. 9 to 21.

vehicle's ignition key.¹⁹ █████ expressed surprise and repeatedly asked what he had done wrong as he exited from the Hyundai; Officer Parker immediately handcuffed █████ and turned him over to two other officers who had just arrived at the scene to provide assistance.²⁰

While █████ complained that he had not given the officers permission to search the Hyundai, Officer Martin began searching the area around and under the driver's seat while Officer Parker searched the passenger side.²¹ After only a few seconds, Officer Martin uttered a low exclamation, followed by the word "chicharrón."²² He then opened the driver-side rear door and retrieved a handgun from beneath the driver's seat, while at nearly the same time Officer Parker found a clear plastic bag containing suspect cannabis near the center console area.²³ When █████ asked the officers to explain what he had done wrong, Officer Martin repeated that he had been pulled over because he had not been wearing his seatbelt correctly.²⁴ █████ protested that there had been no reason to pull him out of his vehicle; Officer Martin responded by telling him they had done so because his vehicle smelled like "weed."²⁵ █████ said that did not give the officers probable cause and insisted that he had not been smoking cannabis.²⁶ █████ continued to complain about this situation,²⁷ and Officer Martin returned to █████ vehicle to briefly search the storage compartments and center console in the front seat area.²⁸

The discussion continued between █████ and the officers,²⁹ and eventually Officer Parker read █████ his rights.³⁰ After █████ stated that he understood his rights, he agreed to answer the officers' questions.³¹ When Officer Martin asked him if there had been a firearm underneath his car seat, █████ flatly answered, "No."³² █████ said he did not possess a concealed carry license,³³ and confirmed that he owned the vehicle he had been driving.³⁴ Officer Martin displayed the firearm he had found and asked █████ if he was denying that the weapon had been found under his seat; █████ firmly insisted that the firearm had not been found there and said he was innocent of any wrongdoing.³⁵ After several minutes of further discussion,³⁶ another CPD vehicle arrived and █████ was secured in vehicle's rear holding area before being driven away.³⁷

¹⁹ Att. 3 at 2:42 to 2:49; Att. 4 at 2:37 to 2:44.

²⁰ Att. 3 at 2:49 to 3:26; Att. 4 at 2:44 to 3:21.

²¹ Att. 3 at 3:26 to 3:32; Att. 4 at 3:21 to 3:27.

²² Att. 3 at 3:32 to 3:36; Att. 4 at 3:27 to 3:31.

²³ Att. 3 at 3:36 to 3:58; Att. 4 at 3:31 to 3:53.

²⁴ Att. 3 at 3:58 to 4:47; Att. 5 at 1:38 to 2:27.

²⁵ Att. 3 at 4:47 to 4:57; Att. 5 at 2:27 to 2:37.

²⁶ Att. 3 at 4:57 to 5:08; Att. 5 at 2:37 to 2:48.

²⁷ Att. 3 at 5:08 to 6:10; Att. 5 at 2:48 to 3:51.

²⁸ Att. 3 at 6:10 to 6:27; Att. 4 at 6:03 to 6:21.

²⁹ Att. 3 at 6:27 to 7:36; Att. 4 at 6:21 to 7:31.

³⁰ Att. 3 at 7:36 to 8:35; Att. 4 at 7:31 to 8:30.

³¹ Att. 3 at 8:35 to 8:42; Att. 4 at 8:30 to 8:37.

³² Att. 3 at 8:42 to 8:47; Att. 4 at 8:37 to 8:42.

³³ Att. 3 at 8:47 to 8:53; Att. 4 at 8:42 to 8:48.

³⁴ Att. 3 at 8:53 to 9:01; Att. 4 at 8:48 to 8:55.

³⁵ Att. 3 at 9:01 to 9:13; Att. 4 at 8:55 to 9:08. CPD Sergeant Chlipala had also arrived at the scene by this point, and █████ directed most of his speech at the sergeant as he protested his innocence.

