

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 20, 2017
Time of Incident:	12:45 PM
Location of Incident:	1530 S. Hamlin Ave.
Date of COPA Notification:	January 30, 2018
Time of COPA Notification:	1:35 PM

According to his recorded interview, on November 20, 2017, at approximately 12:45 PM, Mr. [REDACTED] sat in his vehicle in front of 1530 S. Hamlin Ave., and waited for two other men to arrive. Mr. [REDACTED] a client of Mr. [REDACTED] arrived and entered the passenger side of the vehicle. Very soon after, Sergeant Martin Chatys performed an investigatory stop of Mr. [REDACTED] vehicle as he attempted to pull his car away from the curb. Mr. [REDACTED] said he did not notice the police vehicle at first, but stopped once he saw the flashing lights. There was some dispute as to whether Mr. [REDACTED] tried to evade Sergeant Chatys or whether he simply failed to realize Sergeant Chatys was there and meant to pull him over.

Sergeant Chatys stated in his recorded interview that he conducted the stop of Mr. [REDACTED] because he observed a male black, later identified as Mr. [REDACTED] walk up to a vehicle that was parked in front of a fire hydrant and have a conversation with the driver. Sergeant Chatys said he saw something exchanged between the driver and the second individual who then walked away from the vehicle as he held the right side of his waistband. Sergeant Chatys stated he curbed the vehicle because he believed a crime had occurred or was occurring.

Although accounts vary, Mr. [REDACTED] stated that after additional officers arrived on scene, he and his passengers, Mr. [REDACTED] and Mr. [REDACTED] were detained and handcuffed. It is alleged that Sergeant Chatys searched the three men’s pockets as he performed pat-downs, and searched Mr. [REDACTED] vehicle, which Sergeant Chatys denied. No guns or contraband were found on any of the men or in Mr. [REDACTED] vehicle.

II. INVOLVED PARTIES

Involved Sergeant #1:	Martin Chatys, star # 1478, employee ID# [REDACTED] Date of Appointment September 27, 2004, Sergeant, Unit of Assignment 003/311 Gang Enforcement, DOB [REDACTED], 1978, Male, White.
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Witness Officer #1: Arturo Guzman, star # 12864, employee ID# [REDACTED] Date of Appointment July 2, 2012, Police Officer, Unit of Assignment 007/311 Gang Enforcement, DOB [REDACTED], 1983, Male, White Hispanic.

Witness Officer #2: Keith Kalafut, star # 16348, employee ID# [REDACTED] Date of Appointment September 5, 1995, Police Officer, Unit of Assignment 311 Gang Enforcement, DOB [REDACTED], 1971, Male, White.

Witness Officer #3: Andrew Braun, star # 4076, employee ID# [REDACTED] Date of Appointment March 15, 2013, Police Officer, Unit of Assignment 003/311 Gang Enforcement, DOB [REDACTED], 1976, Male, White.

Witness Officer #4: Arturo Fonseca, star # 10739, employee ID# [REDACTED] Date of Appointment November 30, 2012, Police Officer, Unit of Assignment 003/311 Gang Enforcement, DOB [REDACTED], 1976, Male, White.

Involved Civilian #1: [REDACTED], DOB [REDACTED], 1985, Male, Black

Civilian Witness #1: [REDACTED], DOB [REDACTED], 1968, Female, White.

Civilian Witness #2: [REDACTED], DOB [REDACTED], 1996, Male, Black.

Civilian Witness #3: [REDACTED], DOB [REDACTED], 1966, Female, Black.

Civilian Witness #4: [REDACTED], DOB [REDACTED], 1982, Female, Black.

Civilian Witness #5: [REDACTED], DOB [REDACTED], 1996, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Sergeant Martin Chatys	1. It is alleged by [REDACTED] that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin Ave, Sergeant Chatys committed misconduct when he handcuffed and detained [REDACTED], in violation of Rule 2, S04-13-09 (V-A) Investigatory Stop System.	NOT SUSTAINED

	<p>2. It is alleged by ██████████ that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he searched ██████████ person without justification in violation of Rule 2, S04-13-09 (VI-A 2, VI B 1-2) Investigatory Stop System.</p> <p>3. It is alleged by ██████████ that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he searched ██████████ vehicle's glove compartment and trunk without justification in violation of Rule 2 and the Fourth Amendment to the United States Constitution.</p> <p>4. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he appeared on scene with a cigar in his mouth in violation of Rules 2 and 55.</p> <p>5. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin or at a police station, Sergeant Chatys committed misconduct when he failed to report in his ISRs that ██████████ ██████████ vehicle was searched, in violation of Rules 2 and 5 and S04-13-09 VII B 1a- Investigatory Stop System.</p> <p>6. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin or at a police station, Sergeant Chatys committed misconduct when he failed to properly report in his ISRs that ██████████ was also stopped, detained and handcuffed, in violation of Rules 2 and 5 and S04-13-09 VII B 1a- Investigatory Stop System.</p>	<p>SUSTAINED</p> <p>NOT SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p> <p>SUSTAINED</p>
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7. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he failed to supervise subordinate officers, in violation of Rules 2 and 5.	UNFOUNDED
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IV. APPLICABLE RULES AND LAWS

Rules

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 5:** Failure to perform any duty.
3. **Rule 55:** Holding cigarette, cigar, or pipe in mouth while in uniform and in official contact with the public.

Special Orders

1. **S04-13-09 - Investigatory Stop System**ⁱ

Federal Laws

1. **Michigan v. Long-463 U.S 1032, 1051**ⁱⁱ
2. **The Fourth Amendment to the United States Constitution**

V. INVESTIGATION¹

a. Interviews

██████████²

Mr. ██████ was interviewed on February 6, 2018 at 1615 W. Chicago Ave. During his interview he stated that on the date in question he pulled into a parking space in front of 1530 S. Hamlin and waited to pick up two men from his church. They planned to shop for shoes for a graduation ceremony that evening. Once the first passenger, Mr. ██████████, got into the car, they decided to leave without the second man, Mr. ██████████, because of time constraints. Mr. ██████ attempted to pull out of the parking space, but did not realize there was a police vehicle blocking him in. The officer, who Mr. ██████ was unable to identify by name, put his lights on and Mr. ██████ stopped his vehicle. Mr. ██████ described the officer as a white or Latino male, dressed

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

² Attachment 9.

in plain clothes and a TAC vest, who had a cigar in his mouth. He asked Mr. [REDACTED] if he knew he should not try to leave when an officer has his lights on and is attempting to perform a stop.³ Mr. [REDACTED] tried to tell the officer that he did not see him. The officer asked him for his ID and insurance which Mr. [REDACTED] provided.

