

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 21, 2019
Time of Incident:	12:50 a.m.
Location of Incident:	████████████████████ Avenue, Chicago, Illinois
Date of COPA Notification:	January 23, 2019
Time of COPA Notification:	2:40 p.m.

On January 21, 2019 at 12:50 a.m., the Complainant, ██████████ was arrested by officers of the Chicago Police Department (CPD) in the vicinity of ██████████ Avenue, Chicago, Illinois and subsequently charged with Animal Cruelty. ██████████ was transported to the 16th District (CPD). ██████████ dog was confiscated and transported to the 16th District (CPD), as well. At the time of the incident, ██████████ had left his dog, unattended, in his vehicle while ██████████ was attempting to arrange an undercover purchase of firearms for the Bureau of Alcohol Tobacco and Firearms (BATF), according to ██████████ was homeless at the time. In his initial complaint to COPA ██████████ had claimed that during his arrest, one of the arresting officers, Officer Lukasz Gorczynski, had banged ██████████ head against ██████████ vehicle. ██████████ second allegation was that after having been transported to the 16th District (CPD), where ██████████ dog was being maintained, ██████████ was coerced into signing a document relinquishing ownership of his dog by Officer Gorczynski, Officer Matthew Scott and Sergeant Gregory Hoffman. Investigation in this matter was then initiated to determine the validity of ██████████ allegations.

II. INVOLVED PARTIES

Involved Officer #1:	Lukasz Gorczynski, Star #11480, Employee ID# ██████████, Date of Appointment: June 29, 2015, Rank: Police Officer, Unit of Assignment: 630, DOB: ██████████, 1987, Male, White
Involved Officer #2:	Matthew R. Scott, Star #5180, Employee ID# ██████████, Date of Appointment: December 18, 2000, Rank: Police Officer, Unit of Assignment 016, DOB: ██████████, 1965, Male, White
Involved Officer #3:	Gregory Hoffman, Star #2613, Employee ID# ██████████, Date of Appointment: November 22, 1993, Rank: Sergeant, Unit of Assignment 016, DOB: ██████████, 1968, Male, White
Involved Officer #4:	John Garrido, III, Star #633, Employee ID# ██████████, Date of Appointment: January 20, 1991, Rank: Lieutenant, Unit of Assignment 016, DOB: ██████████, 1967, Male, White

Involved Individual #1:

██████████ DOB: ██████████, 1964, Male, White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Lukaszc Gorczyński	1. It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16 th District (CPD), Officer Lukaszc Gorczyński coerced ██████████ into signing a document relinquishing ownership of ██████████ dog.	Not Sustained
	2. It is alleged that during the arrest of ██████████ on January 21, 2019, at approximately 12:50 a.m., in the vicinity of ██████████ Avenue, Chicago, Illinois, Officer Lukaszc Gorczyński used excessive force by banging ██████████ head against ██████████ vehicle.	Not Sustained
	3. It is alleged that Officer Lukaszc Gorczyński failed to activate his Body Worn Camera (BWC) during the arrest of ██████████ on January 21, 2019, at approximately 12:50 a.m., in the vicinity of ██████████ Avenue, Chicago Illinois.	Sustained/Reprimand
Officer Matthew Scott	1. It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16 th District (CPD), Officer Matthew Scott coerced ██████████ into signing a document relinquishing ownership of ██████████ dog.	Not Sustained
	2. It is alleged that Officer Matthew Scott failed to activate his Body Worn Camera (BWC) during the arrest of ██████████ on January 21, 2019, at approximately 12:50 a.m., in the	Sustained/Reprimand

		vicinity of [REDACTED] Avenue, Chicago Illinois.	
Sergeant Hoffman	Gregory	1. It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16 th District (CPD) Sergeant Gregory Hoffman coerced [REDACTED] into signing a document relinquishing ownership of [REDACTED] dog.	Not Sustained
Lieutenant Garrido, III	John	1. It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16 th District (CPD) Lieutenant John Garrido, III coerced [REDACTED] into signing a document relinquishing ownership of [REDACTED] dog.	Not Sustained