³⁶ Att. 3 at 9:13 to 11:42; Att. 4 at 9:08 to 11:36.

³⁷ Att. 3 at 11:42 to 13:54; Att. 4 at 11:36 to 13:49.

█████ was charged with one count of Unlawful Use of a Weapon by a Felon and two counts of Aggravated Unlawful Use of a Weapon.³⁸ The criminal case was filed on October 26, 2022,³⁹ and █████ remained incarcerated until his Motion to Suppress was granted and his charges were dismissed during the final court hearing on June 18, 2024.⁴⁰ Officer Martin was the only witness called at that hearing, and the testimony he provided included the following relevant points: 1) he had initiated this traffic stop because he observed █████ was operating a vehicle while not wearing a seatbelt;⁴¹ 2) he had seen █████ making movements inside the Hyundai after stopping, which he described as bending at the waist and reaching downward toward the floorboard);⁴² 3) he had believed that, based on his experience, █████ may have been attempting to conceal contraband or weapons;⁴³ 4) he observed that █████ appeared nervous and had shaking hands during their initial verbal interaction;⁴⁴ 5) he had ordered █████ to exit from the Hyundai for reasons of officer safety;⁴⁵ and 6) he had searched █████ Hyundai without █████ consent, and without having a warrant either for the search or for █████ arrest.⁴⁶

While asked if the search of the Hyundai had been intended to be a narcotics search, Officer Martin confirmed that it was.⁴⁷ He also stated that that he had smelled a strong odor of burnt cannabis coming from the vehicle.⁴⁸ However, he said he had never actually asked █████ any questions about the smell,⁴⁹ and acknowledged that only raw, unburnt cannabis was discovered during the search.⁵⁰ Under cross examination, Officer Martin stated that when he found the firearm in the Hyundai, he had said the word “Chicharrón” as a signal to Officer Parker; this, he said, was a pre-arranged word they used to signify that a firearm had been found.⁵¹

The court ultimately ruled that although there had been probable cause to stop █████ Hyundai due to his failure to wear a seatbelt,⁵² the officers violated █████ Fourth Amendment rights by searching his vehicle without justification.⁵³ The fact that █████ may have been seen bending down toward the vehicle’s floorboards was not enough to generate probable cause for a narcotics search,⁵⁴ nor was it sufficient to create a reasonable suspicion which might have justified

³⁸ Att. 12, pg. 1; Att. 13, pg. 1.

³⁹ Att. 13, pg. 6.

⁴⁰ Att. 13, pg. 2.

⁴¹ Att. 14, pg. 6, lns. 11 to 18. Officer Martin also emphasized the point that the windows of █████ vehicle were not tinted and thus enabled him to clearly observe █████ seatbelt violation.

⁴² Att. 14, pg. 8, lns. 2 to 4, and pg. 24, lns. 18 to 22.

⁴³ Att. 14, pg. 8, lns. 4 to 20.

⁴⁴ Att. 14, pg. 11, lns. 17 to 21. Under further questioning, Officer Martin stated that █████ hands were visibly shaking when he passed over his driver’s license and registration. Officer Martin said he believed this was visible on his BWC video and added that he himself had then given a brief warning signal to Officer Parker by making a shaking gesture with his own hand. *See* Att. 14, pg. 16, ln. 18, to pg. 17, ln. 11, and pg. 21, ln. 9, to pg. 22, ln. 4.

⁴⁵ Att. 14, pg. 11, lns. 15 to 20.

⁴⁶ Att. 14, pg. 13, lns. 2 to 11.

⁴⁷ Att. 14, pg. 17, lns. 12 to 16.

⁴⁸ Att. 14, pg. 18, lns. 2 to 11.

⁴⁹ Att. 14, pg. 18, lns. 12 to 20.

⁵⁰ Att. 14, pg. 18, ln. 21, to pg. 19, ln. 4.

