



Log # 2024-0005587

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 13, 2024, the Civilian Office of Police Accountability (COPA) received a complaint from ██████████ alleging misconduct by members of the Chicago Police Department (CPD).² ██████████ alleged that she had been unlawfully stopped for having tinted windows while driving near 11400 South Halsted Street on June 13, 2024. The following CPD members were involved: Officers Luis A. Nunez, Arnulfo A. Luna, Jr., and Danny Papadatos. COPA delivered additional allegations regarding the officers' failure to document the stop.

COPA investigated the matter and subsequently determined that there was insufficient basis to sustain allegations of misconduct regarding the stop itself, but that there was a failure by the involved officers to document the stop appropriately.

II. SUMMARY OF EVIDENCE³

On June 13, 2023, the accused officers were travelling in an unmarked vehicle and were out of uniform. They stopped a vehicle that was driven by ██████████. The vehicle was transporting passengers, to include three young children in the back seat (a nine-month old baby as well as a nine-year old child and a ten year-old child). ██████████, ██████████'s fiancée, was sitting in the front passenger seat. The vehicle had a fully tinted rear window.⁴ ██████████ and the children had just left ██████████ mother's house and were heading to a movie. ██████████ had used marijuana earlier in the day.

The officers indicated that the reason for the stop were the vehicle's improperly tinted windows. The officers requested identification from ██████████. He initially refused, but subsequently complied. The officers asked him to get out of the car, and he complied. Officer Luna looked inside the vehicle through the open door and indicated that he smelled the odor of cannabis.

The officers checked the names of the driver and adult passenger against a law enforcement database; their names did not come back in connection with any warrants or other notices of interest. The officers did not issue a citation regarding the tinted windows. ██████████ got back in the car and ██████████ drove away quickly. The officers did not provide any paperwork to the driver or to

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 June 13, 2024 at 11:59 a.m.

³ Evidence in this matter includes BWC footage of the three involved officers: Officer Nunez, Officer Luna, Jr. and Officer Papadatos. In addition, ██████████ and the accused officers provided statements. Police reports and other CPD documents and databases were reviewed and consulted.

⁴ See Att. 4 at 05:24.

the vehicle's front seat passenger in respect of the interaction. The officers did not otherwise document the stop.

III. ALLEGATIONS

On June 13, 2024, at approximately 11:30 a.m., at or near 11400 South Halsted Street, Chicago, IL 60628, Officer Nunez, Officer Luna and Officer Papadatos, committed misconduct through the following acts or omissions, by:

1. Conducting an traffic stop of [REDACTED] and [REDACTED] and detaining them, without justification.

- **Not sustained**

2. Failing to complete an Investigatory Stop Report (ISR), without justification.

- **Sustained**, in violation of Rules 2, 3, and 6

3. Failed to complete a Traffic Statistical Study (TSS), without justification.

- **Sustained**, in violation of Rules 2, 3, and 6

4. Failed to issue Stop Receipts to [REDACTED] and [REDACTED] without justification.

- **Sustained**, in violation of Rules 2, 3, and 6

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. That having been said, the officers' characterization of the nature of the stop did appear to be at variance with the contents of the BWC footage, the statements of the non-CPD members, and the balance of the evidence.

V. ANALYSIS⁵

A. The stop was likely lawful, although a disingenuous pretext

The officers maintain they stopped [REDACTED] vehicle on the basis that the windows were in contravention of 625 ILCS 5/12-503.⁶ The rear window of the vehicle appears to be completely tinted in BWC footage.⁷ As such, under the relevant provision of state law, no tinting whatsoever would be allowed on the driver's side and passenger's side windows. While [REDACTED] maintains that the vehicle was purchased with the windows in that condition and that these were "factory tints," by her own admission in her statement to COPA, there are some tints on all four windows.⁸ The

⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁶ See Att. 26, pg. 9, lns. 1 to 3, pg. 11, lns. 17 to 20; Att. 27, pg. 10, lns. 17 to 19; Att. 28, pg. 10, lns. 9 to 11.

⁷ See Att. 3 at 02:26 and Att. 4 at 05:31.

⁸ Att. 5.

officers released the vehicle and the occupants, with an offhand comment that they should address the violation concerning the window tints.

COPA finds that the traffic stop was lawful, and thus, COPA finds this allegation to be **exonerated**.

B. The officers failed to complete an ISR

This was a lawful traffic stop based upon a tinted window violation. Nonetheless, both the driver and her passenger were detained, and the passenger, [REDACTED] was asked to exit the vehicle and did so. Neither the passenger, nor the driver, [REDACTED] were provided with a stop receipt. In order for the traffic stop to be properly documented an ISR was required to be completed. None was and no officer provided an adequate justification for not completing an ISR.⁹ Since all officers were equally responsible for completing an ISR, the allegation is **sustained** against all the officers.

C. The officers failed to complete a TSS

When a traffic stop takes place, and the driver is not arrested, and no ticket is issued, and only a warning is given to the driver, the involved officers are required to complete a traffic statistical study (blue card) at the end of their shift.¹⁰ In this case, [REDACTED] was not arrested, nor was she issued a traffic citation. No ISR was completed. As such, a TSS was required to be completed. None was completed in this case. No officer provided an adequate justification for failing to complete a TSS.¹¹ As all officers involved in the traffic stop are equally responsible for completing a TSS, and none was completed, the allegations against all accused officers are **sustained**.