IV. APPLICABLE RULES AND LAWS

Rules	<ol style="list-style-type: none"> 1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department. 2. Rule 3: Any failure to promote the Department’s efforts to implement its policy or accomplish its goals. 3. Rule 8: Disrespect to, or maltreatment of, any person, while on or off duty. 4. Rule 10 - Inattention to Duty
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Special Orders	<ol style="list-style-type: none"> 1. S03-14 (Body Worn Cameras)¹ 2. S06-13 (Bond Procedures)²
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¹ Attachment #79 [See Section III A (2) p.2]

² Attachment #77 [See Section IV. A (1) p. 3]

V. INVESTIGATION³

a. Interviews

In his interview on February 28, 2019 at COPA⁴ ██████████ (Complainant) stated that since 2014 he has been working as an informant for the ATF (i.e. Bureau of Alcohol Tobacco and Firearms). ██████████ stated that his controlling agent is Special Agent ██████████ stated that on the evening of January 20, 2019, at approximately 10:30 p.m., he was on a mission for ATF to meet with ██████████ at ██████████, Chicago, Illinois. ██████████ stated that at that time he had been living in his car with his dog for about 3-4 months. He stated that he had been in ██████████ residence for approximately 1.5 hours; his dog remaining in his vehicle. ██████████ then went back to the vehicle to retrieve his computer tablet and stated that “everything was in order”, so he went back to ██████████ apartment for further discussion and was in ██████████ apartment for an additional 1.5 hours. ██████████ later went back to his vehicle and found his vehicle locked. He had left his car running with the heat on, as his dog was in the car, but when he went back a second time to his car, the car was locked with the key being on the dashboard; his luggage was missing; and his dog was gone. He then called 911. Within two minutes, a squad car arrived with two officers. ██████████ described one officer as being over six feet tall and weighing approximately 250 pounds and being Polish. The second officer was described as much smaller, balding and short. The Polish police officer said to ██████████ – “So, you’re the son-of-a-bitch who likes to lock dogs in cold cars.”⁵ ██████████ had asked the Polish officer if he was under arrest and he was told that he wasn’t under arrest but, nonetheless, the Polish officer grabbed him and slammed him against his car; and then manhandled him by throwing him into the back seat of the squad car. ██████████ was then transported to the 16th District CPD.

Once at the 16th District, ██████████ was told that if he signed a document relinquishing custody of his dog, he would be free to leave. ██████████ was told that if he didn’t sign the document, he would be arrested and sent to Cook County Jail and his dog would be confiscated. ██████████ didn’t sign the document at that time and was handcuffed and taken to a holding area located in the back of the police station. ██████████ claimed that he was handcuffed and left there and that he had no water, no food and was not allowed to use the restroom, and that he was forced to urinate on the floor twice; even though he was attempting to get the attention of the guards.⁶ The officers who saw him simply walked by and laughed. ██████████ stated that Lieutenant Garrido came back to the area where

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Attachment #13

⁵ Attachment #13

⁶ See Attachment #82: Investigation at the 16th District determined that there are no POD cameras in processing rooms but only in the hallway outside of the processing rooms. There is no activity log kept for detainees in processing rooms. Also see Attachment #83: OEMC did not retain POD footage of the hallway outside of the processing rooms.

██████████ was secured and stated – “*Oh, you’re the dog guy, huh?*”⁷ ██████████ asked for assistance but Garrido only laughed and walked away. ██████████ stated that he was held in custody until approximately 7:00 a.m. when the shift changed, and Sergeant Hoffman came on duty. ██████████ stated that he was in custody from approximately midnight until 7:00 a.m. Hoffman told ██████████ that he would be processed and would be allowed to leave within an hour. Hoffman then took ██████████ to an area where he was photographed and fingerprinted and allowed to make a phone call. Sergeant Hoffman had signed the bond slip, essentially releasing ██████████ stated that he had called his ATF handling agent, ██████████ but only left a message. ██████████ was then released but stated that his car had been towed, even though it was parked in a legal parking spot; and that his suitcase, which had been in the car, had been searched. ██████████ stated that he had been charged with three (3) counts of Animal Cruelty and two (2) counts of Lost / Misplaced Property.