⁵¹ Att. 14, pg. 25, lns. 5 to 22.

⁵² Att. 14, pg. 33, lns. 6 to 8.

⁵³ Att. 14, pg. 34, lns. 21 to 23.

⁵⁴ Att. 14, pg. 34, lns. 7 to 11, and pg. 34, lns. 18 to 19.

conducting a weapons sweep inside the vehicle.⁵⁵ The court further suggested that the officers were most likely only acting upon a hunch that they might find contraband if they searched, and the court discounted Officer Martin's testimony about the smell of burnt cannabis, noting that the topic of cannabis only "parenthetically came up later in conversation" after the search had already been completed, and that fresh, rather than raw, cannabis had been found.⁵⁶ Consequently, [REDACTED] motion to suppress evidence was granted, the prosecution moved to dismiss the charges, and [REDACTED] was subsequently released.⁵⁷

On September 10, 2024, [REDACTED] participated in an interview with COPA to discuss the details of this stop and his subsequent arrest.⁵⁸ The most salient points from [REDACTED] statement may be summarized as follows: 1) he believed the real reason the officers had decided to stop him was because he wore dreadlocks in his hair;⁵⁹ 2) he had not received any charges related to cannabis possession, although a sandwich bag containing cannabis was found in his vehicle;⁶⁰ 3) he denied that he had ever smoked cannabis in his vehicle, and further stated that there had been no cannabis smell on his clothes because he had not smoked any cannabis at all on that day;⁶¹ 4) he acknowledged that during this incident he had a handgun in his vehicle which he had purchased illegally, and that he had possessed neither a FOID card nor a concealed carry license;⁶² 5) he denied that he had reached down toward the floorboard of his vehicle during the stop as Officer Martin had claimed, and asserted that the BWC video evidence showed he had not moved at all;⁶³ and 6) he stated that before he had even driven past the officers' CPD vehicle, he had already concealed his handgun underneath his seat after noticing police activity in the area after he exited the expressway at 111th Street.⁶⁴

Officer Martin and Officer Parker also participated in separate, audio-recorded interviews with COPA, and both gave accounts of the incident which were generally consistent with the events depicted in the BWC evidence.⁶⁵ Both officers related that they had seen [REDACTED] reaching down as they approached the vehicle,⁶⁶ and both stated that [REDACTED] vehicle smelled of cannabis.⁶⁷

⁵⁵ Att. 14, pg. 34, ln. 20.

⁵⁶ Att. 14, pg. 34, lns. 7 to 15.

⁵⁷ Att. 14, pg. 34, ln. 23, to pg. 35, ln. 14.

⁵⁸ Atts. 2 and 16.

⁵⁹ Att. 16, pg. 4, lns. 22 to 24; also pg. 13, lns. 1 to 10. Because [REDACTED] admitted he had worn his seatbelt incorrectly, COPA did not find objective, verifiable evidence to warrant serving allegations related to profiling as the basis for the stop.

⁶⁰ Att. 16, pg. 7, lns. 15 to 19. According to [REDACTED] he had possessed 19.9 ounces of cannabis contained in a plastic sandwich bag, which was stored in his vehicle's middle console compartment. *See* Att. 16, pg. 13, ln. 19, to pg. 14, ln. 18.

⁶¹ Att. 16 pg. 24, lns. 6 to 16. [REDACTED] said he had refrained from smoking cannabis that day because he was driving to Chicago specifically for the purpose of taking his daughter out to see a movie.

⁶² Att. 16, pg. 8, lns. 1 to 7. When Officer Martin asked [REDACTED] about the handgun found under the driver's seat, [REDACTED] had firmly insisted that no handgun had been concealed there. However, during his COPA interview [REDACTED] admitted that he had concealed the handgun under his driver's seat. *See* Att. 16, pg. 15, lns. 1 to 13.

⁶³ Att. 16, pg. 9, lns. 4 to 11.

