



Log # 2023-0001395

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On April 1, 2023, the Civilian Office of Police Accountability (COPA) received a website complaint from ██████████ (██████████ reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on April 1, 2023, Officers Dustin Dela Cruz and Ilir Llika pulled her over for no reason, took her out of her car without any explanation, and illegally searched her vehicle.¹ Upon review of the evidence, COPA served additional allegations that Officers Dela Cruz and Llika failed to complete an Investigatory Stop Report and issue an Investigatory Stop Receipt to ██████████. Following its investigation, COPA reached sustained findings regarding the allegations of not completing an Investigatory Stop Report and not issuing an investigatory stop receipt to ██████████.

II. SUMMARY OF EVIDENCE²

On April 1, 2023, at about 12:34 PM, Officers Dustin Dela Cruz and Ilir Llika conducted a traffic stop at or near 1456 N. Lawler Avenue.³ During an audio-recorded statement, Officer Llika stated that he observed ██████████ not wearing a seat belt and conducted a traffic stop.⁴ COPA obtained the body-worn camera footage of Officers Dela Cruz and Llika related to the traffic stop. Upon approaching the vehicle, Officer Llika tells ██████████ she was stopped for not wearing a seat belt. Officer Llika requests ██████████ driver's license and completes a name check that shows her license is suspended.⁵

██████████ was asked to step out of the vehicle as Officer Llika explained to ██████████ that her License was suspended but that she would not be written a citation or arrested.⁶ During audio-recorded statements, Officers Llika and Dela Cruz explained that ██████████ behavior and furtive movements led them to conduct a cursory search of the immediate driver's area of the vehicle.⁷ As ██████████ steps out of the vehicle, she verbally gives officers permission to search her vehicle.⁸ The BWC shows that ██████████ did not have the seat belt fully fastened across her body and that it was buckled behind

¹ 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.

² 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.

³ Att. 1 1395 GPS Report, Att. 2 1395 GPS MAP

⁴ Att. 13 COPA Audio Recorded Statement PO Llika 5:10

⁵ Att. 7 Nameplate Report ██████████

⁶ Att. 4 BWC PO Llika 5:25

⁷ Att. 13 COPA Audio Recorded Statement PO Llika 5:22, Att. 15 COPA Audio Recorded Statement PO Dela Cruz

⁸ Att. 4 BWC PO Llika 6:30

her. As she exited the vehicle, [REDACTED] could be seen lifting the top portion of the belt over her head to exit.⁹ After Officers searched the vehicle, [REDACTED] was released without being issued any citation or Investigatory Stop Receipt. Officers did not give a reason for not completing ISR but admitted that they failed to issue an Investigatory Stop Receipt.

III. ALLEGATIONS

PO Dustin Dela Cruz and PO Ilir Llika

1. Stopping [REDACTED] without justification.
 - Rules 2 and 3. **Exonerated.**
2. Searching the vehicle of [REDACTED] without justification.
 - Rules 2 and 3. **Exonerated.**
3. Not completing an Investigatory Stop Report.
 - Rules 2, 3, and 5. **Sustained.**
4. Not issuing an Investigatory Stop Receipt to [REDACTED]
 - Rules 2, 3, and 5. **Sustained.**

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of Officer Dustin Dela Cruz or Officer Ilir Llika, who both provided recorded statements. Officers Dela Cruz and Llika were very forthcoming with information and answered questions throughout the investigation.

V. ANALYSIS¹⁰

PO's Dustin Dela Cruz and Ilir Llika

- a. Stopping [REDACTED] without justification.
- b. Searching the vehicle of [REDACTED] without justification.

[REDACTED] stated in her initial complaint that she was stopped for no apparent reason and pulled from her car.¹¹ Under *Michigan v. Long*, officers may make a protective search of the passenger compartment of a vehicle, limited to those areas in which a weapon may be placed or hidden, when they “possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.”¹² The BWC shows Officer Llika explaining to [REDACTED] that she was pulled over for not wearing a seatbelt.¹³ During an audio-recorded statement, Officer Llika stated that he

⁹ Att. 4 BWC PO Llika 6:30

¹⁰ For a definition of COPA’s findings and standards of proof, see Appendix B.

