



Log # 2022-5076

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On November 29, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from the Chicago Police Department (CPD), in which ██████████ (██████████) alleged misconduct by Officer DA Crushshon (Crushshon) and Officer Jameel Carter (Carter).<sup>2</sup> Officer Carter was a Probationary Police Officer (PPO) at the time, with Officer Crushshon as the Field Training Officer (FTO).<sup>3</sup> ██████████ alleged that she was stopped on November 29, 2022, at approximately 9:16 p.m., by Officers Carter and Crushshon for running a stop sign, near 9142 South Ada Street. ██████████ contested the duration of the traffic stop, that she was handcuffed, subjected to a pat down, that the officers had acted unprofessionally and failed to explain to her why she had been stopped.<sup>4</sup> Upon review of the evidence, COPA served additional allegations that Officer's Crushshon and Carter, failed to submit an ISR. Following its investigation, COPA reached sustained findings regarding the allegations of handcuffing ██████████ failing to submit an ISR relative to the detention of ██████████ and subjecting ██████████ to a pat down.

### II. SUMMARY OF EVIDENCE<sup>5</sup>

BWC evidence shows that ██████████ was stopped by Officers Crushshon and Carter for running a stop sign, in which she received a citation. ██████████ did not have her physical driver's license on her person; however, she was able to show the officers a photo of her ID that she had on her phone. Officer Carter asked ██████████ to exit the vehicle. Instructed by Officer Crushshon, Officer Carter then handcuffed ██████████ and placed her in the back seat of their CPD vehicle while they ran her information. Officer Carter also conducted a protective pat-down on ██████████ prior to placing Emmerson in the rear of the CPD vehicle. Officer Carter explained to ██████████ that her detention was for officer safety, that she was not being arrested.<sup>6</sup> Carter remained in the CPD vehicle for the duration of the traffic stop until she was issued citations and released. She received two traffic citations: one for running a stop sign, the other for having expired license plates, which she did not contest.<sup>7</sup>

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<sup>1</sup> 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.

<sup>2</sup> See Att. 2. Pg. 1-2.

<sup>3</sup> Att. 26, Pg. 5, line 24/ pg. 6, line 1 and 2

<sup>4</sup> See Att. 2, pg. 3, for the traffic citation.

<sup>5</sup> 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, and officer interviews.

<sup>6</sup> Att. 6

<sup>7</sup> See Att. 2 and Att. 26, Pg. 12, Lns. 8-11, Pg.27, Lns. 22-24, Pg. 30, Lns. 3-4, Pg. 31, Lns. 11-12.

### III. ALLEGATIONS

#### Officer Carter and Officer Crushshon:

1. Prolonged a traffic stop, without justification.  
- Exonerated
2. Handcuffed ██████████ without justification.  
- Sustained: Rules 2 and 3
3. Failed to submit an ISR, relative to the detention of ██████████ without justification.  
- Sustained: Rules 2 and 3
4. Acted in an unprofessional manner.  
- Sustained: Rules 2 and 3.
5. Subjected ██████████ to a pat down, without justification.  
- Sustained: Rules 2 and 3

### IV. CREDIBILITY ASSESSMENT

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.

### V. ANALYSIS<sup>8</sup>

COPA finds Allegation #1 that Officers Crushshon and Carter prolonged a traffic stop to be **exonerated**. A police officer may stop and briefly detain a motorist when the officer observes the motorist commit a traffic offense, but the officer may not prolong the stop beyond the time reasonably required to satisfy its initial purpose.<sup>9</sup> The officer's mission includes: (1) Checking the driver's license; (2) Determining if any outstanding warrants exist; (3) Checking the vehicle's registration and proof of insurance; (4) Completing paperwork relative to issuing a citation. Further, the issuance of a traffic citation typically concludes the traffic stop. In this case, citations were issued.<sup>10</sup> Although there is no exact time limit to conduct a traffic stop,<sup>11</sup> it has been determined that a traffic stop lasting 18 minutes was reasonable where officers acted diligently and where there was no evidence that the officers attempted to extend the stop.<sup>12</sup> In this case, the stop lasted 24 minutes and 13 seconds, at which time ██████████ was handed a traffic citation by

<sup>8</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>9</sup> *People v. Sadeq*, 2018 IL App (4<sup>th</sup>) 160105, ¶ 52; *See also United States v. Lopez-Moreno*, 420 F.3d 420, 430 (5<sup>th</sup> Cir. 2005).