In her interview with COPA on October 17, 2018⁸ ██████████ declined to have the interview audio-recorded but provided the following information: ██████████ stated that she presently operates a dog training facility called ██████████ which is located at 2342 North Elston Avenue, Chicago, Illinois. In addition, ██████████ maintains a website for the facility. Besides training dogs, the facility also takes in abused dogs for future adoption. ██████████ was then shown a photocopy of a CPD Animal Inventory Record, Number 401768, dated January 21, 2019.⁹ In the remarks section of this inventory record, ██████████ acknowledged that her name appears, as well as her business, ██████████ ██████████ also recognized on the inventory form the listed name of the owner of the dog that was inventoried, a Belgian Malinois; the owner being listed as ██████████ recalled that she had been called by an unknown person from the 16th District relative to this dog sometime in January of 2019. ██████████ recalled then going to the 16th District sometime during the day, at which time she had identified the dog as a dog she had formerly owned, but which had subsequently been adopted by ██████████ The collar the dog had been wearing at that time listed ██████████ name, as well as her business, ██████████ The CPD then released the dog, which appeared neglected, to ██████████ and ██████████ took the dog home with her. ██████████ declined to comment on the present whereabouts of the dog. ██████████ stated that she could not recall when the CPD had released the dog to her and if any documents had been exchanged and / or provided to her concerning the ownership of the dog. Presently, ██████████ does not have any such documents in her possession. ██████████ mentioned, however, that a CPD officer named Garrido had been present at the time but ██████████ could provide no further information about other CPD officers being present. ██████████ further stated that she did not witness ██████████ sign the inventory record, relinquishing ownership of the dog. With respect to her relationship with the alleged owner of the dog, ██████████ stated that she has known ██████████ for approximately eight (8) years and that she had initially adopted the dog to ██████████ however, over the years her relationship with ██████████ became strained and she described ██████████ as an unsafe and dangerous person.

In his interview with COPA on November 25, 2019¹⁰, **Lieutenant John Garrido, III (Star #633)** provided the following information: Garrido identified the CPD A&A Sheet for January 21, 2019

⁷ Attachment #13

⁸ Attachment #49

⁹ Attachments #42 and #46

¹⁰ Attachment #57

for Watch 2 for the 16th District.¹¹ Garrido confirmed that he was on duty for that day as the District Watch Operations Lieutenant for Watch 2, CPD 16th District. Garrido was then shown the CPD Arrest Report for [REDACTED] IR# 818890, RD# JC124027, CB# 19758812, dated January 21, 2019, which contained [REDACTED] photograph.¹² Garrido stated that he did not recognize [REDACTED] and that he had had no personal interaction with [REDACTED] in the past. Garrido further stated that he did not recall observing [REDACTED] at the 16th District CPD on January 21, 2019. Garrido confirmed that he is familiar with the CPD procedure for taking custody of animals, including dogs, as in the case when [REDACTED] dog had been taken to the 16th District. If the dog isn't retrieved from the scene by the City of Chicago Department of Animal Care CCDAC) and Control, the dog will be brought to the 16th District. Garrido stated that there is a holding facility for animals at the 16th District, and once brought there the animals are inventoried and either CCDAC, or an approved animal rescue facility is contacted, and the dog would be turned over to them. With respect to [REDACTED] dog, Garrido does not recall that particular dog being brought to the 16th District. Garrido stated that [REDACTED] had been arrested prior to Garrido starting his shift and that [REDACTED] dog would also have been brought to the 16th District prior to Garrido starting his shift. Garrido stated that he did not recall having observed [REDACTED] dog, a Belgian Malinois, at the 16th District.

