



Log # 2022-3888

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 10, 2022, the Civilian Office of Police Accountability (COPA) received an initiation report from the Chicago Police Department (CPD) based on information provided by the subjects, ██████████ and ██████████ alleging misconduct by CPD members.² The reporting party, Sergeant (Sgt.) Melvin Ector, documented that ██████████ and ██████████ alleged that on September 9, 2022, Officer Shahrukh Ali and Officer Francis Egan stopped ██████████ vehicle without justification, handcuffed ██████████ without justification, and searched ██████████ vehicle without justification.³ Following its investigation, COPA reached Not Sustained or Exonerated findings regarding all of the allegations.

II. SUMMARY OF EVIDENCE⁴

On September 9, 2022, at approximately 7:02 pm, while on patrol in a marked CPD vehicle, Officer Ali and Officer Egan observed a vehicle driven by ██████████ stopped at the intersection of the 7100 block of South Halsted, facing eastbound.⁵ ██████████ was the front seat passenger of the vehicle. ██████████ and ██████████ toddler daughter was in the rear passenger seat of the vehicle. Officers Ali and Egan, while driving westbound, alleged that they observed the rear driver's side taillight not operable by looking through the mirrors of their CPD vehicle and proceeded to turn around to close the distance on the vehicle.⁶

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 Att. 7.

³ 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.

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 of Officers Ali and Egan, Investigatory Stop Reports (ISRs), interviews of complainants ██████████ and ██████████ and interviews of Officers Ali and Egan.

⁵ Atts. 8 and 9.

⁶ Atts. 8 and 9; Att. 17 at 05:50 to 06:22 and 14:10 to 14:40. The investigatory stop reports for ██████████ and ██████████ document that a taillight was out. However, when Officer Ali first approached the vehicle and contacted ██████████ and ██████████ he explained that the vehicle's brake light was out, and ██████████ immediately admitted that he knew the brake light was out, but questioned how the officers could have seen the brake light while traveling in the opposite direction. Att. 2 at 02:15 to 02:25. In his interview with COPA, Officer Egan clarified that he believed it was a brake light, and not a taillight. Att. 17 at 14:00 to 14:10. *See also* Att. 20 at 13:30 to 16:28.

The officers then activated their vehicle's emergency lights and initiated a traffic stop. Upon approaching [REDACTED] vehicle, Officer Ali stated words to the effect of, "Front passenger, he's ducking his head down . . . hey, he's doing something . . . still moving," to Officer Egan, encouraging Officer Egan (who was less experienced than Officer Ali) to watch [REDACTED].⁷ These movements are also documented on the Investigatory Stop Report (ISR).⁸

During the course of the traffic stop, after getting [REDACTED] driver's license and insurance information, Officer Ali learned that [REDACTED] had a valid concealed carry license (CCL) and valid firearm owner's identification (FOID) card.⁹ Officer Ali asked [REDACTED] if the firearm was in the vehicle and where it was located, and Officer Ali asked [REDACTED] to step out of the vehicle (after completing further inquiries) when she answered that the firearm was in her purse.¹⁰ After [REDACTED] walked with Officer Ali to the rear of the vehicle, Officer Ali explained that he was suspicious of [REDACTED] movements, and he asked [REDACTED] if there were any additional firearms in the vehicle.¹¹ [REDACTED] explained that the only firearm was the one in her purse, and she also explained that [REDACTED] had turned around and reached towards the rear seating area because her child was attempting to unbuckle the restraints on her car seat and possibly exit the vehicle.¹² During this conversation, [REDACTED] reached towards her purse, where her firearm was still located, and Officer Ali placed [REDACTED] in handcuffs.¹³ Officer Egan asked [REDACTED] to exit the vehicle and placed [REDACTED] in handcuffs,¹⁴ and Officer Ali then searched the area around and underneath the front passenger seat of the vehicle,¹⁵ but no weapons or contraband were discovered. [REDACTED] was issued a citation for an inoperable taillight,¹⁶ and [REDACTED] and [REDACTED] were both provided ISR receipts.¹⁷ [REDACTED] and [REDACTED] were then released and allowed to proceed on their way.

III. ALLEGATIONS

Officer Shahrukh Ali:

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

⁷ Att. 2 at 02:00 to 02:08; Att. 1 at 02:13 to 02:20; Att. 17 at 06:30 to 07:10 and 17:55 to 19:30; Att. 20 at 05:42 to 06:35 and 36:30 to 37:15.

⁸ Att. 9; Att. 20 at 18:45 to 21:25.

