

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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| Date of Incident: | May 26, 2019 |
| Time of Incident: | 12:01 pm |
| Location of Incident: | 3800 W. Chicago Avenue (Chicago Avenue & Hamlin) |
| Date of COPA Notification: | May 28, 2019 |
| Time of COPA Notification: | 1:58 pm |

On May 26, 2019, Officers Michael Renkosiak (Officer Renkosiak), Michael Gabler, Jr. (Officer Gabler), Alexander Perez (Officer Perez) and Jordan Parks (Officer Parks) performed a traffic stop on [REDACTED] ([REDACTED] for having expired plates on his vehicle. The officers asked [REDACTED] and his passenger to exit the vehicle, detained them for approximately fifteen minutes, and then released them without issuing any citations.

II. INVOLVED PARTIES

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|-------------------------|--|
| Involved Officer #1: | Michael Renkosiak, star# 11579, emp.# [REDACTED] DOA: June 29, 2015, Police Officer, Unit 001, DOB: [REDACTED], 1984, Male, White |
| Involved Officer #2: | Michael Gabler Jr., star# 13845, emp.# [REDACTED] DOA: February 2, 2015, Police Officer, Unit 011, DOB: [REDACTED], 1980, Male, White |
| Involved Officer #3: | Alexander Perez, star# 11563, emp.# [REDACTED] DOA: June 29, 2015, Police Officer, Unit 025, DOB: [REDACTED], 1994, Male, White Hispanic |
| Involved Officer #4 | Jordan Parks, star# 16443, emp.# [REDACTED] DOA: August 25, 2014, Police Officer, Unit 025/716, DOB: [REDACTED], 1989, Male, Black |
| Involved Individual #1: | [REDACTED], DOB: [REDACTED], 1982, Male, Black |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|---------------------------|--|--------------------------|
| Officer Michael Renkosiak | 1. It is alleged by Deputy Chief James Murphy-Aguilu that on or about May 26, 2019, at approximately 11:54am, at or near Hamlin & Chicago Avenue, Officer Michael Renkosiak, star 11579: | |

| | | |
|-----------------------------------|---|--|
| | <p>1. failed to timely activate his body-worn camera in violation of S03-14.</p> <p>2. failed to complete an investigatory stop report when he stopped [REDACTED].</p> | <p>Sustained/ 1-day suspension</p> <p>Sustained/ 1-day suspension</p> |
| <p>Officer Michael Gabler Jr.</p> | <p>1. It is alleged by Deputy Chief James Murphy-Aguilu that on or about May 26, 2019, at approximately 11:54am, at or near Hamlin & Chicago Avenue, Officer Michael Gabler Jr., star 13845, failed to complete an investigatory stop report when he stopped [REDACTED]</p> | <p>Sustained/ Violation Noted</p> |
| <p>Officer Alexander Perez</p> | <p>It is alleged by Deputy Chief James Murphy-Aguilu that on or about May 26, 2019, at approximately 11:54am, at or near Hamlin & Chicago Avenue, Officer Alexander Perez, star 11563:</p> <p>1. handcuffed the passenger in [REDACTED]'s vehicle, without justification.</p> <p>2. failed to complete an investigatory stop report when he stopped [REDACTED].</p> <p>3. failed to timely activate his body-worn camera in violation of S03-14.</p> | <p>Exonerated</p> <p>Sustained/Written Reprimand</p> <p>Sustained/Written Reprimand</p> |
| <p>Officer Jordan Parks</p> | <p>It is alleged by Deputy Chief James Murphy-Aguilu that on or about May 26, 2019, at approximately 11:54am, at or near Hamlin & Chicago Avenue, Officer Jordan Parks, star 16443:</p> <p>1. failed to complete an investigatory stop report when he stopped [REDACTED].</p> <p>2. failed to activate his body-worn camera in violation of S03-14.</p> <p>It is alleged by [REDACTED] that on or about May 26, 2019 at approximately 11:54am at or near Hamlin & Chicago Avenue, Officer Jordan Parks, star 16443, committed misconduct through the following act or omission:</p> <p>3. handcuffed [REDACTED], without justification.</p> <p>4. searched [REDACTED] [REDACTED]'s person, without justification.</p> | <p>Sustained/Written Reprimand</p> <p>Sustained/Written Reprimand</p> <p>Exonerated</p> <p>Not Sustained</p> |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 5- Failure to perform any duty.
 2. Rule 6- Disobedience of an order or directive, whether written or oral.
 3. Rule 9- Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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Special Orders

1. S03-14, Body-Worn Cameras (effective April 30, 2018-present)
 2. S04-13-09, Investigatory Stop System (effective July 10, 2017 – present)
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Federal Laws

1. Fourth Amendment of the U.S. Constitution

V. INVESTIGATION¹

a. Interviews

██████████ was interviewed by COPA on May 28, 2019.² According to ██████████ the incident occurred at approximately 12:00pm on May 26, 2019, near 3800 W. Chicago Ave. ██████████ stated he works for a cab service and was coming from picking up a passenger when he was stopped by the police. Officers approached ██████████'s vehicle and informed him they stopped him because they could not see his temporary plates. According to ██████████ there were at least three to four officers³ in the squad vehicle when he was pulled over. A white officer asked ██████████ for his license and insurance, which ██████████ produced. The officer then walked back to his squad vehicle.