Garrido stated that animals are inventoried under a separate procedure different from other seized property. Garrido was shown CCDAC Animal Inventory Record #401768, dated January 21, 2019 for the relinquishment of ownership of [REDACTED] dog. Garrido is familiar with such records¹³, stating that the arresting officer typically prepares this type of record. Garrido stated that he did not prepare the record and identified M. Scott as being listed on the form as the Arresting Officer. The dog, at that time, either had a microchip in place or a dog collar that identified the possible owner as [REDACTED] who operated [REDACTED] Garrido had had some interaction with [REDACTED] in the past and he had contacted her relative to the disposition of the dog. The dog was ultimately released to [REDACTED] by the CPD. Garrido stated that because [REDACTED] had been charged with Animal Cruelty, a Class A Misdemeanor, he was given the option of relinquishing ownership of his dog and being issued an I-Bond at the station, or being sent to Cook County Jail where he would have to appear to receive an I-Bond.¹⁴ At that point, the dog would be released either to CCDAC or to a registered stray rescue foundation. In this case, the dog was released to [REDACTED] at [REDACTED] in Chicago, Illinois. Garrido stated that he was not present when these options were presented to [REDACTED] and was not present when the document was allegedly signed by [REDACTED] The document was then retained as a record at the 16th District. Garrido further stated that he could not recall having observed [REDACTED] at the 16th District and he denied the allegation of coercing [REDACTED] into signing the document.

In his interview with COPA on December 17, 2019¹⁵, **Officer Matthew Scott (Star #5180)** provided the following information: Scott confirmed that he was on duty at the 16th District CPD on the evening of January 20, 2019, his shift carrying over to the following day, January 21, 2019. His partner at that time was Officer Lukasz Gorczyński. Initially, on January 20, 2019, a call had been received describing a dog being left unattended in a vehicle in the vicinity of [REDACTED]

¹¹ Attachment #53

¹² Attachment #18

¹³ Attachment #46

¹⁴ Attachment #77

¹⁵ Attachment #71

████████ Avenue, Chicago, Illinois during extremely cold weather. As a result, Scott and Gorczynski responded to the incident, arriving shortly before midnight, and located the vehicle, a Dodge Magnum station wagon, which contained a barking dog. They canvassed the area to locate the owner of the dog but were unsuccessful. Eventually, the dog was removed from the vehicle and transported to the 16th District CPD for treatment. The keys from the vehicle were also removed at that time. Once at the 16th District, the dog was secured in a kennel. A 911 call had then been overheard by Scott concerning a man looking for his dog in the vicinity of ██████████, ██████████, and, as a result, Scott and Gorczynski redeployed to the area.

Once back on the scene, they located ██████████. Scott explained to ██████████ why the dog had been confiscated by the police. ██████████ replied that he had been at a friend's house in the area drinking. ██████████ was subsequently arrested for the charge of Animal Cruelty. ██████████ did not resist arrest, nor was there an altercation between ██████████ and either arresting officer. ██████████ head was not pushed into ██████████ vehicle by Officer Gorczynski. ██████████ was then transported to the 16th District, as well as his vehicle, which was subsequently impounded. At the 16th District, ██████████ was processed. Scott remained at the station through the shift change when Lieutenant Garrido and Sergeant Hoffman arrived. ██████████ had been secured, but Scott did not recall exactly where ██████████ had been placed. Scott then identified a CCDAC Animal Control Inventory document relating to the relinquishment of ownership of ██████████ dog.¹⁶ Scott confirmed that he had prepared the document, but that he was not present when ██████████ had signed the document. He only had been told, possibly by Gorczynski, that ██████████ had signed the document. Scott did not recall to whom he had given the document, stating that Sergeant Hoffman most probably would have administered it. Scott denied threatening ██████████ with being sent to Cook County Jail if ██████████ did not sign the form relinquishing ownership of his dog.

Relative to not activating his BWC during the arrest of ██████████ Scott confirmed that his BWC was not activated, and that he most probably had forgotten to activate it. Scott denied the Allegation of Coercion but acknowledged that he had failed to activate his BWC during the arrest of ██████████ on January 21, 2019.

