

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 20, 2018
Time of Incident:	4:35 am
Location of Incident:	6300 S Halsted Street, Chicago, IL 60621
Date of COPA Notification:	October 22, 2018
Time of COPA Notification:	12:39 pm

Officers Patrick Boline and Timothy Pederson (collectively “the Officers”) were driving on Halsted St. near 63rd St., when they were stopped by [REDACTED] informed the Officers that the driver of a white Nissan ([REDACTED]) was chasing him and threatening to shoot him. The Officers began an investigation, where they learned that [REDACTED] vehicle had collided with [REDACTED] vehicle and fled. As the Officers investigated the traffic accident, they learned the [REDACTED] driver’s license was suspended. [REDACTED] was arrested, and his vehicle was impounded.

Two days after his release from custody, [REDACTED] contacted COPA and made the allegations detailed below. COPA’s investigation revealed the allegation were **unfounded** or **exonerated**.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Patrick Boline / Star #13368 / Employee ID# [REDACTED] / DOA: February 16, 2017 / Unit: 007 / DOB: [REDACTED], 1991 / Male / White.
Involved Officer #2:	Officer Timothy Pederson / Star #7380 / Employee ID# [REDACTED] / DOA: August 16, 2017 Unit: 007 / DOB: [REDACTED], 1993 / Male / White. <sup>1</sup>
Involved Individual #1:	[REDACTED] / DOB: [REDACTED], 1998 / Male / Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Patrick Boline	1. Unlawfully arrested Mr. [REDACTED] in violation of Rule 6.	Exonerated.

<sup>1</sup> At the time of this incident Officer Pederson was a Probationary Police Officer.

	2. Improperly impounded Mr. [REDACTED] [REDACTED] vehicle, in violation of Rule 6.	Exonerated.
	3. Failed to inventory Mr. [REDACTED] cellular telephone, in violation of Rule 6.	Unfounded.
Officer Timothy Pederson	1. Unlawfully arrested Mr. [REDACTED] in violation of Rule 6.	Exonerated.
	2. Improperly Impounded Mr. [REDACTED] [REDACTED] vehicle, in violation of Rule 6.	Exonerated.
	3. Failed to inventory Mr. [REDACTED] cellular telephone, in violation of Rule 6.	Unfounded.

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 6: Prohibits disobedience to of an order or directive, whether written or oral.

Special Orders

1. S04-13-09: Investigatory Stop System – effective July 10, 2017 to current.
2. S07-03-05: Impoundment of Vehicles for Municipal Code Violations – effective November 13, 2013 to current.

**V. INVESTIGATION<sup>2</sup>**

**a. Interviews**

In a **statement to COPA<sup>3</sup>** on October 22, 2018, **Mr. [REDACTED]** stated he was driving when an unknown white Nissan approached him and the driver ([REDACTED] threatened to shoot him. [REDACTED] fled but [REDACTED] continued to follow him. Once on Halsted St. near 63rd St., [REDACTED] observed the Officers in the area, stopped his vehicle, approached the Officers, and reported the threats from [REDACTED]. The Officers instructed [REDACTED] to remain in his vehicle and approached [REDACTED]. After speaking to [REDACTED] the Officers returned to [REDACTED] informed him he was being accused of a hit-and-run accident, and placed him under arrest for not having valid drivers’ license. Initially, [REDACTED] alleged that as he was arrested, his cellular telephone was placed on the ground and left there; however, later he alleges his phone was in his vehicle.<sup>4</sup> Upon his release from the 007th District Lockup, [REDACTED] learned that his vehicle had been impounded.

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

<sup>3</sup> Att. 6.

<sup>4</sup> Relevant portion at 06:48, 15:52 to 16:09 and 16:41 to 16:50 of Att. 6.

█████ admitted that he was driving and did not have a valid driver's license.<sup>5</sup> Additionally, █████ denied being in an accident. Finally, █████ was insistent that at no time did the Officers request his driver's license or proof of insurance.<sup>6</sup>

### b. Digital Evidence

**Body Worn Camera**<sup>7</sup> (BWC) footage depicts the Officers stopping as █████ is standing in the roadway yelling at █████ asking why he was chasing █████<sup>8</sup> Officer Boline ask █████ to stand on the curb and to produce identification.<sup>9</sup> █████ informs Officer Boline he did not have any identification.<sup>10</sup> █████ returns to his vehicle, starts it, and drives it in reverse.<sup>11</sup> █████ exits the vehicle and explains to Officer Boline that the damage to his vehicle was preexisting.<sup>12</sup> Officer Boline request █████ name and date of birth and █████ provides the information.<sup>13</sup> Officer Boline conducts a LEADS<sup>14</sup> inquiry on █████ and learns that his driver's license is suspended.<sup>15</sup>

Simultaneously, Officer Pederson, speaks to █████ and learns that █████ struck his vehicle near Wabash Ave. and Congress Pkwy., and fled. Officer Pederson requests █████ identification and insurance. █████ provides insurance but explains the he does not have identification on him. █████ explained he was following █████ to obtain a license plate number for so he could obtain an accident report. Officer Pederson explained to █████ that a traffic accident report would be completed. Officer Pederson completes a LEADS inquiry on █████<sup>16</sup>

Officer Boline eventually speaks to █████ and learns that █████ struck him at Wabash Ave. and Congress Pkwy., and he was following █████ to obtain a license plate number for an accident report. Officer Boline asks █████ if he is in possession of any weapons. █████ explains that he does not even possess a Firearm Owner Identification card.