⁶⁴ Att. 16, pg. 16, ln. 2, to pg. 17, ln. 10. [REDACTED] estimated that he concealed the handgun approximately 6 or 7 blocks before he drove past Officer Martin's and Officer Parker's vehicle on 107th St.

⁶⁵ Atts. 21 and 22.

⁶⁶ Att. 21, pg. 10, lns. 20 to 24; Att. 22, pg. 9, lns. 11 to 15.

⁶⁷ Att. 21, pg. 10, lns. 3 to 6; Att. 22, pg. 9, lns. 9 to 16.

Both also stated that they had employed a prearranged hand gesture, a swiping motion of a finger across the nose, as a non-verbal signal to each other that they smelled the scent of cannabis emanating from the [REDACTED] vehicle; however, Officer Martin told COPA that Officer Parker had been the one who performed the hand signal, while conversely, Officer Parker said Officer Martin had done so.⁶⁸ Also of note is the fact that Officer Martin initially stated that he had smelled raw, unburnt cannabis coming from [REDACTED] vehicle,⁶⁹ but after being shown that the arrest report and the transcript of his own court testimony both referred exclusively to an odor of burnt cannabis, he amended his statement.⁷⁰ Officer Parker, who had authored the arrest report, seemed to have a firmer recollection and stated that he had smelled burnt cannabis coming from the vehicle.⁷¹

III. ALLEGATIONS

Officer Clifford Martin, Jr.:

1. Stopping [REDACTED] without justification.
 - Exonerated
2. Searching [REDACTED] vehicle without justification.
 - Not Sustained

Officer Christopher Parker:

1. Stopping [REDACTED] without justification.
 - Exonerated
2. Searching [REDACTED] vehicle without justification.
 - 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 accurately recall the event from memory. "Credibility involves more than demeanor. It apprehends the over-all evaluation of testimony in the light of its rationality or internal consistency and the manner in which it hangs together with other evidence."⁷²

COPA notes that at the time of his arrest, [REDACTED] adamantly denied that he had concealed an illegal handgun beneath the driver's seat of his vehicle, despite Officer Martin directly confronting him with the evidence of the firearm itself. However, during his interview with COPA, [REDACTED] openly admitted that he had possessed that handgun, had purchased it illegally, and had concealed it under his seat. This discrepancy may perhaps be understandable, as at the time of his arrest he was most

⁶⁸ Att. 21, pg. 10, ln. 3, to pg. 11, ln. 10; Att. 22, pg. 10, ln. 24, to pg. 11, ln. 17.

⁶⁹ Att. 21, pg. 10, lns. 11 to 15, and pg. 13, lns. 3 to 11.

⁷⁰ Att. 21, pg. 15, lns. 16 to 23

⁷¹ Att. 22, pg. 11, lns. 1 to 19.

⁷² Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963).

likely motivated to avoid incriminating himself and therefore denied everything. However, his initial denials and his later reversal factored into COPA's assessment of his credibility.

With regard to Officer Martin and Officer Parker, they each told COPA a different account about who had signaled to tell the other that they detected the smell of cannabis: Officer Martin said Officer Parker had made the signal, while Officer Parker said Officer Martin had made the signal. Additionally, Officer Martin initially told COPA that he had smelled raw, unburnt cannabis; but when confronted with fact that the arrest report and the transcript of his own court testimony both stated that the officers had smelled burnt cannabis, he amended his earlier statement and instead said he had smelled burnt cannabis. As these interviews took place more than two years after the date of [REDACTED] arrest, these contradictory statements from both officers may have been attributable to lapses of memory, but they nevertheless diminished the credibility of their statements.

V. ANALYSIS⁷³

a. Concerning the traffic stop and its justification.