In his interview with COPA on December 17, 2019¹⁷ **Officer Lukasz Gorczynski (Star #11480)** provided the following information: Gorczynski confirmed that he was on duty on January 20, 2019 and January 21, 2019, on the 3rd Watch for the 16th District. He confirmed that he had arrested ██████████ on January 21, 2019 after midnight and identified ██████████ photograph from the relevant CPD arrest report.¹⁸ After hearing a call over the radio of a dog in distress in a vehicle, he and his partner, Officer Matthew Scott, had proceeded to the area where the vehicle, a SUV type vehicle, was located. Upon arrival, they observed a dog in an unlocked vehicle. The engine was not running but keys were in the ignition. The dog was alone in the car and it was very cold outside. The dog was eventually removed from the vehicle and transported to the 16th District. The dog was attended to, as it appeared to be dehydrated. Prior to transporting the dog to the 16th District, Gorczynski and his partner had canvassed the area, attempting to locate the owner but were unsuccessful.

¹⁶ Attachment #46

¹⁷ Attachments #74 and #75

¹⁸ Attachment #18

Once at the 16th District, Gorczynski was able to locate the chip on the dog and determine from the chip who the previous owner was. The previous owner was located and contacted, and the dog was subsequently released to that person. While at the police station doing paper work, he heard a 911 call concerning an individual looking for the dog they had just seized. As a result, he and his partner decided to return to the scene to locate the caller. At the scene they found ██████████ by his car and ██████████ smelled of alcohol. They then arrested ██████████ for the charge of Animal Cruelty and he was transported to the 16th District by Officer Scott. Gorczynski believes that he drove ██████████ vehicle to the 16th District where it was subsequently impounded. ██████████ was compliant at the scene and even though ██████████ was arrested, he was not handcuffed. Gorczynski denied that any altercation whatsoever took place between himself and ██████████. He denied pushing ██████████ head into his vehicle and denied that Officer Scott had pushed ██████████ head into his vehicle.

At the 16th District, ██████████ was processed and then secured in the processing room, handcuffed to the wall. He did not discuss with ██████████ anything about his dog. At the shift change in the morning, Sergeant Hoffman came on duty. He informed Sergeant Hoffman about the case. Also, he recalled that Lieutenant Garrido was present, as well, at that time. Gorczynski was then shown a CCDAC Animal Control Document¹⁹ relating to the release of ownership of ██████████ dog. He stated that his partner, Officer Scott, had prepared the document but had not signed it. Gorczynski then took the document and gave it to Sergeant Hoffman and then they both met with ██████████. ██████████ then signed the document relinquishing ownership of his dog. ██████████ was not given a copy of the document, as Gorczynski had forgotten to give it to him. The last thing that he recalled was that Sergeant Hoffman had custody of ██████████ copy. He further denied making any threats to ██████████ concerning relinquishing ownership of his dog. He later heard that ██████████ had obtained an I-Bond.

Gorczynski denied the Allegation of Coercion and the Allegation of Use of Excessive Force. Relative to the Allegation of Not Activating his BWC during the arrest of ██████████ Gorczynski confirmed that his body worn camera was not activated and that he had probably forgotten to activate it, but that it was not an intentional act.

In his interview with COPA on December 30, 2019²⁰, **Sergeant Gregory Hoffman (Star #2613)** provided the following information: Hoffman stated that on January 21, 2019 he was on duty on Watch #2 at the 16th District, starting his shift at approximately 5:00 a.m.²¹ Hoffman was unable to identify ██████████ from his photograph on his arrest report dated January 21, 2019.²² ██████████ was already in custody at the 16th District when Hoffman started his shift, having been arrested for Animal Cruelty. He did not recall speaking with any of the arresting officers for ██████████ at that time. Hoffman was shown an animal inventory form for the relinquishment of ownership of ██████████ dog.²³ Hoffman recognized the form in a generic sense, stating that the forms are maintained at the 16th District, but did not recall having seen this exact form previously. The