⁹ Att. 2 at 04:43 to 04:46.

¹⁰ Att. 2 at 04:46 to 06:22.

¹¹ Att. 2 at 06:22 to 07:11.

¹² Att. 2 at 06:22 to 07:44.

¹³ Att. 2 at 07:45 to 08:05; Att. 20 at 23:30 to 24:00.

¹⁴ Att. 1 at 07:25 to 08:45.

¹⁵ Att. 2 at 08:30 to 09:00; Att. 20 at 08:50 to 09:20.

¹⁶ Att. 1 at 12:10 to 20:10. COPA could not find any records related to the adjudication of the ticket, and it appears that Officer Egan inadvertently left the court copy (and other copies) of the citation on the trunk of [REDACTED] vehicle at the end of the stop.

¹⁷ Att. 2 at 20:17 to 21:50.

3. Handcuffing ██████████ without justification.
 - Exonerated

Officer Francis Egan:

1. Stopping the vehicle of Maro ██████████ without justification.
 - Exonerated

IV. CREDIBILITY ASSESSMENT

COPA interviewed Officer Egan on February 23, 2024, and Officer Ali on February 27, 2024. The officers were unable to recall some details regarding the traffic stop. However, the information Officers Ali and Egan provided to COPA was consistent with their BWC footage and other evidence. Thus, COPA finds the officers' statements about the traffic stop generally credible. This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements regarding the traffic stop.

V. ANALYSIS¹⁸

a. Stopping the vehicle of ██████████

Vehicle stops, like other investigatory stops made by police, are subject to the fourth amendment's reasonableness requirement, and vehicle stops are generally considered to be reasonable if police officers have either (1) probable cause to believe that a traffic violation has occurred, or (2) reasonable, articulable suspicion that a traffic violation has occurred.¹⁹ Here, a non-functional taillight or brake light was the officers' purported reason for the stop, and the traffic citation was written for a violation of section 9-76-50(c) of the Municipal Code of Chicago (MCC). This section of the MCC only requires "at least one lighted lamp," and Maye's vehicle had at least one functioning taillight; both officers told COPA that only light was out – the other was functional. However, under the Illinois Vehicle Code (IVC), two functioning taillights are required,²⁰ and the officers had discretion to enforce either the MCC or the IVC. Listing the wrong violation on an otherwise valid citation, based on an observed violation of an ordinance or statute, may be a mistake, but it does not normally constitute misconduct. Also, it is unclear if the light that was out was a taillight or a brake light, as the officers used both terms while speaking with ██████████ and ██████████ and when they were interviewed by COPA. There are no available video recordings showing the status of the lights on the rear of ██████████ vehicle at the time of the stop, but ██████████ admitted to the officers that he knew one of his lights was out. ██████████ alleged that the officers could not have seen the lights on the rear of his vehicle because they were driving in the opposite direction, but both officers explained that they were able to see the rear of the vehicle in their own rear-view mirrors before executing a U-turn to conduct the traffic stop, and this

¹⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁹ *See* *People v. Hackett*, 2012 IL 111781, ¶¶ 20, 28.

²⁰ *See* 625 ILCS 5/12-201(b).

explanation is plausible. Because clear and convincing evidence shows that the officers likely observed at least one non-functional light on the rear of [REDACTED] vehicle before initiating the traffic stop, COPA finds that **Allegation #1 against Officer Ali and Allegation #1 against Officer Egan are Exonerated.**

b. Searching the vehicle of [REDACTED]

A search based on Reasonable Articulate Suspicion (RAS) is permissible when a CPD member reasonably suspects that a lawfully stopped vehicle contains a weapon.²¹ This type of search is limited to the areas of a vehicle that the occupant(s) can reasonably reach, and which might contain a weapon. CPD members conducting this type of search cannot search locked containers or compartments, and they are generally prohibited from searching the trunk or areas outside the passenger compartment of the vehicle. Here, there is no dispute that Officer Ali only searched the area immediately around and under [REDACTED] seat. The officers explained that they saw [REDACTED] making sudden movements as the vehicle was stopping, and both [REDACTED] and [REDACTED] admitted that [REDACTED] was reaching into the rear of the vehicle to make sure that [REDACTED] child remained secured in a car seat. Officer Ali noted [REDACTED] movements audibly, immediately as he and Officer Egan were exiting their patrol vehicle, and Officer Ali explained that he was alarmed enough to make sure that the less-experienced Officer Egan was aware of the movements. Both officers also explained that a vehicle occupant's sudden movements towards the floor of the vehicle were often, in their experience, consistent with the occupant hiding some type of contraband, such as a firearm.

