

W. 114th Place you conducted a traffic stop of ██████ ████████ without justification.
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IV. APPLICABLE RULES AND LAWS

Special Orders

1. S04-13-09

State Laws

1. People v. Hackett, 2012 IL 111781

V. INVESTIGATION²

a. Interviews

██████ was interviewed by COPA on April 1, 2019. ████████ was asked to describe the January 20th incident first. According to ████████ he was driving down 103rd Street toward King Drive after just leaving his house. ████████ observed an officer on King Drive with somebody pulled over. ████████ described the officer as being in a marked vehicle and wearing a uniform. ████████ described the officer as 5'6 and bald. ████████ did not know the race of the officer but stated that the officer is not Black. He also stated that the officers were wearing body-worn cameras. When ████████ made a left turn, the officer ran to the middle of the street and looked at the front of ████████ truck. The officer ran back to the vehicle he had pulled over and gave them back their information. The officer then jumped into his vehicle and pulled behind ████████ and pulled ████████ over.

The officer walked up to the vehicle and asked ████████ for his license and insurance. ████████ gave the officer insurance for the plates and his identification card. According to ████████ his license was in his pocket. The officer went back to his vehicle and stayed in his vehicle for a few minutes. The officer then went back to ████████ vehicle and asked ████████ to step out of the vehicle because he was being arrested. ████████ asked the officer why he was being arrested and the officer informed him that he did not have registration for the vehicle. ████████ informed the officer that the vehicle is not registered and that it came from the auction which is the reason for the vehicle having transport plates. The officer placed ████████ in the back of the squad car and he removed the plates from ████████ vehicle. The officer informed ████████ that transport tags only allow the vehicle to be driven from point A to B. ████████ informed the officer that he had just left the house and he was taking the vehicle back to where he had got it from.

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

After [REDACTED] was released from jail, he informed the owner of the vehicle that the vehicle was impounded. According to [REDACTED] the owner of the vehicle went to the pound and paid to get the vehicle back. Later in the statement, [REDACTED] asserted that he is the one that pays to get the vehicle back when it gets impounded. The owner had the vehicle for a month or two when the vehicle failed to operate properly. [REDACTED] told the owner of the vehicle to tow the vehicle to him, so he could figure out what was wrong with it. [REDACTED] told the owner that it was the alternator and the owner brought a new alternator, and [REDACTED] installed it. [REDACTED] installed the alternator, then took the vehicle for a test drive. [REDACTED] took the vehicle around the block and was stopped again by the same officer who had previously arrested him in January. The officer pulled behind [REDACTED] and asked for his license. [REDACTED] gave the officer his license and the paperwork for the dealer tag. The officer walked to his vehicle and then walked back to [REDACTED] vehicle and placed [REDACTED] under arrest. The officer informed [REDACTED] that he could not ride in Chicago with Texas dealer tags. According to [REDACTED] he fixes other vehicles, but he is scared to test drive them because he feels the officer is targeting him.³

Officer [REDACTED] was interviewed by COPA on July 2, 2019. Officer [REDACTED] is currently assigned as a field training officer in the [REDACTED] district. On the date of January 20, 2019, Officer [REDACTED] was in uniform working in the [REDACTED] district with his partner Officer [REDACTED]. Officer [REDACTED] was driving a marked CPD vehicle. On the date of the incident, Officer [REDACTED] had just finished a traffic stop when he observed a tan/gold Cadillac Escalade traveling northbound on King Drive with Illinois an in-transit license plate. Officer [REDACTED] conducted an investigatory stop based on the fact 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. According to Officer [REDACTED] in his experience in-transit plates are used improperly very often. The in-transit plates are not registered to the vehicle and they are often hard to track. Officer [REDACTED] approached the driver, [REDACTED] and asked if he had documentation showing that he was able to drive the car, [REDACTED] could not produce anything. Officer [REDACTED] placed [REDACTED] in custody for improper use of registration that he was not entitled to use.