¹⁹ Attachment #46

²⁰ Attachment #78

²¹ Attachment #53

²² Attachment #18

²³ Attachment #45

officer's name printed on the form is "M. Scott" but Hoffman did not recall interacting with an officer by that name.²⁴ The specific order relative to the relinquishment of the ownership of the dog is Special Order S06-13 (Bond Procedures).²⁵ For a person arrested for Animal Cruelty, a misdemeanor, the arrestee is eligible for an I-Bond issued by the CPD only if he relinquishes ownership of the dog. If the arrestee refuses to relinquish ownership of the dog, he is transported to Cook Count Jail where he will appear at Central Bond Court to request an I-Bond be issued to him.²⁶ Hoffman reviewed an I-Bond issued to ██████████ on January 21, 2019 that was issued at the 16th District,²⁷ indicating that ██████████ had signed the animal control inventory form. Hoffman did not recall issuing this I-Bond but stated that the issuance would have been under his control and direction. Hoffman did not recall how the options were presented to ██████████ concerning obtaining an I-Bond. He did not recall being present with ██████████ at that time and does not know what officer(s) were present. He is aware of no threats made to ██████████ concerning this incident. Hoffman denied the allegation.

b. Digital Evidence

- Audio Recorded Interview of ██████████ conducted on February 28, 2019²⁸
- Photographs of Animal Holding Area, 16th District (CPD)²⁹
- Audio Recorded Interview of CPD Lieutenant John Garrido, III (Star #633), conducted at COPA on November 25, 2019³⁰
- Audio Recorded Interview of CPD Officer Mathew Scott (Star #5180), conducted at COPA on December 17, 2019³¹
- Audio Recorded Interview of CPD Officer Lukasz Gorczynski (Star #11480) conducted at COPA on December 17, 2019³²
- Audio Recorded Interview of CPD Sergeant Gregory Hoffman (Star #2613) conducted at COPA on December 30, 2019³³

c. Physical Evidence

None

d. Documentary Evidence

²⁴ Attachment #18

²⁵ Attachment #77

²⁶ Attachment #77; See Section IV. A. 1. **Note:** If an arrestee is charged with a Class A misdemeanor offense of animal abuse or animal fighting and refuses to relinquish possession of the involved animal(s) by signing the appropriate box on the Animal care and Control Inventory Form (ACC-3230-3) the district station supervisor will not allow the arrestee to post bond or be given an I-Bond. The arrestee will be sent to the first court call following the arrest for the court to set bond and the State's Attorney's Office to file a petition for forfeiture of the animal(s).

²⁷ Attachment #21

²⁸ Attachment #13

²⁹ Attachment #43

³⁰ Attachment #57

³¹ Attachment #71

³² Attachment #74 and #75

³³ Attachment #78

- Case 19119819301 (Case Chronology)³⁴
- CPD OEMC Event Query for RD# JC124027; Event Number: 1902014477³⁵
- CPD OEMC Event Query; Event Number: 1902100344
- COPA Investigative Report dated February 8, 2019 re Viewing of BWC made on January 21, 2019³⁶
- CPD Arrest Report (Final Approval) for arrest of [REDACTED] on January 21, 2019; CB# 19758812; RD# JC124027³⁷
- Photocopy of Nebraska Driver License for [REDACTED] ([REDACTED])³⁸
- CPD Original Case Incident Report re RD# JC124027³⁹
- Circuit Court of Cook County, Illinois, Recognizance Bond for [REDACTED] dated January 21, 2019; Bond #8637142⁴⁰
- A&A Sheet for CPD Unit 016, Watch 4, for January 20, 2019⁴¹
- CPD OEMC Event Query; Event Number: 1902101008⁴²
- Sworn Affidavit of [REDACTED] dated February 28, 2019⁴³
- Consent to Record Interview by [REDACTED] dated February 28, 2019⁴⁴
- CPD Arrest History of [REDACTED] (IR# 818890)⁴⁵
- Investigative Report re Telephone Interview of [REDACTED] on October 8, 2019⁴⁶
- E-Track Inventory re RD# JC124027⁴⁷
- Investigative Report re Inventory of [REDACTED] dated October 8, 2019⁴⁸
- City of Chicago Department of Animal Care and Control daily Assignment and Activity Report for Officers dated January 21, 2019⁴⁹
- COPA Investigation at City of Chicago Department of Animal Care and Control dated October 10, 2019⁵⁰
- CPD Animal Inventory Sheet (No. 401768) dated January 21, 2019 for the release of [REDACTED] dog⁵¹
- COPA Notice signed by [REDACTED] on October 17, 2019⁵²