Officer Boline then approaches, handcuffs, and searches █████<sup>17</sup> During the search no personal property of any kind is removed from █████ person. Officer Boline informs █████ the vehicle is being impounded because he does not have a valid driver's license.<sup>18</sup> Officer Boline

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<sup>5</sup> Relevant portions at 05:11 and 08:46 of Att. 6.

<sup>6</sup> In his statement █████ remarks several times that the Officers searched his vehicle; however, he eventually concedes that he never witnessed any officers search his vehicle. Relevant portion at 12:20 of Att. 6.

<sup>7</sup> Att. 18.

<sup>8</sup> *Id.*, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 at 00:30; Pederson – AXON\_Body\_2\_Video\_2018-10-20\_0432 from 00:00 to 00:30.

<sup>9</sup> *Id.*, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 at 00:49 and 01:31.

<sup>10</sup> *Id.*, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 at 01:31.

<sup>11</sup> *Id.*, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 from 02:30 to 02:37.

<sup>12</sup> *Id.*, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 02:55.

<sup>13</sup> *Id.*, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 at 03:20 and 03:55 to 04:30.

<sup>14</sup> This information is confirmed in Att. 16, pgs 4 and 17.

<sup>15</sup> Att. 18, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 from 04:45 to 05:40.

<sup>16</sup> *Id.*, Pederson – AXON\_Body\_2\_Video\_2018-10-20\_0432 from 00:37 to 10:15.

<sup>17</sup> *Id.*, Boline – AXON\_Body\_2\_Video\_2018-10-20\_0432 from 07:48 to 08:15.

<sup>18</sup> *Id.*, Boline – AXON\_Body\_2\_Video\_2018-10-20\_0432 at 08:25.

searches the vehicle.<sup>19</sup> During the search no cellular telephone is seen, and the only personal property removed from the vehicle is [REDACTED] jacket.

At no time is any Department Member ever depicted in possession of [REDACTED] cellular telephone.

### c. Documentary Evidence

[REDACTED] **Traffic Citations**<sup>20</sup> and **Bond Slip**<sup>21</sup> detail that he was cited for operating an uninsured motor vehicle without a valid driver's license and released from the 007th District Lockup after paying a \$2,000 bond.

[REDACTED] **Driver Exchange Card**<sup>22</sup> and **Traffic Crash Report**<sup>23</sup> detail that he was involved in a traffic crash near Wabash Ave and Congress Pkwy. The report lists [REDACTED] as the at fault driver and [REDACTED] as the non-at-fault driver.

## VI. ANALYSIS

COPA find that Allegations # and 2 against both Officers is **exonerated**. An officer must have probable cause to arrest a subject.<sup>24</sup> "Probable cause to arrest exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject had committed it."<sup>25</sup> The reasonable basis of any arrest "should be considered from the perspective of a reasonable officer at the time" of the arrest.<sup>26</sup> Additionally, a vehicle is subjected to impoundment when the driver has a revoked or suspended license.<sup>27</sup> Here, it is undisputed that [REDACTED] was operating a motor vehicle with a suspended driver's license and that the Officers were aware of this. Therefore; [REDACTED] arrest and the impounding of his vehicle was reasonable, lawful and proper.

COPA finds that Allegation #3 against both Officers is **unfounded**. Here, [REDACTED] allegation was that while on scene of the traffic accident investigation, the Officers took possession of his cellular telephone, placed and left it on the ground. The BWC footage directly contradicts this allegation. At no time is either Officer shown possessing [REDACTED] cellular telephone, nor do they recover or locate any cellular telephones during the search of [REDACTED] or his vehicle. Finally, at no time is a cellular telephone depicted on the ground near [REDACTED] or his vehicle. Therefore; this allegation has no basis in objective fact and is clearly unfounded.

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<sup>19</sup> *Id.*, Boline – 1 – AXON\_Body\_2\_Video\_2018-10-20\_0432 from 08:56 to 10:19 and 10:55 to 11:26; Boline – 2 – AXON\_Body\_2\_Video\_2018-10-20\_0459.

<sup>20</sup> Att. 8.

<sup>21</sup> Att. 10.

<sup>22</sup> Att. 9.

<sup>23</sup> Att. 19.

<sup>24</sup> *People v. Johnson*, 408 Ill. App. 3d 107 (citing *Beck v. Ohio*, 379 U.S. 89, 91, (1964)).

<sup>25</sup> S04-13-09 II(D).

<sup>26</sup> S04-13-09 II(D).

<sup>27</sup> S07-03-05 III(A)(4).

Because the allegations are clearly unfounded and/or exonerated there is no need for any of the Officers to address the allegations.

**VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Patrick Boline	1. Unlawfully arrested Mr. [REDACTED] in violation of Rule 6.  2. Improperly impounded Mr. [REDACTED] vehicle, in violation of Rule 6.  3. Failed to inventory Mr. [REDACTED] cellular telephone, in violation of Rule 6.	Exonerated.  Exonerated.  Unfounded.
Officer Timothy Pederson	1. Unlawfully arrested Mr. [REDACTED] in violation of Rule 6.  2. Improperly Impounded Mr. [REDACTED] vehicle, in violation of Rule 6.  3. Failed to inventory Mr. [REDACTED] cellular telephone, in violation of Rule 6.	Exonerated.  Exonerated.  Unfounded.

Ap [REDACTED]

James Murphy-Aguilu 9/30/20  
*Deputy Chief Administrator – Chief Investigator* Date

**Appendix A**

Assigned Investigative Staff

<b>Squad#:</b>	2
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	James Murphy-Aguilu