SUMMARY REPORT OF INVESTIGATION¹

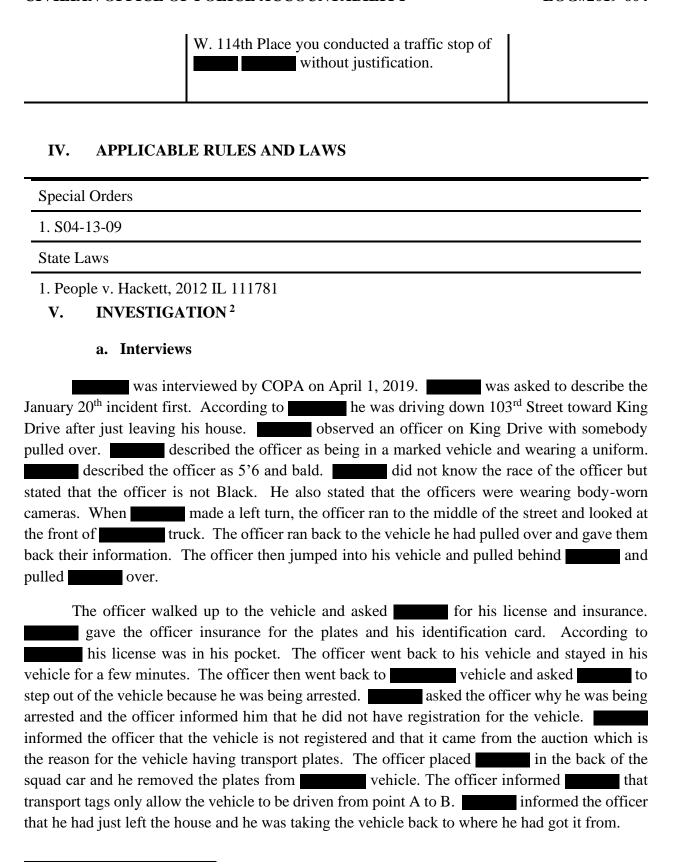
I. EXECUTIVE SUMMARY

Date of Incident:	January 20, 2019 & March 28, 2019
Time of Incident:	5:32p.m. & 5:54p.m.
Location of Incident:	S. Dr. Martin Luther King Jr. Drive & W. 114 th
Date of COPA Notification:	April 1, 2019
Time of COPA Notification:	12:32p.m.
was arrested on January 2	was arrested both times by Officer 0, 2019 for traveling with in-transit plates on the vehicle. rch 28, 2019 for driving the same vehicle with Texas dealer
Involved Officer #1:	, 2007, Officer, 1980, Male, Hispanic
Involved Individual #1:	, 1966, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer	1. On or about January 20, 2019 at approximately 5:32 p.m. in the vicinity of S. Dr. Martin Luther King Jr. Drive you conducted a traffic stop of without justification.	Exonerated
	2. On or about March 28, 2019 at approximately 5:54 p.m. in the vicinity of	Exonerated

