



Log # 2025-2391

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 19, 2025, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████ alleging misconduct by members of the Chicago Police Department (CPD). ██████ alleged that on May 19, 2025, Officers Dustin De La Cruz and Oscar Asilis improperly detained him during a traffic stop, and that Officer De La Cruz searched his vehicle without justification.² Following its investigation, COPA determined all allegations were Not Sustained.

II. SUMMARY OF EVIDENCE³

On May 19, 2025, Officers De La Cruz and Asilis observed ██████ commit a traffic violation by failing to maintain his lane.⁴ ██████ was traveling westbound on North Avenue in the far-right lane when he made a left turn, across two lanes of traffic, onto Lawler Avenue, and then traveled southbound down a one-way street.⁵ The officers activated their emergency equipment and curbed ██████ vehicle at the corner of Lawler Avenue and LeMoyné Street.⁶ Officer De La Cruz stated that before ██████ pulled over, he observed ██████ make furtive movements as though he were trying to conceal something.⁷ Specifically, Officer De La Cruz said he saw ██████ dip his right arm and right shoulder underneath his seat area, near the center console and towards the back seat.⁸

When the officers exited their vehicle, they observed ██████ and his young daughter occupying the vehicle. Officer De La Cruz approached the driver's side of the vehicle to inform ██████ of the traffic violation that the officers had observed. ██████ agreed he had crossed the

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 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, civilian interviews, officer interviews, etc.

⁴ Att. 21, Statement Transcript of Officer De La Cruz pg. 7, lns. 8 to 17; see 625 ILCS 5/11-709.

⁵ Att. 21, pg. 7, lns. 22 to 23.

⁶ Att. 8, Investigatory Stop Report authored by Officer De La Cruz.

⁷ Att. 21, pg. 13, ln. 21 to pg. 14, ln. 4; Att. 8.

⁸ Att. 21, pg. 8, lns. 17 to 22, pg. 14, lns. 2 to 4; Att. 8.

lanes of traffic, but he stated that he made sure the street was clear of any oncoming traffic. [REDACTED] also told the officers that he activated his left turn signal before completing the turn.⁹

Officer De La Cruz asked [REDACTED] for his identification and insurance, and [REDACTED] initially provided his license and looked for proof of insurance.¹⁰ As [REDACTED] continued to look for a valid copy of his insurance on his telephone, Officer De La Cruz asked him if he had any weapons or drugs in the vehicle. Officer De La Cruz repeatedly asked [REDACTED] if there was any cannabis in the vehicle, stating that he observed an old cigar paper in the ashtray.¹¹ [REDACTED] insisted he had neither weapons nor cannabis, stating that he did not smoke weed.¹² However, Officer De La Cruz alleged that he smelled the odor of fresh cannabis in the vehicle.¹³

As [REDACTED] continued to search for current copy of his insurance, Officer De La Cruz asked [REDACTED] to step out of the vehicle while the officer continued his investigation, telling [REDACTED] he was not in any trouble.¹⁴ Officer De La Cruz then conducted a protective pat down of [REDACTED] before placing handcuffs on him. The officer explained to [REDACTED] that he was “moving too much in the car while we were pulling you over.”¹⁵ Officer De La Cruz later recalled that he had also observed an L-shaped bulge in [REDACTED] front hoodie pocket, near his front waistband area, which the officer suspected might be a weapon.¹⁶ The protective pat down did not reveal any contraband.¹⁷ Officer De La Cruz began handcuffing [REDACTED] and informed him he was being detained. Officer De La Cruz asked [REDACTED] multiple times if he had anything in the vehicle, advised him to tell the truth, and told [REDACTED] that this was his “chance to get out of jail.”¹⁸ Officer De La Cruz then asked [REDACTED] daughter to exit the vehicle while he began his search of the vehicle. Officer Asilis held [REDACTED] by his arms while Officer De La Cruz completed the search.

During the vehicle search, Officer De La Cruz found [REDACTED] FOID card but no contraband. Officer De La Cruz also found no warrants under [REDACTED] name. [REDACTED] and his daughter were released and officers did not issue any traffic citations.

III. ALLEGATIONS

Officer Dustin De La Cruz:

1. Detaining [REDACTED] without justification.
 - Not Sustained

⁹ Att. 4, Officer De La Cruz’s BWC video at 2:18 to 2:54.

¹⁰ Att. 4, at 3:59.

¹¹ Att. 4, at 4:29 to 4:41. Officer De La Cruz asked [REDACTED] four times about cannabis in the car.

¹² Att. 4, at 4:46 to 4:56.

¹³ Att. 4, at 4:48, Att. 8, and Att. 21, pg. 10, lns. 8 to 19.

¹⁴ Att. 4, at 6:00.

¹⁵ Att. 4, at 6:57; Att. 21, pg. 8, ln. 18 to pg. 9, ln. 4, and pg.11, lns. 1 to 19.

¹⁶ Att. 21, pgs. 13 to 14; Att. 8, pg. 2.

¹⁷ Att. 8.

¹⁸ Att. 4, at 7:14; Att. 21, pg. 16, ln. 1 to pg. 17, ln. 10.

2. Searching ██████████ vehicle without justification.
 - Not Sustained

Officer Oscar Asilis:

1. Detaining ██████████ 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 then accurately recall the event from memory.

COPA made repeated efforts to obtain a statement from ██████████ including multiple attempts to contact ██████████ by phone, email, certified mail, and a personal visit to his last known address.¹⁹ All of these efforts met with negative results; therefore, COPA cannot fully assess Adam's credibility. COPA has no reason to question Officer De La Cruz's or Officer Asilis's accounts of the incident. Their description of the incident has been consistent and is supported by available BWC evidence and CPD reports.