¹¹ Att. 6 Web Complaint, [REDACTED]

¹² *Michigan v. Long*, 463 U.S. 1032, 1051 (1983).

¹³ Att. 4 BWC PO Llika 2:15

informed her that she was stopped because she wasn't wearing a seat belt.¹⁴ Furthermore, the BWC shows █████ telling officers to go ahead and search her vehicle after being informed by officers that her license was suspended.¹⁵ As █████ exits her vehicle, she can be seen lifting the top portion of the belt over her head to exit the vehicle. The BWC also shows that the seat belt is fully buckled behind her once she has exited.¹⁶

Upon thorough review of the available evidence, COPA has determined that the stop of █████ and the search of her vehicle did occur but was not in violation of Department policy. For this reason, COPA finds the allegations are **Exonerated**.

c. Investigatory Stop Documentation Allegations

COPA finds the allegation that Officers Dela Cruz and Llika failed to comply with Special Order S04-13-09 by failing to issue █████ an Investigatory Stop Receipt is **Sustained**. The order provides that “[u]pon the completion of an Investigatory Stop that involves a Protective Pat Down or any other search, sworn members are required to provide the subject of the stop a completed Investigatory Stop Receipt.”¹⁷

COPA thoroughly searched the appropriate databases and reporting systems and could not obtain a copy of any Investigatory Stop Report completed regarding the stop of █████ During the audio-recorded statements of Officers Dela Cruz¹⁸ and Llika¹⁹, both stated that they did not complete an Investigatory Stop Report or issue an Investigatory Stop Receipt to █████ Not completing an Investigatory Stop Report and not issuing an Investigatory Stop Receipt is in direct violation of CPD Special Order 04-13-09²⁰. For these reasons, COPA recommends findings of **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Dustin Dela Cruz #2723

i. Complimentary and Disciplinary History²¹

1 Crime Reduction Award, 16 Honorable Mentions, 1 Life Saving Award, and 3 SPARS. Officer Del Cruz has not received any complaint register numbers in the last five years.

ii. Recommended Discipline

¹⁴ Att. 4 BWC PO Llika 9:45

¹⁵ Att. 4 BWC PO Llika 6:30

¹⁶ Att. 4 BWC PO Llika 6:32

¹⁷ S04-13-09(VIII)(A)(3).

¹⁸ Att. 15 COPA Audio Recorded Statement, PO Dela Cruz 11:22

¹⁹ Att. 13 COPA Audio Recorded Statement, PO Llika 10:50

²⁰ Att. 17 S04-13-09

²¹ Att. 18.

Officer Dela Cruz did not follow Department rules and regulations and admitted that he failed to complete an Investigatory Stop Report and provide [REDACTED] with a receipt. COPA recommends he receive a **Written Reprimand**.

b. Officer Ilir Llika #17601

i. Complimentary and Disciplinary History²²

1 Crime Reduction Award, 173 Honorable Mentions, and 2 SPARS. Officer Llika has not received any complaint register numbers in the last five years.

ii. Recommended Discipline

Officer Llika did not follow Department rules and regulations and admitted that he failed to complete an Investigatory Stop Report and provide [REDACTED] with a receipt. COPA recommends he receive a **Written Reprimand**.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

February 27, 2024

Date

²² Att. 18.

Appendix ACase Details

Date/Time/Location of Incident:	April 1, 2023/12:34H/1456 N. Lawler Avenue, Chicago, IL 60651
Date/Time of COPA Notification:	April 1, 2023/15:16H
Involved Officer #1:	Ilir Llika, Star #: 17601, Employee ID#: [REDACTED] Date of Appointment: 16 MAR 2018, Unit of Assignment: 025, Male, White
Involved Officer #2:	Dustin Dela Cruz, Star #: 2723, Employee ID#: [REDACTED] Date of Appointment: 16 JAN 2018, Unit of Assignment: 025, Male, Asian Pacific Islander
Involved Individual #1:	[REDACTED] Female, Black
Involved Individual #2:	

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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- Special Order S04-13-09: Investigatory Stop System (effective 10 July 2017 to present)

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.²³ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”²⁴

²³ 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).

²⁴ *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