Mr. [REDACTED] finally came out of his house, which was located across the street, and attempted to get into Mr. [REDACTED] vehicle. Additional officers who arrived on the scene stopped and handcuffed Mr. [REDACTED].⁴ The first officer who stopped them then ordered Mr. [REDACTED] and Mr. [REDACTED] to get out of the vehicle and handcuffed them both.⁵ The officer then pat-down Mr. [REDACTED] and searched his pockets, removing and then replacing his cell phone. Nothing illegal was found.

The same officer, now known as Sergeant Chatys, searched Mr. [REDACTED] vehicle. According to Mr. [REDACTED] Sergeant Chatys went through his glove compartment, everything in the front of the car, and his trunk. Nothing illegal was found. Mr. [REDACTED] asked an officer standing near him why his vehicle was being searched. This officer told Mr. [REDACTED] he would have to ask the officer who stopped him, but made reference to the neighborhood itself as being a reason. However, he never mentioned anything that Mr. [REDACTED] Mr. [REDACTED] or Mr. [REDACTED] had allegedly done. When Mr. [REDACTED] questioned Sergeant Chatys, he never mentioned what he was looking for and only said he should not try to leave when an officer if trying to pull him over. Sergeant Chatys never told Mr. [REDACTED] why he was pulled over. However, he may have heard another officer say it had something to do with his vehicle fitting some description, and/or it had something to do with the neighborhood.

Attorney [REDACTED], along with other employees from the Lawndale Christian Legal Center and neighbors, congregated at the scene to see what was going on. Some asked Sergeant Chatys questions and requested the names and star numbers of the other officers. Mr. [REDACTED] did not know the content of the conversations. Around this time, Sergeant Chatys told Mr. [REDACTED] he was free to go, but then told him to wait. Sergeant Chatys told another officer to write Mr. [REDACTED] a ticket for parking in front of a fire hydrant, despite the fact Mr. [REDACTED] never got out of the vehicle until told to do so, nor did he turn the vehicle off. Mr. [REDACTED] went to court with an attorney and the ticket was dismissed.

[REDACTED]⁶

Mr. [REDACTED] was interviewed on December 5, 2018 at the Lawndale Community Church at 3827 W. Ogden. During his interview he stated that on the date in question, he left his home located a few doors down from the scene, and walked over to [REDACTED] home located across the street from the Lawndale Christian Legal Center. He stated he did not notice the officer that pulled them over as he was walked to Mr. [REDACTED] home. Soon after, Mr. [REDACTED] called Mr. [REDACTED] and Mr. [REDACTED] and told them to come outside. About ten minutes later, Mr. [REDACTED] came out of [REDACTED] house, which was directly across the street from where Mr. [REDACTED] was parked. Mr. [REDACTED] walked across the street with his headphones on. Mr. [REDACTED] saw the Sergeant driving down the street as he exited Mr. [REDACTED] gate. Mr. [REDACTED] came out of the

³ Attachment 9 at 03:30.

⁴ Attachment 9 at 04:45.

⁵ Attachment 9 at 04:55.

⁶ Attachment 51.

house after Mr. [REDACTED] and followed him to Mr. [REDACTED] vehicle. Mr. [REDACTED] saw a white male police officer sitting in a car smoking a cigar.⁷ He was also wearing glasses. Mr. [REDACTED] looked at the officer but did not stop, and the officer looked back at him as though he had done something wrong. Mr. [REDACTED] walked directly to Mr. [REDACTED] vehicle and got into the front passenger seat. Mr. [REDACTED] got in the back seat behind the driver.

Mr. [REDACTED] who is afraid of the police, said when the officer pulled up next to Mr. [REDACTED] vehicle, he immediately put his hands up.⁸ The officer asked Mr. [REDACTED] for his driver's license and insurance, which Mr. [REDACTED] provided, and asked Mr. [REDACTED] whether he knew the other two individuals in the vehicle. Mr. [REDACTED] said he knew them and was taking Mr. [REDACTED] and Mr. [REDACTED] to purchase shoes for a graduation ceremony.

The officer, later identified as Sergeant Chatys, told the men to step out of the vehicle. Mr. [REDACTED] asked him why, but the Sergeant Chatys just repeated his request. He never asked anything else of Mr. [REDACTED] or Mr. [REDACTED]. Sergeant Chatys handcuffed Mr. [REDACTED] performed a pat-down on the men, and called for back-up. Three to four cars showed up with additional officers. An unidentified, short white officer handcuffed Mr. [REDACTED] and Mr. [REDACTED]. Mr. [REDACTED] asked why the officer asked them to exit the vehicle, but got no response. Another officer patted-down all three men again. At least one of the officers went inside the pockets of Mr. [REDACTED] and Mr. [REDACTED]. He pulled the driver's license out of Mr. [REDACTED] pocket and some money out of Mr. [REDACTED] pocket.⁹ All items were returned.

Mr. [REDACTED] stated that he did not make any movements toward his waistband, and that nobody resisted when the officer asked them to exit the vehicle.¹⁰ Mr. [REDACTED] said he did not see anyone search the vehicle, but then said he did notice an officer go through the glove compartment and the trunk.¹¹

According to Mr. [REDACTED] the first officer never asked any of the men if they had a weapon.

[REDACTED]¹²

Mr. [REDACTED] was interviewed on August 23, 2018 at 3410 W. Pierce. During his interview he stated that on the date in question, he came out of his house and heard a police vehicle use an audible signal (a short siren) as it pulled over Mr. [REDACTED]. This plain clothes officer was smoking a cigar and wearing shades.¹³ Mr. [REDACTED] was there to pick up him and Mr. [REDACTED] to go someplace, but at the time was not sure where. Mr. [REDACTED] walked over to Mr. [REDACTED] vehicle as the officer asked Mr. [REDACTED] for his license. After Mr. [REDACTED] gave it to him, the officer made Mr. [REDACTED] get out of the vehicle. At some point, the officer had Mr. [REDACTED] get out of the vehicle as well. Both men got out of the vehicle without incident. The officer called Mr. [REDACTED] over and had him put his hands on the hood of Mr. [REDACTED] vehicle, alongside Mr. [REDACTED] and Mr. [REDACTED].

