

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

|                            |                     |
|----------------------------|---------------------|
| Date of Incident:          | May 1, 2018         |
| Time of Incident:          | 11:27pm             |
| Location of Incident:      | 7110 S. Halsted St. |
| Date of COPA Notification: | March 18, 2019      |
| Time of COPA Notification: | 12:09pm             |

Officers Daniel Symons (Symons) and Zachary Girard (Girard) were just completing a traffic stop near 71<sup>st</sup> and Halsted when they observed [REDACTED] ([REDACTED] vehicle driving left of the center line and into upcoming traffic. Officers Symons and Girard activated their emergency lights and stopped [REDACTED] vehicle. Officers approached [REDACTED] and asked for his driver’s license; [REDACTED] provided them with a state identification card. [REDACTED] told the officers that somebody had just attempted to rob him, but he could not provide any information other than the offenders were wearing dark clothes. Officers ran [REDACTED] name through their in-car PDT and discovered that [REDACTED] license was revoked. [REDACTED] was arrested and transported to the 7<sup>th</sup> district police station.

**II. INVOLVED PARTIES**

|                         |  |
|-------------------------|--|
| Involved Officer #1:    | Daniel Symons, Star# 10534, Employee# [REDACTED] DOA: April 25, 2016, Officer, 007, DOB: [REDACTED] 1990, Male, White    |
| Involved Officer #2:    | Zachary Girard, Star# 14595, Employee# [REDACTED] DOA: February 2, 2015, Officer, 007, DOB: [REDACTED] 1992, Male, White |
| Involved Individual #1: | [REDACTED] 1964, Male, Black   |

III. ALLEGATIONS

| Officer                | Allegation  | Finding    |
|------------------------|---|------------|
| Officer Daniel Symons  | 1. It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons, star 10534, committed misconduct through the following act or omission by placing different license plates on his vehicle.             | Unfounded  |
|                        | 2. It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons, star 10534, committed misconduct through the following act or omission by giving OEMC the wrong address about where they stopped him.  | Unfounded  |
|                        | 3. It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons, star 10534, committed misconduct through the following act or omission by failing to investigate an alleged robbery.                   | Unfounded  |
|                        | 4. It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons, star 10534, committed misconduct through the following act or omission by arresting him without justification.                         | Exonerated |
| Officer Zachary Girard | 1. It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Zachary Girard, star 14595, committed misconduct through the following act or omission by placing different license plates on his vehicle.            | Unfounded  |
|                        | 2. It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Zachary Girard, star 14595, committed misconduct through the following act or omission by giving OEMC the wrong address about where they stopped him. | Unfounded  |
|                        | 3. It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Zachary Girard, star 14595, committed misconduct through the following act or omission by failing to investigate an alleged robbery.                  | Unfounded  |

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 5: Failure to perform any duty.
2. Rule 2: Any action or conduct which impedes the Department's effort to achieve its policy and goals or brings discredit upon the Department.

#### V. INVESTIGATION<sup>1</sup>

##### a. Interviews

██████████ was interviewed by COPA on March 20, 2019 regarding his complaint. The incident occurred on May 1, 2018 near 71<sup>st</sup> and Halstead. According to ██████████ officers never informed him why he was being pulled over. ██████████ asserts that the police officers falsely arrested him. He also stated that the officers took the plates off his vehicle and placed different plates on his vehicle. According to ██████████ the plates on the vehicle when officers stopped him were ██████████ ██████████ admitted that he had another set of license plates inside his vehicle ██████████. According to ██████████ he was arrested for no license, no insurance on the vehicle and driving in the wrong lane of traffic. ██████████ also admitted that he did not have a valid license and the vehicle was not insured on the date of the incident. ██████████ asserts that the officers lied to OEMC when they called in the traffic stop because they were not at the location where they stopped him. ██████████ also asserts that he was robbed prior to the traffic stop and officers did nothing to assist. According to ██████████ the plates on the vehicle were valid but they were not registered to the vehicle.<sup>2</sup>

##### b. Digital Evidence

Officer Symons was wearing a body-worn camera (BWC) during the incident with ██████████. Officer Symons gets out of his squad vehicle and approach ██████████ vehicle on the driver's side and asks him what is going on and why he is flying. ██████████ tells the officer that somebody tried to stick him up on 69<sup>th</sup> and Halstead. Some of the conversation is muffled by the sound of the wind. Officer Symons asks ██████████ what they were wearing. It sounds like ██████████ stated that he could tell the officer. Officer Symons asks ██████████ what he is sipping, and ██████████ replies that he was drinking wine. Officer Symons asks ██████████ if somebody pulled a gun on him and replies that they did. Officer Symons asks what kind of gun and ██████████ replies he does not know. Officer Symons asks ██████████ for his license and he tells the officer that he does not have a license, but he hands Officer Symons his state identification card. Officer Symons and his partner return to their squad vehicle and run his identification through the PDT system. Officer Symons returns to ██████████ vehicle and asks him out of the vehicle. ██████████ steps out of the vehicle. Officer Symons escorts ██████████ back to their squad vehicle and performs a pat down of ██████████ and places ██████████ in the back of their squad vehicle. Officer Symons tells ██████████ that