On March 28, 2019, Officer [REDACTED] was working in the [REDACTED] district with his partner Officer [REDACTED]. Officer [REDACTED] was in uniform, driving a marked CPD vehicle. On the date of the incident, Officer [REDACTED] observed a tan/gold Cadillac Escalade with some kind of white piece of paper affixed to the rear of the vehicle. Officer [REDACTED] conducted an investigatory stop to see what the piece of paper was. Upon doing so Officer [REDACTED] learned that the piece of paper was a Texas dealer plate. Officer [REDACTED] has prior knowledge that Texas dealer plates are printed on regular paper and distributed through Illinois fictitiously. According to Officer [REDACTED] anyone can go online pay \$15 dollars and get a Texas dealer plate without the vehicle ever touching Texas soil. Officer [REDACTED] performed the investigatory stop to see if [REDACTED] had any repair paperwork for the vehicle. [REDACTED] was placed into custody for false/altered registration as well as registration not entitled to use.

³ Att. 20.

When Officer [REDACTED] stopped the vehicle in March, he did not know that [REDACTED] was driving the vehicle. When Officer [REDACTED] approached the vehicle and asked for license and insurance, he realized that he had stopped [REDACTED] previously. According to Officer [REDACTED] he was not targeting [REDACTED]. Officer [REDACTED] has since seen the same tan/gold Cadillac Escalade with Illinois plates which are now registered to [REDACTED].⁴

b. Digital Evidence

BWC from Officer [REDACTED] for January 20, 2019

Officer [REDACTED] approaches [REDACTED] vehicle and asks for his license and insurance. Officer [REDACTED] also asks [REDACTED] who the plates on the vehicle belong to and [REDACTED] responds that the vehicle and the plates belong to [REDACTED]. Officer [REDACTED] asks [REDACTED] if he has a manifest showing that he is coming from and going to a dealership. [REDACTED] responds no. Officer [REDACTED] asks dispatch to run the vin number of the vehicle. Officer [REDACTED] also asks the dispatcher to run the Illinois in-transit plate on the vehicle.

Officer [REDACTED] goes back to his vehicle and reads the paper [REDACTED] handed him earlier. Officer [REDACTED] types something in the in-car computer terminal. The dispatcher tells Officer [REDACTED] that he did not get anything on the vin. Officer [REDACTED] exits his vehicle and goes back to [REDACTED] vehicle. Officer [REDACTED] then orders [REDACTED] out of the vehicle. Officer [REDACTED] places [REDACTED] under arrest. [REDACTED] asks Officer [REDACTED] why he is being arrested and Officer [REDACTED] tells [REDACTED] that you cannot use the plates for personal use. Officer [REDACTED] tells [REDACTED] that the plates on his vehicle can only be used for going between dealerships. [REDACTED] tells Officer [REDACTED] that he just put brakes on the car. Officer [REDACTED] tells [REDACTED] that he must have documentation showing that he is going from and to a dealership. [REDACTED] tells Officer [REDACTED] that he 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. Officer [REDACTED] tells him that he cannot drive home with the plates. Officer [REDACTED] tells [REDACTED] that he needs dealer plates and that in-transit plates can only be used to travel between dealerships.

Officer [REDACTED] places [REDACTED] inside his squad vehicle and tells him that he is using the plates improperly. [REDACTED] tells Officer [REDACTED] that he did not know that. Officer [REDACTED] goes back to [REDACTED] vehicle and looks into the driver's side door pocket and also the center console area. He also searches the glove compartment of [REDACTED] vehicle. He calls the dispatcher back and asks to run the vin through Texas. Officer [REDACTED] removes ten dollars and a cell phone from [REDACTED] vehicle. Officer [REDACTED] places the ten dollars in [REDACTED] pocket.