⁷ Attachment 51 at 03:07.

⁸ Attachment 51 at 10:35.

⁹ Attachment 51 at 13:20.

¹⁰ Attachment 51 at 11:40.

¹¹ Attachment 51 at 14:00.

¹² Attachment 34.

¹³ Attachment 34 at 05:20.

The officer with the cigar then searched Mr. [REDACTED] vehicle.¹⁴ He searched the glove compartment, the arm rest, the back-seat pockets, up under the seats. Mr. [REDACTED] said the officer did not open the trunk. At the time there was only one officer, but back-up officers soon came. Three different officers, the original officer, one black officer and one white, performed pat-downs of the three men. Mr. [REDACTED] said it was just a regular pat-down, not a search. The officers did not find anything.

Mr. [REDACTED] confirmed he was never handcuffed, and did not believe Mr. [REDACTED] or Mr. [REDACTED] were handcuffed either.¹⁵ The lawyers came and asked the officer what was going on and the officers went back and forth with the lawyers. The officers initially did not want to give them their names, but eventually did. Mr. [REDACTED] never spoke with any of the officers and never heard why the officer pulled Mr. [REDACTED] over. He said he did not hear or see the officer speak directly to Mr. [REDACTED] before or after he told them to exit the vehicle. Mr. [REDACTED] said Mr. [REDACTED] did nothing wrong.

[REDACTED]¹⁶

Ms. [REDACTED] was interviewed on March 15, 2018 at 1615 W. Chicago Ave. During her interview she stated that she is the [REDACTED] for the Lawndale Christian Legal Center (LCLC), which is located at the address in question. On the date in question she got a text that [REDACTED] and [REDACTED] were being arrested. She said Mr. [REDACTED] is a youth advocate who works with young men from the Lawndale Area. Mr. [REDACTED] is one of the youths that they serve. Ms. [REDACTED] stated when she went outside, she saw Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] in handcuffs.¹⁷

There were some uniformed officers and some plain clothes TAC officers. There were both marked and unmarked police SUVs. Ms. [REDACTED] said there were officers going through Mr. [REDACTED] vehicle, and that they pulled things out from under the seats.¹⁸ She asked an officer on the scene why the three men were in cuffs, and why they were searching Mr. [REDACTED] vehicle. The officer replied something to the effect that it was an investigatory stop. Another officer was on scene with a cigar in his mouth.¹⁹ He was described as either white or Hispanic with black hair, wearing a TAC uniform, who she believed was either Sergeant Chatys or Officer Guzman. He claimed Mr. [REDACTED] was trying to flee. Ms. [REDACTED] explained Mr. [REDACTED] worked with youth in the community, and it was their graduation day from one of the center's programs. She also explained Mr. [REDACTED] was a leader in the community, and that the officer was being a jerk.

Ms. [REDACTED] told the officer he did not need to handcuff the men and felt they did not have a right to search Mr. [REDACTED] car. She told investigators that although she saw the vehicle being searched, she never saw the trunk or the glove compartment open. The officer then took the handcuffs off of Mr. [REDACTED] and was going to let him go until Ms. [REDACTED] told the officer she was going to order the dash cam. The officer with the cigar then told another officer to write Mr. [REDACTED] a citation for parking in front of a fire hydrant. He said, "You wanna play this by the book, ok we'll play

¹⁴ Attachment 34 at 11:59.

¹⁵ Attachment 34 at 11:20.

¹⁶ Attachment 16.

¹⁷ Attachment 16 at 03:25.

¹⁸ Attachment 16 at 05:05.

¹⁹ Attachment 16 at 05:40.

this by the book. He's by a fire hydrant, write him a ticket."²⁰ After Mr. [REDACTED] was issued a ticket the officers left. Mr. [REDACTED] went to court and beat the ticket.

The officer with the cigar was 5'10" to 6" and had black hair. Ms. [REDACTED] had the names and star numbers for Sergeant Chatys 1478, Braun 4076, Kalafut 16348 and Guzman 12864. She believed Guzman was the Sergeant with the cigar in his mouth, but it could have been Chatys.²¹

[REDACTED]²²

[REDACTED] was interviewed on August 27, 2018 at 1530 S. Hamlin. During her interview she stated that on the date in question, she was in her vehicle and pulled up to the LCLC to drop off some packages at the office. Ms. [REDACTED] who worked at LCLC, said as she approached the legal center, an officer in a black SUV drove behind her as she turned down Hamlin. When she arrived, Mr. [REDACTED] was sitting in his vehicle which was parked in front of a fire hydrant. The officer then turned on his police lights and Ms. [REDACTED] parked down the street from Mr. [REDACTED] about 2 houses away. When she got out of her vehicle and walked up the street toward the office, she saw Mr. [REDACTED] was in the back seat and Mr. [REDACTED] had walked up to Mr. [REDACTED] vehicle. An officer handcuffed Mr. [REDACTED] before he could get into the vehicle. An officer also handcuffed Mr. [REDACTED]. Mr. [REDACTED] was still in his vehicle and was giving the officer his license and registration out of the glovebox. The officer then had Mr. [REDACTED] get out of the vehicle. Ms. [REDACTED] believed the officer handcuffed Mr. [REDACTED] as well.

By the time she got to the building, the attorney, now known as Ms. [REDACTED] was trying to talk to the officers. The officers did not tell her why Mr. [REDACTED] was pulled over, and were difficult when she asked for their names and badge numbers. According to Ms. [REDACTED] an officer finally got "testy" and said, "ok, you know, I'll tell you what, we're just going to give you a ticket."²³

According to Ms. [REDACTED] the officer who pulled Mr. [REDACTED] over had a bad attitude. She did not see the vehicle searched, and mentioned that at one point she went into the legal center and then came back out. She also stated she heard Mr. [REDACTED] say the police stopped them because they believed they had guns in the car, but they did not.²⁴ Ms. [REDACTED] did see an officer frisk the gentlemen. Ms. [REDACTED] did not see the officer who was driving down Hamlin behind her, and is not sure if he was the one who performed the frisks.