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Att. 14.

they will run both plates. Officer Symons drives ██████ back to the station. During the ride back to the station, Officer Symons and ██████ have a conversation. Officer Symons tells ██████ that he drove into oncoming traffic and on top of that he is revoked and not even supposed to be driving.<sup>3</sup>

**Officer Symons** also had his bwc activated when he spoke to ██████ about making a report about the attempt robbery. The bwc footage depicts ██████ inside a holding cell and Officer Symons entering that cell and asking ██████ if he wanted to make a report for the attempted robbery. ██████ first stated that he did want to make a report, but when Officer Symons started asking him information he refused to cooperate. ██████ stated he would make the report later.<sup>4</sup>

**Officer Girard** was wearing a body-worn camera (bwc) during the incident with ██████. Officer Girard approaches ██████ vehicle on the passenger's side. The plate that was on the back of ██████ vehicle was the ██████ plate. ██████ tells the officers that somebody pulled a gun on him and took his phone. Officer Girard and his partner go back to their squad car and run Girard's name through the PDT. Officers pull up ██████ history and discovered that he has multiple arrests for driving infractions. Officers exit their squad car to place ██████ under arrest. Officer Girard goes up to the front of ██████ vehicle and asks ██████ why he has different plates on the vehicle. ██████ tells the officers that the car has been in the dealers and he just got it back. Officers walk ██████ back to their vehicle and perform a pat down and place him in the back of the squad car. Officer Girard goes to the front of ██████ vehicle and tells his partner the license plate number ██████ that is on the front of the vehicle. Officer Girard gets inside ██████ vehicle and pulls off.<sup>5</sup>

There is also **in-car camera** (ICC) footage of the incident involving ██████. At the beginning of the ICC footage it appears that ██████ vehicle is driving on the wrong side of the street and into oncoming traffic. The officers perform a u-turn and get behind ██████ vehicle and they perform a stop on the vehicle. Both officers approach ██████ vehicle on opposite sides. Officers speak with ██████ and then they both get back into their squad vehicle to run ██████ name. ██████ tries to get out of the vehicle and officers tell him to stay in the car. ██████ gets back inside his vehicle. Both officers exit the squad car and approach ██████ vehicle and place him under arrest. One of the officers gets into ██████ vehicle and drives it off and the other officer drives the squad car to the station.<sup>6</sup>

There is ICC focused on the inside of the squad car where ██████ can be seen in the back of the squad vehicle. ██████ states that all he was trying to do was get the car home from the dealer and take care of the business. The officer asks him if somebody tried to stick him up and he says "yes, they did." The officer tells ██████ that he shouldn't even be driving because he [his license] is revoked. The officer tells ██████ that he can't even give them a description and ██████ stated that they had on dark clothes. The officer tells ██████ that they will send a car over to the area, but they can't just stop somebody for wearing dark clothes. The officer tells him

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<sup>3</sup> Att. 17.

<sup>4</sup> Att. 21.

<sup>5</sup> Att. 16.

<sup>6</sup> Att. 19.

that it was dangerous and reckless for him to drive into upcoming traffic. ██████ tells the officer that he did what he had to do and that he is sorry.<sup>7</sup>

The encounter between officers and ██████ is briefly captured on **POD video** as well. At 32:40, ██████ vehicle is seen speeding through the intersection and officers perform a u-turn and proceed to stop ██████ vehicle.<sup>8</sup>

### c. Documentary Evidence

██████ **arrest report** documents that he was arrested on May 1, 2018. According to the narrative, officers were finishing up a traffic stop on the 7100 block of South Halsted when they observed ██████ vehicle driving left of the center and coming into oncoming traffic at a high rate of speed. Officers curb ██████ vehicle. ██████ told Officer Symons that he was just robbed at gun point but he could not give any information as to the number of offenders, clothing, or what type of weapon was used. Officer Symons asked ██████ for his driver's license and ██████ produced a state identification card. Officers ran ██████ name and discovered that his license was revoked. ██████ was placed into custody and transported to the station. Officer Symons asked ██████ if he wanted to make a report for the attempted robbery and ██████ refused and stated that he would make a report later.

