



Log #2023-2227

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 24, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report² from the Chicago Police Department (CPD) summarizing a complaint from ██████████ alleged that on May 24, 2023, at approximately 8:45 pm at or near 6100 S. Stewart Ave, Officers Paloma Flores, Fidel Legorreta, and Christopher Rubi improperly detained her and searched her person and vehicle.³ Upon review of the evidence, COPA served an additional allegation that the officers failed to provide an Investigatory Stop Receipt to ██████████ Following its investigation, COPA reached exonerated findings related to the detention and searches, and sustained finding of failing to provide an Investigatory Stop Receipt.

II. SUMMARY OF EVIDENCE⁴

On May 24, 2023, at approximately 8:45 pm at or near 6100 S. Stewart Ave, Officers Flores, Legorreta and Rubi observed a vehicle, being driven by ██████████ make a turn without using a turn signal. After the officers turned on their emergency equipment to signal ██████████ to stop, she proceeded through two stop signs without stopping.⁵ Once ██████████ stopped, the officers approached the vehicle. Officer Flores spoke with ██████████ and asked her if she had a driver's license and insurance, Officer Flores also asked ██████████ to step out of the vehicle. ██████████ asked why she need to exit, and Officer Flores explained to ██████████ that she observed ██████████ drive past two stop signs and did not use her turn signal.⁶ As ██████████ stepped out the vehicle, Officer Legorreta was on the passenger side of the vehicle and noticed a knife holster on ██████████ right hip and informed Officer Flores that ██████████ had a knife.⁷ Officer Flores proceeded to conduct a pat down on ██████████⁸ After

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. 1- CPD Initiation Report

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, police reports, court documents, civilian interviews, officer interviews, and GPS location.

⁵ Att. 14, pg. 7, ln. 23 to pg. 8, ln. 7; Att. 21, pg. 7, ln. 22 and pg. 10 lns. 4 to 9 (Officer Legorreta also recounted ██████████ driving at an excessive speed and swerving); Att. 20, pg. 7, lns. 12 to 16 (Officer Rubi also recounted that ██████████ began driving faster once the officers were behind her).

⁶ Att. 5 at 2:38.

⁷ Att. 5 at 2:49.

⁸ Officer Flores explained that upon completing the pat down after she learned the ██████████ had an knife holster on her person and ██████████ erratic driving, especially once the officers signaled to stop. Att. 14, pg. 9, ln. 22 to pg. 10, ln. 5.

conducting a pat down and not finding a weapon on [REDACTED]. Officer Flores escorted [REDACTED] to the rear of the vehicle.⁹ While [REDACTED] was in the rear of the vehicle, Officer Legorreta conducted a search of [REDACTED] vehicle and searched the immediate areas.¹⁰ While the vehicle search occurred, Officer Rubi wrote traffic citations to [REDACTED]. Officer Legorreta finished the vehicle search, which resulted in negative results for weapons. Officer Rubi proceeded to give [REDACTED] her citations and was free to go; however, no Investigatory Stop Receipt was provided.¹¹

III. ALLEGATIONS

Officers Flores, Legorreta, and Rubi

1. Stopping [REDACTED] without justification.
 - Exonerated.
2. Failure to provide [REDACTED] with an Investigatory Stop Receipt.
 - Sustained, Violation of Rule 2, 3 and 6.

Officer Flores

3. Searching [REDACTED] without justification.
 - Exonerated.

Officer Legorreta

3. Searching [REDACTED] vehicle, without justification.
 - Exonerated.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

COPA does not have any credibility concerns about statements given by department members and non-department members. Though some allegations made against officers by the complainant were not factually true, this is attributed to a lack of understanding the authority of the officers and does not mean any of the statement was not truthful; thereby, not impacting the credibility. Additionally, COPA does not find any issues with the statements provided by officers

⁹ Att. 5 at 2:35 to 3:16; Att. 7 at 2:35 to 2:43.

¹⁰ Officer Legorreta explained the vehicle search was based on Officer Flores' locating the empty knife holster and [REDACTED] erratic driving. Att. 7 at 3:45 to 5:32; Att. 21, pg. 8, ln.16 to pg. 9, ln. 6 and pg. 11, lns. 1 to 24.