[REDACTED]²⁵

Ms. [REDACTED] was interviewed on October 29, 2018 in the investigator's vehicle at or near 4150 S. Martin Luther King Drive. During her interview she stated that when she arrived at the LCLC on the day in question, she parked in front of Mr. [REDACTED] who was in his car near a fire hydrant. Ms. [REDACTED] stated that Mr. [REDACTED] did not get out of the vehicle from the time he got to the spot in front of the LCLC to the time he was pulled over. She was aware that Mr. [REDACTED] was

²⁰ Attachment 16 at 07:45.

²¹ Attachment 16 at 15:00.

²² Attachment 38.

²³ Attachment 38 at 04:40.

²⁴ Attachment 38 at 17:40.

²⁵ Attachment 49.

waiting for a client. Ms. [REDACTED] explained that Mr. [REDACTED] came out of a two flat across the street from LCLC and got into Mr. [REDACTED] vehicle. Mr. [REDACTED] did not double back or go anywhere else.²⁶ He did not stop to talk to Mr. [REDACTED] before he got into the vehicle.

According to Ms. [REDACTED] Mr. [REDACTED] attempted to pull out into the street when a car pulled up and blocked Mr. [REDACTED] vehicle. A dark SUV (Transformer) got in front of him and prevented him from moving. The officer's emergency lights were not on. The officer approached the vehicle and told Mr. [REDACTED] to get out of the car. The officer then said something to Mr. [REDACTED] Ms. [REDACTED] said she saw Mr. [REDACTED] put his hands up, and his eyes got big, like he was afraid.²⁷ Mr. [REDACTED] told the officer he was not staying and is not parked, and tried to explain to the officer his reason for being there. Nothing came up about the fire hydrant. Ms. [REDACTED] felt the officer believed some sort of transaction just took place based on how he sped up to Mr. [REDACTED] vehicle. Mr. [REDACTED] got out of the vehicle while Mr. [REDACTED] was still in the vehicle with his hands up. Mr. [REDACTED] put his hands on the car and the officer did a pat-down. At some point Mr. [REDACTED] got out of the vehicle and both Mr. [REDACTED] and Mr. [REDACTED] were handcuffed and searched. Ms. [REDACTED] stayed there 15-20 minutes. She did not know if the Mr. [REDACTED] vehicle was searched.

At some point, additional officers arrived on scene, and attorney [REDACTED] came out of the building and spoke to one of the officers. Ms. [REDACTED] said the first officer who got out of a car was tall and Caucasian with short hair. He was scary because he was disrespectful to Ms. [REDACTED] and would not answer her questions. He was dressed in black.

Ms. [REDACTED] stated Mr. [REDACTED] received a ticket, but she did not see any officer with a lit or unlit cigar or cigarette in his mouth. It was also mentioned that she felt strongly that the officer would not have stopped if she had parked in front of the hydrant, and felt that maybe he knew [REDACTED]

Officer Arturo Fonseca²⁸

Officer Arturo Fonseca was interviewed on June 8, 2018 at 1615 W. Chicago Ave. During his interview, Officer Fonseca, a gang unit member, said he believed he responded to Sergeant Chatys' call for additional cars. When he arrived on scene, he saw two people in the vehicle in question. He also stated there were people who came out of the community center. Officer Fonseca said he noticed the vehicle in question was parked in front of the fire hydrant and told Sergeant Chatys he was going to write the driver a ticket. Nobody told him to write the ticket.²⁹ Officer Fonseca was unable to recall any other substantive information.

Officer Keith Kalafut³⁰

Officer Kalafut was interviewed on September 18, 2018 at 1615 W. Chicago Ave. During his interview, Officer Kalafut, a gang unit member, stated he responded to Sergeant Chatys' call for additional cars. There were at least two other police vehicles and other officers on the scene when he arrived. He also said that when he arrived, there were two people outside a vehicle with their hands on the trunk. They were not in cuffs.

²⁶ Attachment 49 at 11:33.

²⁷ Attachment 49 at 05:48.

²⁸ Attachment 18.

²⁹ Attachment 18 at 06:40.

³⁰ Attachment 46.

Officer Kalafut said when he got out of his vehicle, a woman came up to him and asked him for his star number. He gave it to her. She did not identify herself. Officer Kalafut then stood near the vehicle as a guard and soon left. He did not recall seeing the two men in handcuffs and did not see the vehicle searched. He was on-scene about ten minutes and did not see an officer with a cigar in their mouth.

Officer Andrew Braun³¹

Officer Andrew Braun was interviewed on October 18, 2018 at 1615 W. Chicago Ave. During his interview, Officer Braun stated that he responded to Sergeant Chatys' call for additional cars. When Officer Braun and Officer Fonseca arrived on the scene, Sergeant Chatys was parked behind a vehicle occupied by at least two people, possibly three or four. It appeared as though Sergeant Chatys, the only supervisor on the scene, conducted a traffic stop.

According to Officer Braun, Sergeant Chatys said the passenger in the vehicle was moving around a lot and that he wanted the officers to get the occupants out of the vehicle.³² Sergeant Chatys waited until the other officers arrived to take that step. The occupants were compliant and exited the vehicle. Officer Braun did not remember if the vehicle was searched, if he searched the vehicle, or if he handcuffed anyone on the scene.

Officer Braun described the movement of the passenger, and he considered it to be of the type that would cause an officer to believe a person concealed something, possibly a weapon.³³ In that case, he said, he would encourage an officer to ask the person to exit the vehicle. He also stated that under these circumstances the vehicle would normally be searched, and the person would be pat-down.³⁴

Officer Braun mentioned that there was a white woman who came out of the building who appeared to be in her 40s or 50s. She yelled at the officers that she was their lawyer, likely referring to the people in the vehicle. Officer Braun said he did not remember if there were any other civilians around. He also did not recall seeing any officer at the scene with a cigarette or cigar in his mouth.

Officer Arturo Guzman³⁵

Officer Arturo Guzman was interviewed on October 22, 2018. During his interview, Officer Guzman, a gang unit member, stated he responded to Sergeant Chatys' call for additional cars. When he got to the scene, other units were present and there were quite a few civilians in the immediate area. Sergeant Chatys curbed a vehicle before Officer Guzman arrived. The occupants, who were black, were outside the vehicle and were standing around. Officer Guzman did not remember how many occupants there were.