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

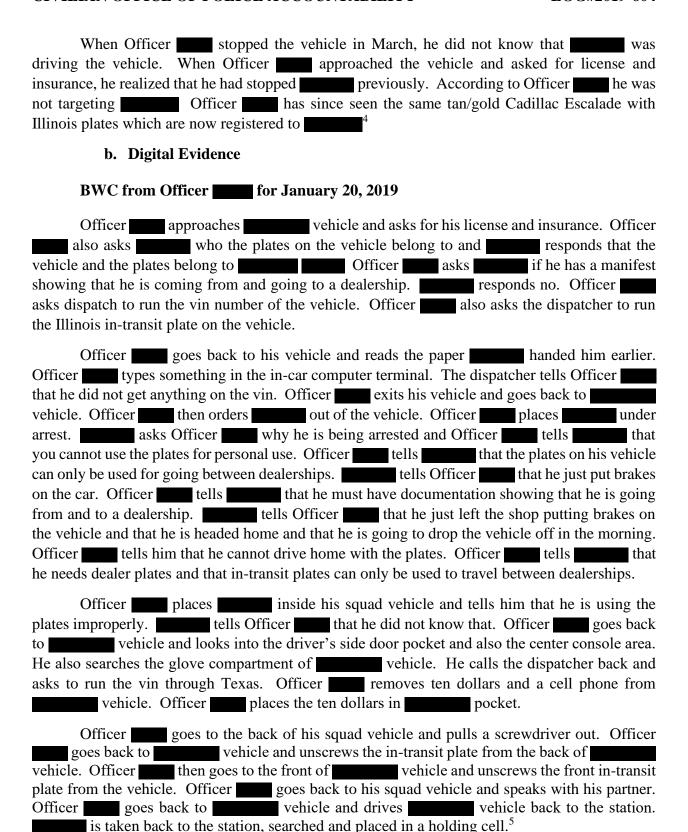


 $^{^2}$ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

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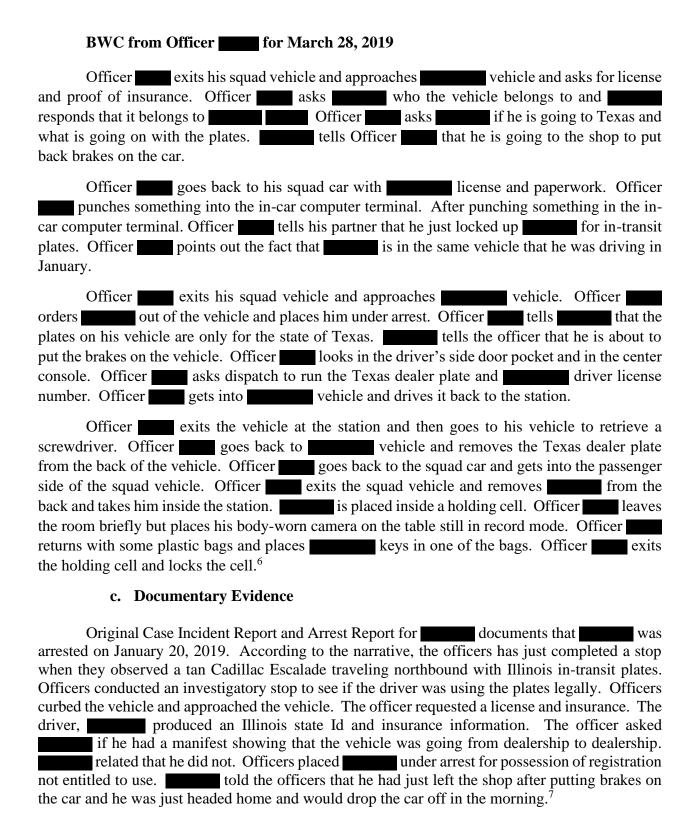
³ Att. 20.



⁴ Att. 39.

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⁵ Att. 33



⁶ Att. 36.

⁷ Atts. 3 & 7.

Original Case Incident Report and Arrest Report for documents that was arrested on March 28, 2019. According to the narrative, the officers were stationary at a red light at 115th Street and State Street when they observed a tan Cadillac Escalade facing east on 115th Street with no front registration. After the vehicle completed the turn, Officer observed a piece of laminated paper affixed to the rear of the vehicle. Officers curbed the vehicle and officers observed the plate to be a Texas dealer plate. Officer had previous knowledge that Texas dealer plates are only allowed in the state of Texas, if they are going to Texas and are only valid for fourteen days. Officer approached the driver and asked for license and registration, which provided. Officer previously arrested in January 2019 in the same tan Cadillac for using in-transit plates. was placed into custody and transported to the district for processing.

VI. LEGAL STANDARD

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. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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 the conduct occurred and violated Department policy. *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 has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

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⁸ Atts. 1 & 8.

VII. ANALYSIS

1. On or about January 20, 2019 at approximately 5:32 p.m. in the vicinity of S. Dr. Martin Luther King Jr. Drive you conducted a traffic stop of without justification.