Officer [REDACTED] goes to the back of his squad vehicle and pulls a screwdriver out. Officer [REDACTED] goes back to [REDACTED] vehicle and unscrews the in-transit plate from the back of [REDACTED] vehicle. Officer [REDACTED] then goes to the front of [REDACTED] vehicle and unscrews the front in-transit plate from the vehicle. Officer [REDACTED] goes back to his squad vehicle and speaks with his partner. Officer [REDACTED] goes back to [REDACTED] vehicle and drives [REDACTED] vehicle back to the station. [REDACTED] is taken back to the station, searched and placed in a holding cell.⁵

⁴ Att. 39.

⁵ Att. 33

BWC from Officer [REDACTED] for March 28, 2019

Officer [REDACTED] exits his squad vehicle and approaches [REDACTED] vehicle and asks for license and proof of insurance. Officer [REDACTED] asks [REDACTED] who the vehicle belongs to and [REDACTED] responds that it belongs to [REDACTED]. Officer [REDACTED] asks [REDACTED] if he is going to Texas and what is going on with the plates. [REDACTED] tells Officer [REDACTED] that he is going to the shop to put back brakes on the car.

Officer [REDACTED] goes back to his squad car with [REDACTED] license and paperwork. Officer [REDACTED] punches something into the in-car computer terminal. After punching something in the in-car computer terminal. Officer [REDACTED] tells his partner that he just locked up [REDACTED] for in-transit plates. Officer [REDACTED] points out the fact that [REDACTED] is in the same vehicle that he was driving in January.

Officer [REDACTED] exits his squad vehicle and approaches [REDACTED] vehicle. Officer [REDACTED] orders [REDACTED] out of the vehicle and places him under arrest. Officer [REDACTED] tells [REDACTED] that the plates on his vehicle are only for the state of Texas. [REDACTED] tells the officer that he is about to put the brakes on the vehicle. Officer [REDACTED] looks in the driver's side door pocket and in the center console. Officer [REDACTED] asks dispatch to run the Texas dealer plate and [REDACTED] driver license number. Officer [REDACTED] gets into [REDACTED] vehicle and drives it back to the station.

Officer [REDACTED] exits the vehicle at the station and then goes to his vehicle to retrieve a screwdriver. Officer [REDACTED] goes back to [REDACTED] vehicle and removes the Texas dealer plate from the back of the vehicle. Officer [REDACTED] goes back to the squad car and gets into the passenger side of the squad vehicle. Officer [REDACTED] exits the squad vehicle and removes [REDACTED] from the back and takes him inside the station. [REDACTED] is placed inside a holding cell. Officer [REDACTED] leaves the room briefly but places his body-worn camera on the table still in record mode. Officer [REDACTED] returns with some plastic bags and places [REDACTED] keys in one of the bags. Officer [REDACTED] exits the holding cell and locks the cell.⁶

c. Documentary Evidence

Original Case Incident Report and Arrest Report for [REDACTED] documents that [REDACTED] was arrested on January 20, 2019. According to the narrative, the officers has just completed a stop when they observed a tan Cadillac Escalade traveling northbound with Illinois in-transit plates. Officers conducted an investigatory stop to see if the driver was using the plates legally. Officers curbed the vehicle and approached the vehicle. The officer requested a license and insurance. The driver, [REDACTED] produced an Illinois state Id and insurance information. The officer asked [REDACTED] if he had a manifest showing that the vehicle was going from dealership to dealership. [REDACTED] related that he did not. Officers placed [REDACTED] under arrest for possession of registration not entitled to use. [REDACTED] told the officers that he had just left the shop after putting brakes on the car and he was just headed home and would drop the car off in the morning.⁷

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.⁸

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. 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 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.

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.

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 in-transit 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 ██████ observed ██████ while he was stationary at a red light. The vehicle ██████ 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**.

¹⁰ 238 Ill. 2d 497, 505 (2010).

Assigned Investigative Staff

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