³¹ Attachment 47.

³² Attachment 47 at 08:30.

³³ Attachment 47 at 12:30.

³⁴ Attachment 47 at 13:00.

³⁵ Attachment 48.

Officer Guzman stated he did not remember if anyone was handcuffed that day, and did not handcuff anyone or assist in a search of the vehicle. He did not see anyone search the vehicle. Officer Guzman also stated that if he was in a situation where a person in a vehicle was making furtive movements, he would ask to see his hands and step out of the vehicle.³⁶ He would also would perform a protective pat-down and search the vehicle.

Officer Guzman said he did not remember if he saw an officer on the scene with a cigar or cigarette in his mouth, either lit or unlit. He also did not remember if he saw another officer write a ticket.

Sergeant Martin Chatys³⁷

Sergeant Martin Chatys was interviewed on July 24, 2018 at 1615 W. Chicago Ave. During his interview, Sergeant Chatys, a gang unit member who was not equipped with a body worn camera, stated he was on patrol on the date in question. He parked on the 1500 block of Hamlin, facing southbound, possibly to do paperwork or something on the PDT (Portable Data Terminal). At some point he saw a black male walk up to a vehicle, which was parked in front of a fire hydrant, and have a conversation with the driver.³⁸ He saw the driver and the black male exchange something between them. The black male then turned around, held his side and walked away while holding his waistband. When the black male got into the middle of the street, he saw Sergeant Chatys in his vehicle. At that point he stopped, returned to the vehicle, and got in.

Sergeant Chatys said he believed a crime, namely a narcotics transaction, was occurring at the time. He pulled up to the vehicle that was parked and activated his lights. The driver of the vehicle, ██████████, put the vehicle in reverse and attempted to drive backward behind Sergeant Chatys' police vehicle.³⁹ Sergeant Chatys told Mr. ██████████ to stop and not to leave. Mr. ██████████ complied. Sergeant Chatys approached Mr. ██████████ in his vehicle and performed a field interview with Mr. ██████████. During the interview Mr. ██████████ told him he was there to pick up his friend, but he did not know his friend's name or where he lived.⁴⁰ Mr. ██████████ seemed nervous because he was shaking, and his voice was cracking. The passenger kept making furtive movements to his waistband, near where Sergeant Chatys noticed a bulge.⁴¹ For this reason, Sergeant Chatys, who was alone at the time, called for an assist vehicle. He said it was a high crime area, known for a high number of narcotics sales, and recent shootings. He was also concerned because there were a lot people from LCLC gathered, who surrounded Sergeant Chatys and started asking him questions, taking his attention away from the traffic stop.

One of the people was a white female who identified herself as ██████████ attorney. Sergeant Chatys informed her that Mr. ██████████ did not need an attorney, he was not under arrest, and it was simply a traffic stop. The woman refused to back away when asked and was told she was subject to arrest if she did not stop interfering with the traffic stop. Sergeant Chatys asked for additional officers to assist and several vehicles arrived. The additional officers came and stood

³⁶ Attachment 48 at 09:15.

³⁷ Attachment 20.

³⁸ Attachment 20 at 05:12.

³⁹ Attachment 20 at 05:56.

⁴⁰ Attachment 20 at 11:40.

⁴¹ Attachment 20 at 06:20.

between the crowd and Sergeant Chatys, and that seemed to be enough to keep the crowd at bay. At this point Sergeant Chatys asked Mr. [REDACTED] and Mr. [REDACTED] to exit the vehicle. Both men were detained, handcuffed and pat-down.

Sergeant Chatys completed his investigation, and Officer Fonseca wrote Mr. [REDACTED] a ticket for being parked in front of a fire hydrant. Mr. [REDACTED] asked Sergeant Chatys why he was stopped and Sergeant Chatys told him. Mr. [REDACTED] seemed to be ok with it at the time.⁴² Sergeant Chatys also stated he knew nothing about Mr. [REDACTED].⁴³ He said there was a third person there before he conducted the traffic stop, but that he left and came back when the legal center emptied out. He never spoke with this person and he never stopped him. Only Mr. [REDACTED] and Mr. [REDACTED] were handcuffed.

During his COPA interview, Sergeant Chatys emphatically stated Mr. [REDACTED] vehicle was not searched.⁴⁴ He also stated he did not have a cigar or cigarette in his mouth on the scene, even when confronted with the fact that at least three people said that he did. At the end of the interview, Sergeant Chatys had a short conference with his attorney, and later amended his statement to say he never smokes on duty and that he does not recall smoking that day.⁴⁵ Sergeant Chatys also stated that he never searched Mr. [REDACTED] he only conducted a protective pat down.⁴⁶ Earlier, when Sergeant Chatys was asked whether he was justified in searching Mr. [REDACTED] as alleged in Allegation #2, he answered, yes.

b. Documentary Evidence

OEMC/CPD Event Query Report⁴⁷

Event Number 1732406881 was assigned on November 20, 2017 at 12:48 PM. It listed the Address of Occurrence as 1530 S. Hamlin Ave.-Chicago Youth Center. The event type is a traffic stop. A name check was performed for [REDACTED], [REDACTED] and [REDACTED].

CLEAR Data Warehouse-Contact Information Card Search⁴⁸

Card No. ISR000381631- [REDACTED]

Card No. ISR000381630 - [REDACTED]

Investigatory Stop Reports (ISR) were submitted by Sergeant Martin Chatys with identical narrative sections. The Investigatory Stop at 1530 S. Hamlin Ave. involved Mr. [REDACTED], a 21-year-old black male, and [REDACTED], a 32-year-old black male. Sergeant Chatys stated his reasonable articulable suspicion for the investigatory stop was based on his observation of Mr. [REDACTED] walking quickly away from a vehicle parked on the public way while holding the right side of his waistband. Sergeant Chatys went on to say Mr. [REDACTED] looked in his direction and quickly

⁴² Attachment 20 at 23:90.

⁴³ Attachment 20 at 25:20-25:50.

⁴⁴ Attachment 20 at 27:10.

⁴⁵ Attachment 20 at 27:20.

⁴⁶ Attachment 20 at 30:00.

⁴⁷ Attachment 11.

⁴⁸ Attachment 22.

entered the vehicle belonging to another subject, Mr. [REDACTED]. The area is known for high gang activity, high narcotics sales, and gang related shootings.