¹¹ Att. 14, pg. 11, lns. 2 to 8 (Officer Flores explained the failure to issue the receipt was in part based on her belief that the citations complied with the need for the receipt); Att. 20, pg. 15, ln. 7 to pg. 16, ln. 20 (Officer Rubi explained the failure to issue the receipt was in part based on a lack of communication and his belief the issuance of citations complied with the need for the receipt to be provided); Att. 21, pg. 14, ln. 20 to pg. 16, ln. 14 (Officer Legorreta explained the failure to issue the receipt was in part based on a lack of communication and his belief that Officer Rubi has provided a receipt.)

due to all the officers being able to give a statement to COPA from memory that was consistent with the BWC footage.

V. ANALYSIS¹²

a. Detention

COPA finds Allegation #1 against Officers Flores, Legorreta, and Rubi, that they improperly detained ██████ is **exonerated**. CPD members are permitted to conduct a traffic stop when there is “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.”¹³ “Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member’s training and experience.”¹⁴

Here, Officers Flores, Legorreta, and Rubi all credibly stated that they had observed ██████ commit a traffic violation, specifically failing to use a turn signal, and then, after signaling her to stop, failing to stop at two stop signs.¹⁵ Additionally, COPA found no evidence to call into question the validity of the stop. Thus, the officers’ detention of ██████ was reasonable and proper.

b. Searches

COPA finds Allegation #3 against Officer Flores, that she improperly searched ██████ and Allegation #3 against Officer Legorreta, that he improperly searched ██████ vehicle, are exonerated. A person who is lawfully detained can be subjected to a limited search – a protective pat down – for weapons if a CPD member “reasonably suspects that [the member] or another is in danger of attack, [the member] may search the person for weapons.”¹⁶ Additionally, CPD members are permitted to search a vehicle when: (1) there is probable cause to believe evidence of a crime in present;¹⁷ (2) there is reasonable suspicion the vehicle contains a weapon and/or that the occupants are armed and dangerous;¹⁸ (3) an arrest is made, provided there is reasonable suspicion that the vehicle contains evidence of the crime for which the arrest is made;¹⁹ (4) a vehicle is being impounded by the CPD;²⁰ or (5) consent is provided.

Here, Officer Legorreta observed, and the BWC confirmed, that ██████ was likely in possession of a knife to her right hip. After observing the possible knife, Officer Legorreta

¹² For a definition of COPA’s findings and standards of proof, see Appendix B.

¹³ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

¹⁴ Att. 17, S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017 to present).

¹⁵ Att. 14, pg. 8, lns. 2 to 7; Att. 21, pg. 8, ln. 1; Att. 20, pg. 7, lns. 12 to 16.

¹⁶ Att. 17, S04-13-09 IV(B).

¹⁷ *Maryland v. Dyson*, 527 U.S. 465 (1999)

¹⁸ *Michigan v. Long*, 463 U.S. 1032 (1983)

¹⁹ *Arizona v. Grant*, 556 U.S. 332 (2009)

²⁰ *South Dakota V. Oppeman*, 428 U.S. 364 (1976)

informed Officer Flores, who was near an unrestrained [REDACTED] Officer Flores completed a protective pat down to ensure that [REDACTED] was not armed. Officer Flores explained that while there was a holstered knife on [REDACTED] right waist band, the pat down revealed the holster was empty.²¹ Based on evidence collected by COPA, COPA determined, by clear and convincing evidence, that Officer Flores search of [REDACTED] was reasonable and proper.

Here, in relation to the search of Coob's vehicle, [REDACTED] was not arrested, the vehicle was not subject to being impounded, nor did [REDACTED] consent to a search of the vehicle. Therefore, the search of the vehicle must have been based on reasonable suspicion that the vehicle contains a weapon or probable cause that the vehicle contains evidence of a crime. As discussed above Officer Legorreta explained he searched of the immediate area for weapons and other contraband due to his observations of [REDACTED] having an empty knife holster on her right hip and the erratic driving of [REDACTED].²² Therefore, the search of [REDACTED] vehicle was reasonable and proper.

c. ISR Receipt

COPA finds Allegation #2 against Officers Flores, Legorreta, and Rubi, that they failed to provide [REDACTED] with an Investigatory Stop Receipt, is **sustained**. CPD members "are required to provide" an Investigatory Stop Receipt to any individual subjected to a "[p]rotective [p]at [d]own or any other search" during an Investigatory Stop.²³

Here, it is undisputed that Officer Flores conducted a pat down of [REDACTED] Officer Legorreta conducted a search of [REDACTED] vehicle, and Officer Rubi was aware of at least one of the searches, specifically the pat down completed by Officer Flores. Therefore, all three officers knew [REDACTED] should have received an Investigatory Stop Receipt but was not issued one.²⁴ Thus, the failure of all officers to provide [REDACTED] with the required Investigatory Stop Receipt violated CPD policy and Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Paloma Flores

i. Complimentary and Disciplinary History²⁵

Officer Flores has received 31 various awards; to include 27 Honorable Mentions, 1 Department Commendation, 1 Superintendent's Honorable Mention and has no discipline in the last five years.