COPA finds that Allegation #1 against Officers Martin and Parker, that of having stopped [REDACTED] without justification, is **Exonerated** for both officers. Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement.⁷⁴ Traffic stops are analyzed under *United States v. Terry* because “the ‘usual traffic stop’ is more analogous to a so-called *Terry* stop than to a formal arrest.”⁷⁵ The *Terry* test is: “(1) whether the officer's action was justified at its inception, and (2) whether it was reasonably related in scope to the circumstances which justified the interference in the first place.”⁷⁶

A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law”, including traffic law.⁷⁷ Articulable and reasonable suspicion means that the police “must be able to identify some particularized and objective basis for thinking that the person to be stopped is or may be about to engage in unlawful activity,” amounting to more than a hunch.⁷⁸ Police need not meet the higher threshold of probable cause to perform a traffic stop, but if the stop is supported by probable cause, its lawfulness is still evaluated under *Terry*.⁷⁹ An officer's subjective intent does not enter into the analysis; even where officers hope to effectuate a goal unrelated to addressing a traffic violation (such as uncovering criminal

⁷³ For a definition of COPA's findings and standards of proof, see Appendix B.

⁷⁴ *Whren v. United States*, 517 U.S. 806, 809-10 (1996).

⁷⁵ *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)) (internal citation omitted).

⁷⁶ *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

⁷⁷ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

⁷⁸ *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

⁷⁹ *Rodriguez v. United States*, 575 U.S. 348, 354-55 (2015). *See also* *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (“[T]his court and many other courts have analyzed traffic stops under *Terry* principles, regardless of whether the initial stop was supported by probable cause or reasonable suspicion.”); *People v. Jones*, 215 Ill. 2d 261, 271 (2005) (analyzing reasonableness under *Terry* where the officer's “initial stop of the vehicle was supported by probable cause”).

activity), intent alone does not invalidate a stop that is otherwise objectively justified by reasonable articulable suspicion.⁸⁰

In this situation, the officers stated that they directly observed [REDACTED] driving while not wearing his seatbelt. The BWC evidence shows that after being stopped, [REDACTED] admitted that he had been wearing his seatbelt with its shoulder strap positioned behind his back, so that only the lap belt was restraining his body.⁸¹ [REDACTED] also repeated this admission during his interview with COPA.⁸² The Municipal Code of Chicago requires drivers and front seat passengers to wear “properly adjusted and fastened safety belts,” and specifies that the “use of safety belts shall include the use of shoulder harnesses where such harness is a standard part of the equipment of the passenger motor vehicle.”⁸³ Consequently, it is evident that the officers had probable cause to stop [REDACTED] for a traffic violation. COPA therefore finds by clear and convincing evidence that Allegation #1 against both officers, that they stopped [REDACTED] without justification, is **Exonerated**.

b. Concerning the search of [REDACTED] vehicle.

COPA finds that Allegation #2 against Officers Martin and Parker, that of having searched [REDACTED] vehicle without justification, is **Not Sustained** for both officers. The Fourth Amendment to the U.S. Constitution protects citizens from unreasonable searches.⁸⁴ The protection of the Fourth Amendment is activated whenever 1) a situation arises in which a person has a subjective expectation of privacy and, 2) that person’s expectation is one that society is prepared to recognize as “reasonable.”⁸⁵ Consequently, law enforcement officers are generally prohibited from entering or searching within a citizen’s private property, whether it be to search for specific items of evidence or to make an arrest, without first obtaining a lawful warrant based upon probable cause.⁸⁶ Searches without a warrant are presumed to be unreasonable except under certain circumstances. Under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.”⁸⁷ When officers have such probable cause, the search may extend to “all parts of the vehicle in which contraband or evidence could be concealed, including closed compartments, containers, packages, and trunks.”⁸⁸

“Probable cause exists when based on known facts and circumstances, a reasonably prudent person would believe that contraband or evidence of a crime will be found in the place to be

⁸⁰ See *Whren v. United States*, 517 U.S. 806, 812 (1996).

⁸¹ Att. 3 at 2:19 to 2:25; Att. 4 at 2:14 to 2:20.