D. The officers failed to provide a stop receipt

Stop receipts were required to be issued to both the driver, [REDACTED] and her passenger, as both had been detained. Further, the front seat passenger was directed to step out of the vehicle and did so. Since there was no other documentation issued to [REDACTED] relative to the stop, a stop receipt was required to document the stop. No officer provided an adequate justification for failing to issue stop receipts;¹² this is a mandatory, statutory requirement. Since all officers are equally responsible for issuing the stop receipts, and none were issued, the allegations against all officers are **sustained**.

VI. DISCIPLINARY RECOMMENDATION

A. Officer Luis A. Nunez

1. Complimentary and Disciplinary History

The “Five Years Sustained Complaints History Report” regarding this officer as received from CPD’s Bureau of Internal Affairs (BIA) indicated “no records found.” In a 2023 complaint

⁹ See Att. 26, pg. 15, lns. 4 to 10; Att. 27, pg. 15, lns. 11 to 19; Att. 28, pg. 17, lns. 9 to 18.

¹⁰ See 625 ILCS 5/11-212, Traffic and Pedestrian Stop Statistical Study.

¹¹ See Att. 26, pg. 14, lns. 1 to 10; Att. 27, pg. 14, lns. 8 to 16; Att. 28, pg. 16, lns. 6-12.

¹² See Att. 26, pg. 15, lns. 13 to 24 and pg. 16, lns. 1 to 8; Att. 27, pg. 16, lns. 10 to 16; Att. 28, pg. 18, lns. 13 to 21.

(2023-0001116), COPA sustained an allegation that Officer Nunez entered and searched a private residence without justification, recommending that Officer Nunez be suspended for one day; the CPD Superintendent concurred with that recommendation. There was one reported instance of summary discipline involving a 2023 preventable accident in respect of which Officer Nunez received a reprimand. The officer has received 60 awards, to include a life saving award.

2. Recommended Discipline

Given COPA's findings of misconduct, the complimentary and disciplinary history of the CPD member, as well as the applicable aggravating and mitigating factors, COPA recommends the officer be **suspended for up to 30 days**.

B. Officer Arnulfo A. Luna, Jr.

1. Complimentary and Disciplinary History

The "Five Years Sustained Complaints History Report" regarding this officer as received from CPD's BIA indicated "no records found." There was one reported instance of summary discipline involving a 2023 preventable accident in respect of which Officer Luna received a reprimand. This officer has received 53 awards, to include a life saving award and a problem solving award.

2. Recommended Discipline

Given COPA's findings of misconduct, the complimentary and disciplinary history of the CPD member, as well as the applicable aggravating and mitigating factors, COPA recommends the officer be **suspended for up to 30 days**.

C. Officer Danny Papadatos

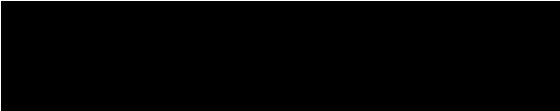
1. Complimentary and Disciplinary History

The "Five Years Sustained Complaints History Report" regarding this officer as received from CPD's BIA contains two sustained instances of discipline: log 2021-0004207, investigated by BIA, where Officer Papadatos failed to notify OEMC that he was conducting a traffic stop and failed to complete a traffic stop statistical survey as well as an investigatory stop report, which resulted in a reprimand, as well as a 2002 log (2022-0001187, investigated by BIA) where the allegations were sustained but no discipline was imposed. This officer has one instance of reported summary discipline: a 2023 reprimand regarding a preventable accident. The officer has received 31 awards, to include a problem solving award and a military service award.

2. Recommended Discipline

Given COPA’s findings of misconduct, the complimentary and disciplinary history of the CPD member, as well as the applicable aggravating and mitigating factors, COPA recommends the officer be **suspended for up to 30 days**.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

November 26, 2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	June 13, 2024 / 11:30 a.m. / 11400 South Halsted Street, Chicago, Il 60628
Date/Time of COPA Notification:	July 13, 2024 / 11:59 a.m. [by telephone]
Involved Officer #1:	Luis A. Nunez, Star #18229, Employee ID# [REDACTED], Date of Appointment: July 27, 2018, Unit of Assignment: 022, Male, Hispanic
Involved Officer #2	Arnulfo A. Luna, Jr., Star #18047, Employee ID# [REDACTED], Date of Appointment: February 19, 2019, Unit of Assignment: 022, Male, Hispanic
Involved Officer #3	Danny Papadatos, Star #5082, Employee ID# [REDACTED], Date of Appointment: June 25, 2018, Unit of Assignment: 022, Male, White
Involved Individual #1:	[REDACTED] Female, White
Involved Individual #2	[REDACTED] Male, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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

- U.S. Const. amend. IV.
- 625 ILCS 5/11-212: Traffic and Pedestrian Stop Statistical Study
- 625 ILCS 5/12-503 (a-5): Window Treatment or Tinting
- G02-01: Protection of Human Rights; Effective Date: June 30, 2022
- S04-13-09: Investigatory Stop System; Effective Date: July 10, 2017

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.¹³ 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.”¹⁴

¹³ 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).

¹⁴ *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
- Reports: Failure to Submit ISR, TSS and Issue Stop Receipt