²¹ Att. 14, pg. 9, ln. 22 to pg. 10, ln. 5.

²² Att. 21, pg. 8 ln.16 to pg. 9 ln. 6; Att. 21, pg. 11, ln. 1 to 24.

²³ Att. S04-13-09 VIII (A)(3).

²⁴ Att. 14, pg. 11, lns. 2 to 8; Att. 20, pg. 15, ln. 7 to pg. 16, ln. 20; Att. 21, pg. 14, ln. 20 to pg. 16, ln. 14.

²⁵ Att. 40.

ii. Recommended Discipline

Here, COPA has found that during an investigatory detention Officer Flores searched [REDACTED]. This search required her to provide [REDACTED] with an Investigatory Stop Receipt, which did not occur. Based on this information, combined with Officer Flores' history, COPA recommends that Officer Flores receive a **Reprimand** and retraining on Investigatory Stop Receipts.

b. Officer Fidel Legorreta

i. Complimentary and Disciplinary History²⁶

Officer Legorreta has received 99 various awards; to include 99 Honorable Mentions, 1 Life Saving Award, and 1 Honorable Mention Ribbon Awards. Additionally, Officer Legorreta received a reprimand in December of 2022 for a preventable accident in November of 2022; one instance of no disciplinary action in January of 2024 for failure to timely active BWC that same month; and two 1-day suspensions one in May of 2024 for a preventable accident in February of 2024 and one in June of 2024 for neglect of duty in May of 2024.²⁷

ii. Recommended Discipline

Here, COPA has found that during an investigatory detention Officer Legorreta searched [REDACTED] vehicle. This search required him to provide [REDACTED] with an Investigatory Stop Receipt, which did not occur. Based on this information, combined with Officer Legorreta's history, COPA recommends that Officer Legorreta receive a **Reprimand** and retraining on Investigatory Stop Receipts.

c. Officer Christopher Rubi

i. Complimentary and Disciplinary History²⁸

Officer Rubi has received 62 various awards; to include 50 Honorable Mentions, 2 Problem Solving Awards, and 1 Superintendent's Honorable Mention. Additionally, Officer Rubi has received two reprimands; one in October of 2023 for a preventable accident in July of 2023, and one in May of 2024 for failing to timely active BWC earlier in the month.²⁹

ii. Recommended Discipline

Here, COPA has found that Officer Rubi was aware that his partners engaged in a search of [REDACTED] and/or [REDACTED] vehicle during an investigatory detention. These searches required him to

²⁶ Att. 39.

²⁷ Only the neglect of duty was received for conduct that occurred after this interaction.

²⁸ Att. 38.

²⁹ These incidents occurred after this interaction.

provide [REDACTED] with an Investigatory Stop Receipt, which did not occur. Based on this information, combined with Officer Rubi's history, COPA recommends that Officer Rubi receive a **Reprimand** retraining on Investigatory Stop Receipts.

Approved:

[REDACTED]

Angela Hearts-Glass
Deputy Chief Investigator

8-13-2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	May 24, 2023/ 8:45 pm/ 6100 S. Stewart Ave
Date/Time of COPA Notification:	May 24, 2023/ 10:33 pm
Involved Member #1:	Paloma Flores, Star #16307, Employee ID # [REDACTED] Date of Appointment August 16, 2019, Unit of Assignment 007, Female, White Hispanic
Involved Member #2:	Fidel Legorreta, Star #5902, Employee ID # [REDACTED] Date of Appointment September 27, 2018, Unit of Assignment 015, Male, White Hispanic
Involved Member #3	Christopher Rubi, Star #15920, Employee ID # [REDACTED] Date of Appointment October 26, 2015, Unit of Assignment 007, Male, White Hispanic
Involved Individual #1:	[REDACTED] Female, Black or African American

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

- S04-13-09: Investigatory Stop System (effective July 10, 2017 to present).³⁰

³⁰ Att. 17.

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.³¹ 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.”³²

³¹ 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).

³² *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