COPA finds this allegation **Exonerated**. Special Order S04-13-09 pertains to investigatory stops. According to the special order, an investigatory stop is the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. Reasonable articulate suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable articulable suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable articulate suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

The court held in *People v. Hackett*, that reasonable articulable suspicion justified an investigatory stop and probable cause was not required. The court in *People v. Close*⁹, held that a police officer may conduct a brief, investigatory stop of a person where the officer can point to specific and articulable facts which, taken together with rational inferences for those facts, reasonably warrant the intrusion. The officer's belief need not rise to the level of suspicion required for probable cause.

was arrested on January 20, 2019 at 5:46pm which was a Sunday evening.
was arrested for improper use of registration that he was not entitled to use. Officer
is a field training officer who focuses on traffic enforcement. On the date of the incident, Officer
had prior knowledge that in-transit plates are often used improperly. Officer has
knowledge that in-transit plates are strictly used for transporting cars from dealership to dealership
and you have to have documentation/manifest showing where you are going. When was
interviewed by COPA, he told COPA that he had just left his house and that he was taking the
vehicle back to where he had got it from. However, is heard on Officer body-
worn camera telling Officer that he had just left the shop putting brakes on the vehicle and
that he is headed home and that he is going to drop the vehicle off in the morning. According to
the Secretary of State Vehicle Services Department, in-transit plates are to be used only on motor
vehicles being transported and not on vehicles being personally owned. A recent vin inquiry
revealed that the vehicle stopped by Officer is now registered to and the vehicle
has Illinois plates on it.

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On the date of the incident Officer performed an investigatory stop on vehicle because he had a reasonable articulable suspicion that was using the in-transit plates improperly. According to the Special Order reasonable articulate suspicion can result from

⁹ 238 Ill. 2d 497, 505 (2010).

a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion. Officer relied on his personal knowledge of intransit plates being improperly used and the time and the day of the week (Sunday) that the incident occurred to justify the investigatory stop. As such, COPA finds this allegation **Exonerated**.

2. On or about March 28, 2019 at approximately 5:54 p.m. in the vicinity of W. 114th Place you conducted a traffic stop of without justification.

COPA finds this allegation **Exonerated**. Special Order S04-13-09 pertains to investigatory stops. According to the special order, an investigatory stop is the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense. The suspect may be detained only for the length of time necessary to confirm or dispel the suspicion of criminal activity. Reasonable articulate suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable articulable suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience. Reasonable articulate suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion.

The court held in *People v. Hackett*, that reasonable articulable suspicion justified an investigatory stop and probable cause was not required. The court in *People v. Close*¹⁰, held that a police officer may conduct a brief, investigatory stop of a person where the officer can point to specific and articulable facts which, taken together with rational inferences for those facts, reasonably warrant the intrusion. The officer's belief need not rise to the level of suspicion required for probable cause.

On March 28, 2019, Officer was driving did not have a front registration plate on it. As completed his turn, Officer observed a piece of paper affixed to the rear of the vehicle. Officer performed the investigatory stop because the vehicle had no front plates and the back of the vehicle had some sort of paper affixed to the area where the back plate would normally be affixed. Officer did not see that the piece of paper was a Texas dealer plate until he actually conducted the stop. Officer also has prior knowledge that Texas dealer plates are printed and used fictitiously throughout the Illinois area. The Special Order and the case law only require that an officer has reasonable articulate suspicion that the person is committing, is about to commit, or has committed a criminal offense and that includes a violation of the vehicle code. Reasonable articulate suspicion can result from a combination of particular facts, which may appear innocuous in and of themselves, but taken together amount to reasonable suspicion. In this particular case, Officer observed the vehicle was driving did not have a front registration plate and then further that a piece of paper was affixed to the rear of the vehicle where a normal license plate would be affixed. As such, COPA finds this allegation **Exonerated**.

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¹⁰ 238 Ill. 2d 497, 505 (2010).

VIII. CONCLUSION

Officer	Allegation	Finding
Officer	 On or about January 20, 2019 at approximately 5:32 p.m. in the vicinity of S. Dr. Martin Luther King Jr. Drive you conducted a traffic stop of without justification. On or about March 28, 2019 at approximately 5:54 p.m. in the vicinity of W. 114th Place you conducted a traffic stop of without justification. 	Exonerated Exonerated

Approved:

3-26-2020

Deputy Chief Angela Hearts-Glass

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	Angela Hearts-Glass