V. ANALYSIS²⁰

a. Detaining ██████████ without justification.

COPA finds the allegation that Officers De La Cruz and Asilis detained ██████████ without justification, is **Not Sustained**. The preponderance of the evidence shows that the officers had probable cause to stop and detain ██████████ based on his traffic violation.

A lawful traffic stop requires "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law," including traffic laws.²¹ 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.²² "Probable cause exists where the police have knowledge of

¹⁹ See CMS Notes; Att. 6.

²⁰ For a definition of COPA's findings and standards of proof, see Appendix B.

²¹ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

²² *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

facts that would lead a reasonable person to believe a crime has occurred and that the subject has committed it.”²³

In this case, Officers De La Cruz and Asilis explained that they initially detained ██████ based on a traffic violation. Specifically, ██████ was driving in the right lane of traffic when the officers observed him cross over two lanes of traffic to get into the left lane to turn left.²⁴ ██████ admitted to this, but said he used his turn signal and watched for other traffic.²⁵ Based on this evidence, COPA finds it is more likely than not that the officers had probable cause to stop ██████ for violating the traffic laws. However, COPA’s investigation did not result in clear and convincing evidence to exonerate this allegation. Accordingly, based on the preponderance of the evidence standard, this allegation is **Not Sustained** for both officers.

b. Searching ██████ vehicle without justification.

COPA finds the allegation that Officer De La Cruz searched ██████ vehicle without justification, is **Not Sustained**. The Fourth Amendment of the U.S. Constitution provides for “the right of people to be secure in in their persons, houses, papers, and effects, against unreasonable searches and seizures.”²⁶ 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.”²⁷ 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.”²⁸

Here, Officer De La Cruz asserted that he had probable cause to search ██████ vehicle because the officers smelled the odor of raw cannabis. Officer De La Cruz stated that he recognized the smell of fresh cannabis due to his experience as a police officer, and Officer Asilis also confirmed that he smelled the same odor.²⁹ The smell of fresh, unburnt cannabis may provide officers with probable cause to search a vehicle under the automobile exception. In *People v. Molina*, the Illinois Supreme Court held that “the odor of raw cannabis coming from a vehicle being operated on an Illinois highway, alone, is sufficient to provide police officers, who are trained and experienced in distinguishing...between burnt and raw cannabis, with probable cause to perform a warrantless search of a vehicle.”³⁰

²³ Att. 22, S04-13-09(II)(D), Investigatory Stop System (effective July 10, 2017 to February 3, 2026).

²⁴ Att. 21, pg. 7, lns. 11 to 23; Att. 20, pgs. 7 to 8.

²⁵ Att. 4 at 2:30.

²⁶ U.S. Const. amend. IV.

²⁷ *People v. James*, 163 Ill. 2d 302, 312 (1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)).

²⁸ *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)).

²⁹ Att. 21, pg. 22, lns. 8 to 10; Att. 20, pgs. 8, 11, and 12.

³⁰ *People v. Molina*, 2024 IL 129237, ¶51.

Officer De La Cruz stated in his ISR that he conducted a search of the vehicle for any contraband, as he noticed the cigar paper and believed he smelled raw cannabis.³¹ In his statement to COPA, he said that due to the odor of fresh cannabis he reasonably believed there was cannabis in the car.³² Although Officer Asilis confirmed that he also smelled the odor, ██████ denied it, both on BWC video and in the web complaint he submitted to COPA.³³

Officer De La Cruz explained that he also searched the vehicle for weapons, noting that he had observed ██████ make furtive movements.³⁴ Specifically, he stated that ██████ “dipped out his right arm, right shoulder underneath his seat, the center console area, and then towards the backseat area.”³⁵ Officer De La Cruz also informed ██████ of his concerns about these movements during the traffic stop.³⁶ These observations offered further justification for Officer De La Cruz’s decision to search the vehicle.

COPA finds that it is more likely than not that Officer De La Cruz’s search of ██████ vehicle was justified. However, given ██████ strong denials, the lack of contraband recovered from the vehicle, and the absence of video evidence capturing ██████ furtive movements, COPA does not have clear and convincing evidence to exonerate this allegation. Therefore, based on the preponderance of the evidence standard, this allegation against Officer De La Cruz is **Not Sustained**.

Approved:

████████████████████

Steffany Hreno
Acting Deputy Chief Administrator

3/20/2026

Date

³¹ Att. 8.

³² Att. 21, pg. 10, lns. 10 to 11.

³³ Att. 7, pg. 3; Att. 4, at 4:30 to 5:00.

³⁴ Att. 21, pgs. 13 to 15.

³⁵ Att. 21, pg. 14, lns. 2 to 4.

³⁶ Att. 4, at 6:57.

Appendix A

Case Details

Date/Time/Location of Incident:	May 19, 2025/ 3:39 PM/ 1500 N Lawler Avenue Chicago, IL 60651
Date/Time of COPA Notification:	May 19, 2025/ 6:12 PM
Involved Member #1:	Officer Dustin De La Cruz, star #2723, employee ID# [REDACTED] Date of Appointment: January 16, 2018, Unit of Assignment: 025, Male, American Pacific Islander
Involved Member #2:	Officer Oscar Asilis, star #16671, employee ID# [REDACTED] Date of Appointment: December 30, 2022, Unit of Assignment: 025, Male, White Hispanic
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).

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.³⁷ 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.”³⁸

³⁷ 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).

³⁸ *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