<sup>10</sup> Per the Initiation Report, only one citation was identified, TX-████████; however, in Officer Crushshon's interview with COPA (Att. 27, Pg. 12, Lns. 3-4), he stated that a second citation was issued.

<sup>11</sup> There is no rule of thumb that relies on the number of minutes any given traffic stop can last. The issue is whether the defendant was detained longer than necessary for the underlying investigation to be concluded. *See United States v. Lopez*, 907 F.3d 472 (7<sup>th</sup> Cir. 2018).

<sup>12</sup> *People v. Staley*, 334 Ill.App.3d 358, 367 (2002)

Officer Carter. It should be noted that Officer Carter was a PPO at the time and learning on the job, with Officer Crushshon providing instruction as the FTO, which is also captured on both officers BWC. For these reasons, the allegation is exonerated.

COPA finds Allegation #2 that Officers Crushshon and Carter handcuffed ██████ without justification to be sustained. In this situation, ██████ was stopped for a routine traffic violation, directed to exit her vehicle, and told that she was being detained. ██████ was handcuffed, made to sit in the officers CPD vehicle, and released with citations.<sup>13</sup> There was a lack of evidence suggesting that ██████ was armed and dangerous, posed any safety risk, nor any intent to please her under arrest. On the contrary, ██████ exited her vehicle voluntarily, complied with the officers' commands. During Officer Carter's statement to COPA, the officer indicated that he did not perceive ██████ as a threat, that she did not have a weapon on her person, yet handcuffed ██████ as a precaution. Officer Crushshon, who was working in the capacity of FTO, should have been aware of the same and provided proper instruction to Officer Carter; therefore, he she responsibility for these actions. In sum, neither officer was able to articulate a clear justification for the handcuffing of ██████. Accordingly, the allegation is sustained.

COPA finds Allegation #3 that Officers' Crushshon and Carter failed to submit an ISR to be sustained. No ISR was located for the incident,<sup>14</sup> CPD policy requires department members to complete an ISR when, "a protective pat down or other search is conducted. . ." <sup>15</sup> Additionally, an ISR provides an explanation "when no other document captures the reason for detention, protective pat down, or other search."<sup>16</sup> Furthermore, during their respective interviews neither officer provided an adequate justification for not submitting an ISR.<sup>17</sup> Accordingly, this allegation is sustained.

COPA finds Allegation #4 Sustained. Officers are expected to approach each situation with the utmost respect for the individual's rights, maintaining a demeanor that is both calm and assertive. Communication should be clear, concise, and respectful, ensuring the motorist understands the reason for the stop and any instructions given. Officers must exhibit patience, empathy, and integrity, handling every interaction with fairness and without prejudice. It is crucial that body language and verbal communication reflect the department's commitment to serving and protecting the community, adhering strictly to established protocols and the law. Ensuring safety, de-escalating potential conflicts, and fostering public trust are at the core of our duties during traffic stops and all forms of public engagement.

During our review of officer's Carter and Crushshon traffic stop with ██████ COPA found instances of professionalism lapses, specifically in terms of curtness, off-putting and/or sarcastic responses, and mildly disrespectful behavior. Such actions not only erode the

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<sup>13</sup> *Pennsylvania v. Mims*, 434 U.S. 106, 98 S.Ct. 330, 54 L.Ed.2d 331 (1977); *Maryland v. Wilson*, 519 U.S. 408, 414-15, 117 S. Ct. 882, 137 L.Ed.2d 41 (1997). Officers making a traffic stop on probable cause may require a car's occupants to exit the vehicle because danger to an officer is likely to be greater when there are passengers in addition to the driver stopped in the car.

<sup>14</sup> See Atts. 18 and 19.

<sup>15</sup> S04-13-09, III, D, 1, C

<sup>16</sup> S04-13-09, III, D, 2.

<sup>17</sup> See Att. 24 and Att. 25, respectively.

foundational trust between law enforcement and the community but also detract from the positive reputation of the Chicago Police Department. Accordingly, COPA finds the allegation sustained against both officers involved in the stop.