“Although furtive movements may be considered justification for performing a warrantless search when coupled with other circumstances . . . , looks gestures, and movements taken alone are insufficient to constitute probable cause to search since they may be innocent. To constitute probable cause for an arrest or search, a ‘furtive gesture’ such as a motorist’s act of bending over inside his car must be invested with guilty significance either by specific information known to the officer or by additional suspicious circumstances observed by him.”²² Here, the officers noted that they were in a high-crime area, and they noted that [REDACTED] was not simply reaching down, but he was turning his shoulders in an exaggerated way while reaching towards the floorboards and the rear passenger compartment. No weapon was found inside the vehicle, and it appears that the innocent reason offered by [REDACTED] for reaching into the rear compartment was true – he was attempting to make sure that [REDACTED] child did not come out of her car seat. However, his was not known by the officers when Officer Egan asked [REDACTED] to exit the vehicle and when Officer Ali performed the search. Illinois courts have found that specific movements, including an occupant reaching behind himself into another seating area of a vehicle, can be sufficient to create RAS for a search.²³ Based on these facts, COPA cannot determine by a preponderance of evidence that Officer Ali committed misconduct by searching the vehicle, and COPA also cannot determine

²¹ See *Michigan v. Long*, 463 U.S. 1032 (1983).

²² *People v. Smith*, 2015 IL App (1st) 131307, ¶ 29 (citations omitted).

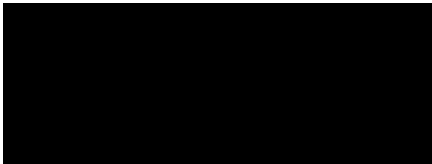
²³ See, e.g., *People v. Lyke*, 2021 IL App (1st) 190683-U, ¶ 32.

by clear and convincing evidence that Officer Ali's search was justified, and COPA finds that **Allegation #2 against Officer Ali is Not Sustained.**

c. Handcuffing Allegation

Officer Ali handcuffed ██████ after she reached towards her purse, which both ██████ and Officer Ali knew contained a firearm. While there is no dispute that ██████ possessed her firearm lawfully, it was reasonable for Officer Ali to move the purse away from ██████ during the stop,²⁴ and it was reasonable for Officer Ali to be concerned when ██████ suddenly reached towards the purse. ██████ likely did not intend to harm Officer Ali, and it is likely that she reached for the purse to show that the firearm in the purse was the only firearm present (i.e., that there was not a second firearm hidden in the vehicle). However, Officer Ali did not know ██████ intentions, and it was reasonable for him to handcuff ██████ temporarily. There are no allegations that Officer Ali used excessive force when handcuffing ██████ and he released her minutes later after determining that she was not a threat. Based on these facts, COPA finds by clear and convincing evidence that Officer Ali was justified in handcuffing ██████ and **Allegation #3 against Officer Ali is Exonerated.**

Approved:



Matthew Haynam
Deputy Chief Administrator – Chief Investigator

March 10, 2024
Date

²⁴ When dealing with an armed CCL licensee, CPD members may secure the firearm for the duration of the stop. See Special Order S06-05-02(II)(E) and (G), Firearm Concealed Carry Act (effective August 16, 2019, to present).

Appendix ACase Details

Date/Time/Location of Incident:	September 9, 2022 / 6:49 pm / 307 W 71 st St., Chicago, Illinois 60621
Date/Time of COPA Notification:	September 10, 2022 / 5:35pm
Involved Member #1:	Officer Shahrukh Ali, Star #14112, Employee ID #████████, DOA: October 26, 2015, Unit: 007/211, Male, Asian Pacific Islander
Involved Member #2:	Officer Francis Egan, Star #17502, Employee ID #████████, DOA: October 13, 2020, Unit: 007/216, Male, White
Involved Individual #1:	████████ Female, Black
Involved Individual #2:	████████ 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

- Special Order S04-13-09: Investigatory Stop Systems (effective July 10, 2017, to present).
- Special Order S06-05-02: Firearm Concealed Carry Act (effective August 16, 2019, to present).
- 625 ILCS 5/12-201 (c): Lights and Lamps, When Lighted Lamps are Required.
- Municipal Code of Chicago, 9-76-050: Required Lighting.
- 4th Amendment of the U.S. Constitution: Vehicle Searches and Vehicle Search Exceptions.

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.²⁵ 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.”²⁶

²⁵ 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.”).

²⁶ *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