³⁴ See Attachment #7

³⁵ See Attachment #10

³⁶ See Attachment #14

³⁷ See Attachment #18

³⁸ See Attachment #19

³⁹ See Attachment #20

⁴⁰ See Attachment #21

⁴¹ See Attachment #23

⁴² See Attachment #24

⁴³ See Attachment #25

⁴⁴ See Attachment #27

⁴⁵ See Attachment #33

⁴⁶ See Attachment #35

⁴⁷ See Attachment #37

⁴⁸ See Attachment #38

⁴⁹ See Attachment #40

⁵⁰ See Attachment #41

⁵¹ See Attachments #42 and #46

⁵² See Attachment #47

- COPA Investigative Report dated October 16, 2010 re obtaining CPD Animal Inventory #401768 at the 16th district (CPD)⁵³
- COPA Interview of [REDACTED] on October 17, 2019⁵⁴
- CPD Watch Information for Lieutenant John Garrido, III⁵⁵
- CPD A&A Sheet for Unit 016 for Watch 2 for January 20, 2019⁵⁶
- CPD A&A Sheet for Unit 016 for Watch 2 for January 21, 2019⁵⁷
- Evidence.com search for BWC for Officer Lukas Gorczynski for January 20-21, 2019⁵⁸
- Evidence.com search for BWC for Officer Matthew Scott for January 20-21, 2019⁵⁹

e. Additional Evidence

None

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 occurred and violated 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 investigation establishes that it is more likely that the misconduct occurred, 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

⁵³ See Attachment #48

⁵⁴ See Attachment #49

⁵⁵ See Attachment #50

⁵⁶ See Attachment #52

⁵⁷ See Attachment #53

⁵⁸ See Attachment #64

⁵⁹ See Attachment #65

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

██████████ has claimed that, while in custody at the 16th District (CPD) for the charge of Animal Cruelty, he was coerced into signing a document relinquishing ownership of his dog. Investigation in this matter has determined that CPD Animal Inventory Number 401768, maintained at the 16th District and dated January 21, 2019, relates to the relinquishment of the ownership of ██████████ dog, a Belgian Malinois. There is no time listed on the form and the signature on the form of the person relinquishing ownership is unclear but appears to be that of ██████████ from comparison with his signature on his signed affidavit in this matter. The officer’s name listed on the report is M. Scott (Star 5180) (i.e. Officer Matthew Scott). Interview with Officer Scott at COPA on December 17, 2019, confirmed that Officer Scott did, in fact, prepare this document but did not sign it, stating that he most probably gave it to Sergeant Hoffman after he prepared it. Further, Officer Scott did not observe ██████████ sign the document.

Officer Gorczynski stated in his interview with COPA on December 17, 2019 that he had witnessed ██████████ sign the relinquishment of ownership form, along with Sergeant Hoffman, and that there was no coercion involved. Lieutenant Garrido was not even present at that time. Gorczynski also confirmed that Officer Scott had prepared the form, which is consistent with Officer Scott’s statement. Further, Sergeant Hoffman, acknowledged that, as the acting Desk Sergeant at the 16th District at that time, he would have received the document from Scott and would have administered it to ██████████ Hoffman, however, does not specifically recall the incident but stated that he did not coerce ██████████ into signing any document. He would simply have informed ██████████ of his options per CPD Special Order S06-13 (Bond Procedures)⁶⁰, as is standard policy, that if ██████████ did not sign the document relinquishing ownership of his dog, he would not be issued an I-Bond at the 16th District, but would have to go to Cook County Jail, where he could pursue obtaining an I-Bond. As such, this does not amount to coercion, but is simply an option presented to ██████████. As such, the burden of preponderance of evidence has not been met by ██████████ and coercion allegations against all officers involved in this case are **NOT SUSTAINED**.