COPA finds Allegation #5 that Officers' Crushshon and Carter conducted a pat-down of ██████ to be **sustained**. BWC shows Officer Carter subjected ██████ to a pat down search just before placing her in the rear of his police unit.<sup>18</sup> It has been held that an officer must have a reasonable individualized suspicion that the offender is armed and dangerous before conducting a frisk for weapons.<sup>19</sup> In his statement to COPA, Officer Carter stated that he did not consider ██████ armed and dangerous.<sup>20</sup> Further, it has been held that during a traffic stop the following factors are relevant in determining reasonable suspicion to conduct a pat down of the driver: (1) whether the defendant pulled over in a timely fashion after police lights were activated; (2) the odor of a controlled substance from the vehicle and on defendant's clothing; (3) whether the defendant timely exited his or her vehicle after being commanded to do so; (4) whether a bulge was observed in defendant's pocket; (5) the nervousness of the defendant.<sup>21</sup> In this instance, neither officer provided such facts during their interviews nor did they document such facts at the time of the stop. As a result, COPA finds the pat-down of ██████ unjustified, and therefore, the allegation is sustained. Finally, even though Officer Carter physical conducted the pat down, Officer Crushshon was working in the capacity of a FTO and bears responsibility for Officer Carter's actions.<sup>22</sup>

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Jameel Carter**

#### **i. Complimentary and Disciplinary History<sup>23</sup>**

Officer Carter has received 3 various awards and does not have a disciplinary or SPAR history.

#### **ii. Recommended Discipline**

COPA has found that Officer Carter violated Department Rules when he handcuffed ██████ failed to submit an ISR, relative to the detention of ██████ and subjected ██████ to a pat down during the incident. He was also acting under the tutelage of FTO Crushshon. COPA recommends a reprimand and additional applicable training.

### **b. Officer DA Crushshon**

<sup>18</sup> See Att. 7 at 06:22.

<sup>19</sup> *Maryland v. Buie*, 494 U.S. 325, 334, 110 S.Ct. 1093, 108 L.Ed.2d, fn. 2.

<sup>20</sup> Att. 26, Pg. 23, Lns. 17-23.

<sup>21</sup> *United States v. Ronald Colbert*, No. 21-3245 (7<sup>th</sup> Cir. 2022).

<sup>22</sup> Field Training Officer

<sup>23</sup> Att. 29

**iii. Complimentary and Disciplinary History<sup>24</sup>**

Officer Crushshon has received 23 various awards and one SPAR in the last five years: in 2023 for court appearance violation (reprimand).

**iv. Recommended Discipline**

COPA has found that Officer Crushshon violated Rules 2 and 3 when he handcuffed [REDACTED] failed to submit an ISR, relative to the detention of [REDACTED] and subjected [REDACTED] to a pat down during the incident. Although Officer Crushshon did not directly handcuff or participate in the pat-down of [REDACTED] he was the FTO at that time, with Officer Carter under his direction. With Officer Crushshon being the FTO, it is his responsibility to properly direct any PPOs under his watch, including Officer Carter with the correct CPD Policy and how to implement these policies to clearly effectuate CPD’s goals within the communities they serve. It is for these reasons, combined with Officer Crushshon’s rank as an FTO, his complimentary history and lack of disciplinary history, that COPA recommends a 7-day suspension.

Approved:

[REDACTED]

3/19/2024

\_\_\_\_\_  
*Matthew Haynam*  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

<sup>24</sup> Att. 28

Appendix ACase Details

Date/Time/Location of Incident:	November 29, 2022 / 9:16 p.m. / 9142 South Ada Street, Chicago, IL 60620
Date/Time of COPA Notification:	November 29, 2022 / 10:22 p.m.
Involved Officer #1:	Officer Jameel Carter, Star #10992, Employee ID# [REDACTED] Date of Appointment: February 28, 2022, Unit of Assignment: 044 – Detailed to 022, Male, Black
Involved Officer #2:	Officer DA Crushshon, Star #20365, Employee ID# [REDACTED] Date of Appointment: April 25, 2016; Unit of Assignment: 610 – Detectives – Area 1, Male, Black
Involved Individual #1:	[REDACTED] Female, 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.
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Applicable Policies and Laws

- S04-13-09: Investigatory Stop System (Effective Date: July 10, 2017 – present)
- 4<sup>th</sup> Amendment to U.S. Constitution
- 625 ILCS 5/3-414 (Registration Plates)
- Chicago Municipal Code 9-24-010 (Stop Signs); 9-76-160 (Registration Plates)

## 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.<sup>25</sup> 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.”<sup>26</sup>

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<sup>25</sup> 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).

<sup>26</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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
- Reports: Failure to Submit ISR