Sergeant Chatys performed a traffic stop of this vehicle. During the interview he noticed Mr. [REDACTED] was visibly nervous and shaking, and that Mr. [REDACTED] the passenger, was making furtive movements to his waistband and failed to follow verbal directions when told to stop. Sergeant Chatys also stated he notice a large bulge in Mr. [REDACTED] waistband. According to the ISRs, both subjects were pat-down and no weapons or contraband were found.

City of Chicago Violation Notice⁴⁹

Ticket No. 0068959771

Issued to Mr. [REDACTED] on November 20, 2017 at 1530 S. Hamlin. The violation was 9-64-100(a)-Parking Within 15' of Fire Hydrant.

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 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.

⁴⁹ Attachment 24.

VII. ANALYSIS

In preparing this analysis the investigator found the credibility of Sergeant Chatys was diminished based on a comparison of his statement against his ISRs, other documents, and the statements of the other involved individuals and witnesses.

- In his recorded statement Sergeant Chatys was emphatic that Mr. [REDACTED] vehicle was not searched. However, based on his statement and those of witness officers, a vehicle search would have been both routine and reasonable. Furthermore, Mr. [REDACTED] Mr. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] all said the vehicle was searched, albeit their descriptions of the search were inconsistent.
- In his recorded statement Sergeant Chatys stated he did not have a cigar or cigarette in his mouth while he was on scene. However, he changed his statement after speaking with his attorney to say he never smoked while on the job. Both versions are inconsistent with the statements of the complainant and three witnesses who all stated they observed Sergeant Chatys, or the original and/or senior officer on the scene, with a cigar in his mouth.
- In his recorded statement Sergeant Chatys stated he witnessed Mr. [REDACTED] approach Mr. [REDACTED] vehicle and have a conversation with Mr. [REDACTED]. He claimed he saw some sort of hand to hand transaction between Mr. [REDACTED] and Mr. [REDACTED] after which Mr. [REDACTED] began to walk back across the street, which justified the investigation. However, in his ISR, Sergeant Chatys stated his reasonable articulable suspicion for the investigatory stop was that he witnessed Mr. [REDACTED] quickly walk away from a vehicle holding the right side of his waistband, in a high crime area.⁵⁰ He did not mention anything about observing a hand to hand transaction in his ISRs, which were completed nearer the time of the incident.
- In his recorded statement Sergeant Chatys stated he did not know anything about [REDACTED] and that he never spoke with him and did not stop him. He mentioned there was a third person present before he performed the traffic stop but that he left and did not return until the legal center emptied out. However, the OEMC Event Query established Sergeant Chatys ran a name check for Mr. [REDACTED] which included his date of birth.

It must also be mentioned that the witness statements given during this investigation have some factual inconsistencies such as, among other things, who was handcuffed, who was searched, and whether the vehicle in question was searched. Those inconsistencies were also given full consideration in this analysis.

COPA finds **Allegation #1** against **Sergeant Chatys**, alleged by [REDACTED] that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin Ave, Sergeant Chatys committed misconduct when he handcuffed and detained [REDACTED] in violation of Rule 2 and *People v. Arnold*, is not supported by enough evidence to sufficiently prove or disprove Mr. [REDACTED] account of the event and is **Not Sustained**.

⁵⁰ Sergeant Chatys stated that he reviewed his ISR before the interview.

There is no dispute Sergeant Chatys handcuffed Mr. [REDACTED]. The issue is whether he had the legal grounds to do so.

In this case, Sergeant Chatys may have been justified in handcuffing Mr. [REDACTED] based on *People v. Arnold*⁵¹, which stated the critical question is whether, “the use of such restraints is reasonably necessary for safety under the specific facts of the case.” The area in which this incident occurred, Lawndale, is commonly known to be one of Chicago’s high crime areas.

Sergeant Chatys stated that on two different occasions, he witnessed Mr. [REDACTED] either holding or motioning toward his waistband, which possibly suggested possession of a weapon. Sergeant Chatys’ observation of a bulge in Mr. [REDACTED] clothing was also suggestive of a possible weapon.

[REDACTED], on the other hand, stated in her interview that she saw Mr. [REDACTED] put and keep his hands up, with a frightened look on his face, when Sergeant Chatys addressed him as he sat in Mr. [REDACTED] vehicle. Mr. [REDACTED] also stated he put his hands up and denied making any furtive movements toward his waistband. None of the witnesses reported a conversation between Mr. [REDACTED] and Mr. [REDACTED] prior to Mr. [REDACTED] entrance into the vehicle, and none of the witnesses reported Mr. [REDACTED] approaching Mr. [REDACTED] vehicle and then attempting to double back.

Furthermore, Sergeant Chatys characterized Mr. [REDACTED] as appearing nervous during the initial interaction and claimed that he was unable to provide a name for his passenger, which caused additional concern. And, the crowd that had gathered near him caused Sergeant Chatys to feel vulnerable.

Sergeant Chatys’ description of the events that led up to the stop are inconsistent with those of the complainant, the witnesses, and of his own ISR, and Mr. [REDACTED] denied making any sort of furtive movements toward his waistband. And, the claim that Mr. [REDACTED] did not know the name of his passenger is unbelievable given that the two men had a mentor/mentee type of relationship. Furthermore, with additional officers on the scene, it is hard to determine whether there was any legitimate need for concern. Therefore, without more, this allegation is **Not Sustained**.

COPA finds **Allegation #2** against **Sergeant Chatys**, alleged by [REDACTED] that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin Ave, Sergeant Chatys committed misconduct when he searched [REDACTED] person without justification, in violation of Rule 2, is supported by a preponderance of the evidence and is **Sustained**.

There is no dispute Sergeant Chatys performed a protective pat-down on Mr. [REDACTED]. The issue is whether Sergeant Chatys was justified in reaching into Mr. [REDACTED] pocket and removing his phone. Sergeant Chatys stated in his interview that the stop was investigative, complete with an Investigatory Stop Report, and that Mr. [REDACTED] was not under arrest. He also stated he performed a pat-down of Mr. [REDACTED] after he exited the vehicle and was handcuffed, but denied he searched Mr. [REDACTED]. Mr. [REDACTED] stated in his interview that Sergeant Chatys put his hand in his pockets, removed his phone, and then returned it.