██████████ has further claimed that prior to being transported to the 16th District CPD on January 21, 2019, by CPD Officers Lukasz Gorczynski and Matthew Scott, Officer Gorczynski slammed ██████████ head into ██████████ vehicle without justification. It should be noted that a search of Evidence.com for January 20, 2019 and January 21, 2019 was negative for BWC activation for both Officers Gorczynski and Scott.⁶¹ Hence, BWC footage cannot corroborate ██████████ allegation that his head was slammed against his vehicle by Officer Gorczynski. Both Officers Scott and Gorczynski have denied that this event, as described by ██████████ occurred; and that ██████████ appeared inebriated at the time of his arrest, smelling of alcohol, which diminishes ██████████ credibility. Since both officers claim the event did not happen, as alleged by ██████████ the threshold of preponderance of the evidence is not reached and a finding of **NOT SUSTAINED** is justified.

⁶⁰ Attachment #77 [See Section IV. A (1) p.3]

⁶¹ Attachment #66

In the interview of Officer Matthew Scott in this matter, Scott confirmed that he had not activated his BWC during the arrest of [REDACTED] Thus, **Allegation No. 2** against Officer Scott is **SUSTAINED**.

In the interview of Officer Lukasz Gorczynski in this matter, Officer Gorczynski confirmed that he had not activated his BWC during the arrest of [REDACTED] Thus, **Allegation No. 3** against Officer Gorczynski is **SUSTAINED**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

f. Officer Lukasz Gorczynski (Star #11480)

i. Complimentary and Disciplinary History: Per CPD SPAR History Report for Officer Gorczynski, there are no sustained findings.⁶²

ii. Recommended Penalty, by Allegation

1. **Allegation No. 3:** Remedial training in the use of BWC.

g. Officer Mathew Scott (Star #5180)

i. Complimentary and Disciplinary History: Per CPD SPAR History Report for Officer Scott, there is one sustained finding under Log#558407, on November 12, 2019 for a Court Appearance Violation, which occurred on September 18, 2019.⁶³

ii. Recommended Penalty, by Allegation

1. **Allegation No. 2:** COPA recommends a penalty of Reprimand.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Lukasz Gorczynski (Star #11480)	1. It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16 th District (CPD), Officer Lukasz Gorczynski coerced [REDACTED] into signing a document relinquishing ownership of [REDACTED] dog.	1. Not Sustained

⁶² Attachment #80

⁶³ Attachment #80

	<ol style="list-style-type: none"> It is alleged that during the arrest of [REDACTED] on January 21, 2019, at approximately 12:50 a.m., in the vicinity of [REDACTED], Chicago, Illinois, Officer Lukasz Gorczynski used excessive force by banging [REDACTED] head against [REDACTED] vehicle. It is alleged that Officer Lukasz Gorczynski failed to activate his Body Worn Camera (BWC) during the arrest of [REDACTED] on January 21, 2019, at approximately 12:50 a.m., in the vicinity of [REDACTED] Avenue, Chicago Illinois. 	<p>Not Sustained</p> <p>Sustained / Reprimand</p>
<p>Officer Matthew R. Scott (Star #5180)</p>	<ol style="list-style-type: none"> It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16th District (CPD), Officer Mathew R. Scott coerced [REDACTED] into signing a document relinquishing ownership of [REDACTED] dog. It is alleged that Officer Matthew failed to activate his Body Worn Camera (BWC) during the arrest of [REDACTED] on January 21, 2019, at approximately 12:50 a.m., in the vicinity of [REDACTED] Avenue, Chicago Illinois. 	<p>Not Sustained</p> <p>Sustained / Reprimand</p>
<p>Sergeant Gregory Hoffman (Star #2613)</p>	<ol style="list-style-type: none"> It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16th District (CPD) Sergeant Gregory Hoffman coerced [REDACTED] into signing a document relinquishing ownership of [REDACTED] dog. 	<p>Not Sustained</p>
<p>Lieutenant John Garrido, III (Star #633)</p>	<ol style="list-style-type: none"> It is alleged that on January 21, 2019, at approximately 6:34 a.m., at the 16th District (CPD) Sergeant Lieutenant John Garrido, III coerced [REDACTED] into signing a 	<p>Not Sustained</p>

| document relinquishing ownership of [REDACTED]
[REDACTED] dog. |

Approved:

[REDACTED]

10-7-2020

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#: 12

Investigator: [REDACTED]

Supervising Investigator: [REDACTED]

**Deputy Chief Administrator: Angela
Hearts-Glass**