⁸² Att. 16, pg. 5, ln. 5, to pg. 6, ln. 3.

⁸³ Att. 27, M.C.C. § 9-76-180, Safety belts.

⁸⁴ U.S. Const. amend. IV.

⁸⁵ *Katz v. United States*, 389 U.S. 347 (1967).

⁸⁶ *Payton v. New York*, 445 U.S. 573, 586 (1980).

⁸⁷ *People v. James*, 163 Ill. 2d 302, 312 (1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

⁸⁸ *United States v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013) (citing *United States v. Williams*, 627 F.3d 247, 251 (7th Cir. 2010)).

searched.”⁸⁹ The standard is an objective one, viewed from the perspective of a reasonable officer, who is allowed to rely on their training and experience.⁹⁰

Illinois legalized recreational use of marijuana in 2020.⁹¹ Relevant to this analysis, Illinois residents over 21 years of age may possess 30 grams of cannabis flower, no more than 500 milligrams of THC contained in a cannabis infused product, and 5 grams of cannabis concentrate.⁹² The Chicago Municipal Code and Illinois law prohibits possession of cannabis in a vehicle unless it is in a reasonably secured, sealed container that is odor-proof and child resistant.⁹³ No one may use cannabis in a vehicle.⁹⁴

After legalization, the Illinois Supreme Court held in 2024 that the smell of burnt cannabis *does not* provide probable cause to search a vehicle without a warrant.⁹⁵ In *People v. Redmond*, the Court analyzed updates to Illinois laws regulating cannabis, determining “[t]here are now a myriad of situations where cannabis can be used and possessed, and the smell resulting from that legal use and possession is not indicative of the commission of a criminal offense Therefore, given the fact that under Illinois law the use and possession of cannabis is legal in some situations and illegal in others, the odor of burnt cannabis in a motor vehicle, standing alone, is not a sufficiently inculpatory fact that reliably points to who used the cannabis, when the cannabis was used, or where the cannabis was used.”⁹⁶ The *Redmond* court determined the odor of burnt cannabis to be analogous to the smell of alcohol after the changes to Illinois law.⁹⁷ The *Redmond* court made it clear that officers must observe factors beyond the smell of burnt cannabis to form probable cause to perform a search.⁹⁸

However, between legalization in 2020 and the *Redmond* ruling in 2024, lower courts in Illinois were not in agreement regarding whether the smell of burnt cannabis could provide police with probable cause to search a vehicle. Some Illinois courts held the smell of burnt cannabis, alone without any corroborating factors, was insufficient to for a reasonable officer to conclude that there was probable cause to search the vehicle.⁹⁹ In *People v. Stribling*, an officer initiated a traffic stop after observing traffic violations. When the driver rolled the window down, the officer smelled the odor of burnt cannabis emitting from the vehicle, but the driver explained that someone smoked in the vehicle a long time ago. The officer searched the vehicle based on these observations and admissions. The court found “there was no reason for the officer to think that the defendant was

⁸⁹ U.S. v. Richards, 719 F.3d 746, 754 (7th Cir. 2013).

⁹⁰ *Richards*, 719 F.3d at 754.

⁹¹ STATE OF ILLINOIS, *Adult Use Cannabis Summary*, https://www2.illinois.gov/IISNews/20242-Summary_of_HB_1438_The_Cannabis_Regulation_and_Tax_Act.pdf (last visited May 9, 2024).

⁹² 410 ILCS 705/10-10; *see also* Att. 25, S04-32: Cannabis Enforcement (effective July 9, 2020, to present).

⁹³ M.C.C. § 7-24-099; 410 ILCS 705/10-10.

⁹⁴ M.C.C. § 7-24-099; 410 ILCS 705/10-10.

⁹⁵ *People v. Redmond*, 2024 IL 129201, ¶ 46.

⁹⁶ *Redmond*, 2024 IL 129201, ¶ 47 (citing 720 ILCS 5/2-12).