⁵¹ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2d Dist. 2009).

Under *S04-13-9* the pat-down of Mr. █████ outer clothing to check for weapons was reasonable. However, going into Mr. █████ pockets and pulling out his phone was not. The United States Supreme Court, in *Minnesota v. Dickerson*,⁵² wrote that if a police officer lawfully pats-down a subject and feels an object that is immediately identifiable as either a weapon or contraband, the officer has conducted a reasonable search in the event he retrieves the item. In this case, Sergeant Chatys pulled a phone out of Mr. █████ pocket and then placed it back. With this in mind, it is unreasonable to believe the phone could be immediately identified as a weapon or contraband without further inspection or manipulation, in violation of, among other things, *S04-13-9*.

Mr. █████ and Mr. █████ both reported that Sergeant Chatys pulled something out of their pockets. Taking into account Sergeant Chatys' credibility, it is more likely than not that Sergeant Chatys went beyond a protective pat-down and performed an unreasonable search. Therefore, this allegation is **Sustained**.

COPA finds **Allegation #3** against **Sergeant Chatys**, alleged by █████, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he searched █████ vehicle's glove compartment and trunk without justification, in violation of Rules 1 and 2, and the State and Federal Constitution, is not supported by enough evidence to sufficiently prove or disprove Mr. █████ account of the event and is **Not Sustained**.

In this case, Sergeant Chatys flat out denied he searched the vehicle. He went so far as to say the reason he did not search the vehicle was because of the crowd and the difficulty he was having with Ms. █████ and that he just stopped caring and wanted to end the traffic stop. However, Mr. █████ Ms. █████ Mr. █████ and Mr. █████ all reported Sergeant Chatys searched Mr. █████ vehicle but gave differing accounts as to where it was that he searched. Based on the totality of the circumstances and Sergeant Chatys' diminished credibility, it is more likely than not Sergeant Chatys searched Mr. █████ vehicle. With that said, the question now is whether the search was in violation of any rules, regulation or laws.

Passenger Compartment (which would include the glove compartment)

Michigan v. Long, allows for the search of the passenger compartment of a vehicle, to include an unlocked glove box, if an officer has reasonable and articulable suspicion that an occupant may have a weapon. In this case, Sergeant Chatys articulated that the stop occurred in a high crime area, known for gang activity, in which recent shootings had been reported. He also stated he observed a bulge in Mr. █████ waistband, and saw Mr. █████ made furtive movements which consisted of reaches toward his waistband. Mr. █████ however, denied making the █████ furtive movements, and no weapon was found during the pat-down of Mr. █████ or Mr. Grant.

Had Sergeant Chatys' statements been more credible, it is likely the search of the passenger compartment and glove compartment may have been determined to be within policy. However, the inconsistencies with Sergeant Chatys' accounts of the events leading up to the stop make it impossible, without more, to determine whether or not there was a violation.

⁵² See S04-13-09 VI B

Trunk

There is no evidence Sergeant Chatys had the required permission or probable cause to search Mr. ██████ trunk. However, because the differing accounts made it impossible to determine whether or not the trunk was in fact searched, there is not enough evidence to determine whether or not there was a violation.

Therefore, based on the above, this allegation is **Not Sustained**.

COPA finds **Allegation #4** against **Sergeant Chatys**, alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin Ave, Sergeant Chatys committed misconduct when he appeared on scene with a cigar in his mouth, in violation of Rules 2 and 55, is supported by a preponderance of the evidence and is **Sustained**.

Mr. ██████ Mr. ██████ Ms. ██████ and Mr. ██████ all stated the officer who pulled over Mr. ██████ vehicle, and who asked another officer to write Mr. ██████ a ticket, had a cigar in his mouth while on scene. It was later determined the officer was Sergeant Chatys.

During his interview, Officer Chatys denied having a cigar or cigarette in his mouth while on scene. At the end of the interview, Officer Chatys' attorney asked for a break. When he returned, Sergeant Chatys expressed that he wanted to clarify his statement and said he does not smoke while he is on duty as a general rule, and did not recall smoking a cigar or cigarette on that particular day. The issue was not whether he was smoking, but whether he had a cigar in his mouth during the investigation, which is a direct violation of Rule 55. In this case, the statements of the complainant and witnesses were the more believable, making it more likely than not Sergeant Chatys did have a cigar or cigarette in his mouth during this incident. Therefore, the allegation is Sustained.

COPA finds **Allegation #5** against **Sergeant Chatys**, alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin or at a police station, Sergeant Chatys committed misconduct when he failed to report in his ISRs that ██████ vehicle was searched is supported by a preponderance of the evidence and is **Sustained**.

As determined in Allegation #3, it has been found that, more likely than not, Sergeant Chatys searched the passenger compartment of Mr. ██████ vehicle. The issue is that Sergeant Chatys failed to report the search in his ISR for Mr. ██████ in violation of S04-13-9 (VII B 1 a), which stated that Protective Pat-Downs and other searches are to be documented in the Investigatory Stop Database.

COPA finds **Allegation #6** against **Sergeant Chatys**, alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin or at a police station, Sergeant Chatys committed misconduct when he failed to properly report in his ISRs that ██████ was stopped, detained and handcuffed is supported by a preponderance of the evidence and is **Sustained**.

██████████ stated in his interview that he was stopped and pat-down by an officer on the date in question. It was later determined the officer was Sergeant Chatys. Mr. ██████ Mr. ██████ Ms. ██████ and Ms. ██████ all stated in their interviews that Mr. ██████ had, at the very least, been detained. Furthermore, the OEMC Event Query mentioned above stated Officer Chatys performed a name check on Mr. ██████⁵³ which would, in itself, amount to a detention because his movements were restricted, at least for a short time. It also established Sergeant Chatys did indeed speak with Mr. ██████ contrary to what he stated in his interview. Although Mr. ██████ confirmed he had not been handcuffed, Sergeant Chatys failed to report the detention and pat-down of Mr. ██████ in violation of S04-13-9 (VII B 1 a), which stated that Protective Pat-Downs and other searches are to be documented in the Investigatory Stop Database.

COPA finds **Allegation #7** against **Sergeant Chatys**, alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin or at a police station, Sergeant Chatys committed misconduct when he failed to supervise subordinate officers, is not supported by enough evidence and is **Unfounded**.