An **Event Query Report** was also generated for this stop. According to the report, the event number is 1812119409. The date and time on the report are May 1, 2018 at 10:29pm. The location of the report is listed as 799 W. 71<sup>st</sup>/7101 S. Halsted St.<sup>9</sup>

## VI. LEGAL STANDARD

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 the conduct reviewed complied with Department policy. *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 has found to be more probably true than not). If the evidence gathered in an

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<sup>7</sup> Att. 18.

<sup>8</sup> Att. 20.

<sup>9</sup> Att. 4.

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. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

## VII. ANALYSIS

### Officers Symons and Girard

It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons and Zachary Girard, star 10534, committed misconduct through the following act or omission by placing different license plates on his vehicle.

COPA finds this allegation **Unfounded**. Officer Symons had his BWC activated during the duration of the stop. When Officer Symons first stopped ██████████ vehicle the plate that was on the back of the vehicle was the ██████████ plate. Officer Girard can also be heard on his BWC telling OEMC that plate number. During the incident, Officer Girard walks around to the front of ██████████ vehicle and that when he noticed that there was different plate on the vehicle, ██████████ and he tells his partner this number. ██████████ also admitted that both plates belonged to him and that both plates were present during the time of the stop. Although a clear picture of the front plate is not seen in the officers' BWC footage, it can be deduced from the bwc footage and the officers' conversations and the fact that both plates were present during the incident that neither officer tampered with ██████████ plates and ██████████ had two different plates on his vehicle during the encounter. As such, COPA finds this allegation **Unfounded**.

It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons and Zachary Girard, star 10534, committed misconduct through the following act or omission by giving OEMC the wrong address about where they stopped him.

COPA finds this allegation **Unfounded**. According to the Event Query Report which comes from OEMC, the address of the stop was 799 W. 71<sup>st</sup>/7101 S. Halsted St. The address that is listed on ██████████ arrest report is 7110 S. Halsted. ██████████ also admitted that the stop occurred at 71<sup>st</sup> and Halsted. As such, COPA finds this allegation **Unfounded**.

It is alleged by ██████████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons and Zachary Girard, star 10534, committed misconduct through the following act or omission by failing to investigate and alleged robbery.

COPA finds this allegation **Unfounded**. ██████████ told officers that somebody tried to rob him when they first approached his vehicle. ██████████ could only tell the officers is that they had on dark clothes; ██████████ could not give officers anymore information. Officer Symons asked for

additional information and told ██████ that he would send a car to the area but that they could not just stop somebody for wearing dark clothes. Further when ██████ was in a holding cell back at the station, Officer Symons again asked for additional information and tried to write up a report for ██████ but he refused to answer any of the officer’s question and he stated he would make a report at a later time. Therefore, there is clear and convincing evidence that the officers attempted to investigate the alleged robbery. As such, COPA finds the allegation **Unfounded**.

It is alleged by ██████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons, star 10534, committed misconduct through the following act or omission by arresting him without justification.

COPA finds this allegation **Exonerated**. ██████ was arrested for multiple reasons according to his arrest report. ██████ was arrested for driving left of the center, no insurance, and driving on a revoked license. ██████ admitted that his license was revoked and that he did not have any insurance on the date of the incident. ICC also captures ██████ driving into oncoming traffic. Therefore, there is clear and convincing evidence that Officer Symons had justification to arrest ██████ and COPA finds this allegation **Exonerated**.

**CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

| Officer               | Allegation   | Finding    |
|-----------------------|--|------------|
| Officer Daniel Symons | 1. It is alleged by ██████ that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Daniel Symons, star 10534, committed misconduct through the following act or omission by placing different license plates on his vehicle.            | Unfounded  |
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|                        |   |           |
|------------------------|---|-----------|
|                        | following act or omission by arresting him without justification.   |           |
| Officer Zachary Girard | 1. It is alleged by [REDACTED] that on or about May 1, 2018 at approximately 11:27pm, at or near 7110 S. Halsted St., Officer Zachary Girard, star 14595, committed misconduct through the following act or omission by placing different license plates on his vehicle.            | Unfounded |
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Approved [REDACTED]

James Murphy-Aguilu  
 Deputy Chief Administrator – Chief Investigator

10/13/20

Date

Appendix A

Assigned Investigative Staff

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|                                    |                     |
|------------------------------------|---------------------|
| <b>Squad#:</b>                     | 5                   |
| <b>Investigator:</b>               | ██████████          |
| <b>Supervising Investigator:</b>   | ██████████          |
| <b>Deputy Chief Administrator:</b> | James Murphy-Aguilu |