⁹⁷ *Redmond*, 2024 IL 129201, ¶ 48 (“Similar to cannabis, possession is lawful under some circumstances but remains unlawful under other circumstances Our cases, and those of other jurisdictions support the proposition that more is needed to establish probable cause than the odor of alcohol.”).

⁹⁸ COPA and courts still apply a totality of the circumstances standard and may consider the smell of burnt cannabis in determining whether officers had the requisite probable cause. *Redmond*, 2024 IL 129201, ¶ 66.

⁹⁹ *People v. Stribling*, 2022 IL App (3d) 210098 (Sept. 19, 2022); *see also* *People v. Redmond*, 2022 IL App (3d) 210524 (Nov. 15, 2022) (holding smell of cannabis alone does not provide probable cause).

currently smoking cannabis in the car—there was no indication that there was smoke in the car, nor did the officer see any marijuana or drug paraphernalia, nor did the defendant’s demeanor show that he was hiding anything. Moreover, the smell of burnt cannabis may have lingered in the defendant’s car or on his clothing. Simply put, there was no evidence that would lead a reasonable officer to conclude that there was a substantial chance of criminal activity afoot.”¹⁰⁰ But another court reached the opposite conclusion: In *People v. Harris*, decided in 2023, the court held that the odor of burnt cannabis, standing alone, still justified a warrantless search of a vehicle because the odor provided probable cause to believe that cannabis was being transported, possessed, or used contrary to the law.¹⁰¹

Here, Officer Martin and Officer Parker told COPA that their respective searches were justified by 1) the fact that at the very beginning of the stop they had witnessed ██████ moving his body downward in a manner that suggested he might have been concealing something illegal, and 2) the fact that they both smelled the odor of burnt cannabis coming from ██████ vehicle.

With respect to their first justification claim, COPA notes that there was a very brief moment at the beginning of the traffic stop where Officer Parker’s BWC video showed a blurred view through ██████ rear window of ██████ head appearing to move sideways and downward.¹⁰² Furthermore, the fact that Officer Martin quickly shouted at ██████ to stop reaching supports the officers’ assertions that they witnessed ██████ displaying this behavior. However, even if their observations are accepted to be credible, without other supporting factors they still would not have been sufficient to justify conducting what ██████ arrest report specifically refers to as a “narcotics search.”¹⁰³

As for the officers’ second justification claim, that they had each smelled burnt cannabis emanating from ██████ vehicle, there is some corroborating evidence on the BWC recordings. Neither officer reported that ██████ had been driving under the influence of any controlled substance, nor did they treat this incident as a DUI stop. Additionally, neither officer asked ██████ any cannabis-specific questions or made any verbal remark about the smell of cannabis until several minutes after the stop was initiated, and then only well after Officer Parker had found a bag of cannabis in ██████ vehicle.¹⁰⁴ However, the officers told COPA that they had used a nose-wiping gesture to signal to each other that they smelled cannabis, and Officer Parker’s BWC recording captured Officer Martin making a distinct gesture towards his face or nose as he first walked up to ██████ vehicle.¹⁰⁵ This provides some corroboration for the officers’ assertions that they detected the odor of cannabis as they approached ██████ vehicle.

¹⁰⁰ *Stribling*, 2022 IL App (3d) 210098, ¶ 28.

¹⁰¹ *People v. Harris*, 2023 IL App (2d) 210697, ¶ 31.

¹⁰² Att. 4 at 2:03 to 2:06.

¹⁰³ Att. 7, pg. 2. *See People v. Randall*, 2022 IL App (1st) 210846, ¶¶ 37-38 (holding that police lacked probable cause to search a vehicle after a stop for a minor traffic violation where the driver made movements towards the passenger side of his vehicle as officers pulled behind him and then exhibited nervous behavior, reasoning that there were many innocent reasons a driver could reach inside his vehicle while being stopped and that it was common for people to be nervous when stopped by the police).