At the outset of the investigation it was unclear as to which officer performed the improper search of Mr. ██████ and of the trunk of the vehicle⁵⁴. The evidence established that the only officer to detain, handcuff and/or search any of the involved individuals, to search the vehicle, or to submit ISR's was Sergeant Chatys. Therefore, there is clear and convincing evidence that this allegation is false.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Martin Chatys

i. Complimentary and Disciplinary History

1. Complimentary History

Emblem of Recognition-Physical Fitness	2
Presidential Election Deployment Award 2008	1
Attendance Recognition Award	3
Military Service Award	1
Department Commendation	4
Honorable Mention	112
2019 Crime Reduction Award	1
Complimentary Letter	3
NATO Summit Service Award	1
Honorable Mention Ribbon Award	1
Top Gun Arrest Award	1
2009 Crime Reduction Award	1

⁵³ Attachment 11

⁵⁴ The evidence suggested Mr. ██████ search was also improper.

2. Disciplinary History

There is no Disciplinary History for Sergeant Chatys for the last 5 years.

ii. Recommended Penalty

COPA recommends that Sergeant Martin Chatys receives a 10-day Suspension. COPA has considered Sergeant Chatys’ complimentary history in mitigation and notes no disciplinary history in his past. Sergeant Chatys searched [REDACTED] [REDACTED] without justification. Sergeant Chaty’s description fits that of the officer said to have a cigar in his mouth during an investigation. Sergeant Chatys failed to document in his Investigative Stop Reports that [REDACTED] vehicle was searched, and that [REDACTED] was stopped, detained and handcuffed.

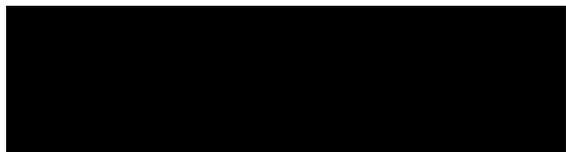
IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant Martin Chatys	1. It is alleged by [REDACTED] that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin Ave, Sergeant Chatys committed misconduct when he handcuffed and detained [REDACTED], in violation of Rule 2, S04-13-09 (V-A) Investigatory Stop System.	NOT SUSTAINED
	2. It is alleged by [REDACTED] that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he searched [REDACTED] person without justification in violation of Rule 2, S04-13-09 (VI-A 2, VI B 1-2) Investigatory Stop System.	SUSTAINED
	3. It is alleged by [REDACTED] [REDACTED] that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he searched [REDACTED] vehicle's glove compartment and trunk without justification in violation of Rule 2 and the Fourth Amendment to the United States Constitution.	NOT SUSTAINED

<p>4. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he appeared on scene with a cigar in his mouth in violation of Rules 2 and 55.</p>	<p>SUSTAINED</p>
<p>5. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin or at a police station, Sergeant Chatys committed misconduct when he failed to report in his ISRs that [REDACTED] vehicle was searched, in violation of Rules 2 and 5 and S04-13-09 VII B 1a- Investigatory Stop System.</p>	<p>SUSTAINED</p>
<p>6. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin or at a police station, Sergeant Chatys committed misconduct when he failed to properly report in his ISRs that [REDACTED] was also stopped, detained and handcuffed, in violation of Rules 2 and 5 and S04-13-09 VII B 1a- Investigatory Stop System.</p>	<p>SUSTAINED</p>
<p>7. It is alleged by Investigator Frances Lee, that on November 20, 2017, at or about 12:45 PM, at or near 1530 S. Hamlin, Sergeant Chatys committed misconduct when he failed to supervise subordinate officers, in violation of Rules 2 and 5.</p>	<p>UNFOUNDED</p>

Approved:



Angela Hearts Glass
Deputy Chief Investigator

4-28-2021

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Frances Lee, #68
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass
Attorney:	Christopher Reed

ⁱ **S04-13-09 - Investigatory Stop System**

- II B- Protective Pat-down-A limited search during an Investigatory Stop in which the sworn member conducts a pat-down of the outer clothing of a person for weapons for the protection of the sworn member. A Protective Pat-down is not a general exploratory search for evidence of criminal activity.
- III B-Department members are responsible for ensuring public safety by deterring and responding to crime. They are also responsible for upholding the rights guaranteed to the public under the United States Constitution, the State of Illinois Constitution and the law.
- V A-An officer may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to Reasonable Articulable Suspicion that criminal activity is afoot. The sole purpose of the temporary detention is to prove or disprove those suspicions.
- V B 1- Pursuant to Minnesota v. Dickerson and People v. Mitchel, the Plain Touch Doctrine allows officers to seize contraband during a Protective Pat-down after satisfying the following requirements:
 1. When conducting a lawful Investigatory Stop and the officer is performing a Protective Pat-down, if the officer plainly feels an item that, based upon that officer's training and experience, the officer believes to be contraband, the officer may seize that item and lawfully charge the person with it.
 2. The Plain Touch Doctrine requires officers to satisfy the following three-part test:
 - a. A lawful Investigatory Stop,
 - b. A lawful Protective Pat-down, and
 - c. The officer by touch must be able to immediately recognize the item to be contraband without any manipulation of the item.
- VI A 2-During a Protective Pat-down of the outer clothing of the subject, the officer may not go into the pockets of the subject or reach underneath the outer surface of the garments. If during the Protective Pat-down of the outer clothing, the officer touches an object which the officer believes is a weapon, the officer may reach into that area of the clothing and retrieve the object.
- VI B 2c-Pursuant to Minnesota v. Dickerson and People v. Mitchell, the Plain Touch Doctrine allows officers to seize contraband during a Protective Pat-down after satisfying the following requirements: c. the officer by touch must be able to immediately recognize the item to be contraband without any manipulation of the item.
- VII B 1 a-The Investigatory Stop Database will only be used to document: Investigatory Stops, Probable Cause stops when no other document captures the reason for the detention, Protective Pat-downs or other searches.

ⁱⁱ **Michigan v. Long-463 U.S 1032, 1051**-Officers do not act unreasonably in taking preventive measures to ensure that there were no other weapons within a subject's grasp before permitting him to reenter the automobile. Therefore, the balancing required clearly weighs in favor of allowing the police to conduct an area search of the passenger compartment to uncover weapons, as long as they possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.