¹⁰⁴ Att. 3 at 4:47 to 4:57.

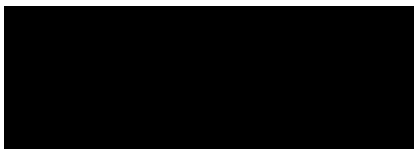
¹⁰⁵ Att. 4 at 2:02 to 2:04; Att. 21, pg. 10, ln. 3, to pg. 11, ln. 10; Att. 22, pg. 10, ln. 24, to pg. 11, ln. 17.

COPA also notes that the court dismissed [REDACTED] weapon charges because of the paucity of evidence to support the vehicle search which led to the discovery of his handgun. The court found that there was no evidence of burnt cannabis at the arrest scene, that the only verbal mention of a cannabis odor arose “later in conversation” rather than during the initial investigatory phase of the stop, and that only raw, not burnt, cannabis was discovered in the vehicle.¹⁰⁶ Moreover, the court characterized the officers’ motivation to conduct the search as only “a very good hunch” and found they had failed to comply with the requirements of the Fourth Amendment.¹⁰⁷

However, the court only had the benefit of Officer Martin’s testimony and Officer Martin’s BWC recording.¹⁰⁸ Neither Officer Parker nor [REDACTED] testified at the hearing on the motion to suppress, and Officer Parker’s BWC recording was not introduced. While Officer Martin testified about the hand signal he used to alert his partner about [REDACTED] nervousness and about the codeword he used to alert his partner that he had found a firearm, neither the State nor the defense elicited any testimony from Officer Martin regarding the use of a hand gesture to indicate the odor of cannabis. The court was also unaware that [REDACTED] would later admit to COPA that he noticed police activity in the area and concealed his firearm, by his estimation, 6 or 7 blocks before he passed the officers’ vehicle.¹⁰⁹ While [REDACTED] steadfastly denied smoking cannabis on the date of this incident, COPA notes the possibility that he could have disposed of evidence of burnt cannabis while he was concealing his firearm.

Considering this evidence and considering the legal standards in place at the time of this incident in 2022, COPA finds there is insufficient evidence to prove, by a preponderance of evidence, that Officer Martin and Officer Parker searched [REDACTED] vehicle without justification, and these allegations are **Not Sustained**.

Approved:



Greg Masters
Acting Director of Investigations

February 13, 2026
Date

¹⁰⁶ Att. 14, pg. 34, lns. 11 to 15.

¹⁰⁷ Att. 14, pg. 34, lns. 7 to 11.

¹⁰⁸ *See generally* Att. 14.

¹⁰⁹ Att. 16, pg. 16, ln. 2, to pg. 17, ln. 10.

Appendix ACase Details

| | |
|---------------------------------|--|
| Date/Time/Location of Incident: | October 1, 2022 / 2:09 pm / 19 E 107 th St., Chicago, IL 60628 |
| Date/Time of COPA Notification: | August 13, 2024 / 8:08 am |
| Involved Officer #1: | Police Officer Clifford Martin, Jr., Star #18859, Employee ID # [REDACTED] DOA: January 16, 2018, Unit: 005, Male, Black |
| Involved Officer #2: | Police Officer Christopher Parker, Star #6035, Employee ID # [REDACTED] DOA: September 27, 2018, Unit: 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 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- S04-13-09: Investigatory Stop System (effective July 10, 2017, to February 3, 2026)
- S04-32: Cannabis Enforcement (effective July 9, 2020, to present)
- S04-32-01: Relevant Cannabis Statutes and Ordinances (effective January 1, 2020, to present)
- 410 ILCS 705/10-10, Cannabis Regulation and Tax Act – Possession Limit
- M.C.C. § 7-24-099, Prohibited possession or use of cannabis
- M.C.C. § 9-76-180, Safety belts

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.¹¹⁰ 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.”¹¹¹

¹¹⁰ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

¹¹¹ *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