When the officers approached ██████████'s vehicle a second time, they made ██████████ exit his vehicle without telling him why. According to ██████████ a Hispanic officer reached his hand inside ██████████'s vehicle and unlocked his door, then pulled ██████████ out of the vehicle. The same officer grabbed ██████████'s hand and placed him in handcuffs. ██████████ asked the officer what was going on, but the officer did not respond. One of the officers detained ██████████ rear the rear of his vehicle while two officers started to search ██████████'s vehicle. The Hispanic officer stopped searching the vehicle and asked ██████████ to consent to the search, which he did. The officers returned to ██████████'s vehicle and completed their search.

Officers also asked ██████████ if he had a conceal and carry license for a firearm. ██████████ told the officer who was detaining him that he felt violated, and he requested a sergeant because

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 Atts. 9 & 10.

³ ██████████ described the officers as White and Hispanic officers in plain clothes.

he did not understand why he was pulled out of his vehicle. A sergeant arrived but ██████ stated that he felt that the sergeant was not listening to him and ignored him. Eventually, the officers let ██████ go without issuing him any tickets.

Officer Michael Renkosiak was interviewed by COPA on October 20, 2020.⁴ On May 26, 2019, Officer Renkosiak was working in the 11th district with Officers Parks and Perez. Officer Renkosiak was wearing a body-worn camera, but he did not activate his camera until he was standing next to ██████'s vehicle.⁵ Officer Renkosiak could not recall the reason for the traffic stop, but he explained that Chicago Avenue is known for high level of narcotic sales and gang conflict. Officer Renkosiak approached the driver's side of ██████'s vehicle and began a field interview with ██████ and his passenger, "██████."⁶ When Officer Renkosiak approached the vehicle ██████ seemed slightly dismissive and nervous. Officer Renkosiak knew ██████ from previous encounters and noted that ██████ was acting differently. ██████ seemed withdrawn and quiet, and he was watching the officers as they approached the vehicle.

Officers Parks and Perez asked ██████ and ██████ to exit the vehicle. At the same time, Officer Renkosiak walked back to his squad vehicle to check the criminal histories of ██████ and ██████, looking to see if either of them had warrants. According to Officer Renkosiak, Officer Parks performed a protective pat down of ██████ and Officer Perez performed a pat down of ██████. Officer Renkosiak and his partners detained ██████ for approximately 15 minutes. Although Officer Renkosiak recorded the information for the traffic stop and issued investigatory stop receipts to both ██████ and ██████, he admitted that he forgot to complete the actual investigatory stop report (ISR).⁷

Officer Michael Gabler Jr. was interviewed by COPA on December 1, 2020.⁸ On March 26, 2019, Officer Gabler was working in uniform in the 11th district along with Officers Renkosiak, Parks and Perez. Officer Gabler did not recall if Officers Parks and Perez were in the same vehicle as him or if they arrived at the scene in a different vehicle. On the date of the incident, Officer Gabler and his partners curbed ██████'s vehicle for having expired plates. Officer Gabler stated he acted as the guard officer⁹ during the stop. There was also a passenger, ██████, in the vehicle with ██████ whom Officer Gabler recognized as a known gang member from the area. Officer Gabler described ██████'s demeanor as jumpy and agitated, but he did not recall the demeanor of ██████.

Officer Parks asked ██████ to exit the vehicle, and Officer Perez asked ██████ to exit the vehicle. Officer Gabler tried to de-escalate the situation by talking with ██████ ██████ told Officer Gabler that he was a cab driver, but the officer did not believe ██████'s story added up. The officers detained ██████ for about fifteen minutes, then released him. Officer Gabler stated he did not complete an ISR because he did not have ██████'s identification. Officer Gabler

⁴ Atts. 31 & 38.

⁵ Officer Renkosiak admitted to activating his body-worn camera late.

⁶ Officer Renkosiak stated he did not know the passenger's legal name, but knew him by his nickname ██████.

⁷ In his interview, Officer Renkosiak stated he bore the responsibility for not completing the ISR, as he was the officer who issued the ISR receipts and recorded the VIN number and other information from the traffic stop.

⁸ Atts. 45 & 47.

⁹ Officer Gabler described the guard officer as the person who keeps watch over the individual being detained.

opined that Officer Renkosiak should have completed the report because he had all the information.

Officer Alexander Perez was interviewed by COPA on October 21, 2020.¹⁰ On May 26, 2019, Officer Perez was working in the 11th district with Officers Renkosiak, Gabler and Parks. Officer Perez was wearing a body-worn-camera but admitted he did not activate it until he was at the passenger's door of ██████'s vehicle, before he instructed the passenger to exit the vehicle.¹¹ At the time of the incident, Officer Perez and his partner were on routine patrol. They performed a traffic stop on ██████'s vehicle for having expired tags. Officer Perez approached the passenger's side of the vehicle and observed a driver (██████) and a passenger (██████) inside the vehicle. While Officer Renkosiak obtained the individuals' licenses, Officer Perez was responsible for scene security. According to Officer Perez, the individuals inside the vehicle appeared to be nervous. ██████ was fidgeting in his seat, which caused Officer Perez to fear that there could potentially be a weapon in the vehicle. Officer Perez recognized ██████ as a known gang member, and he explained the traffic stop occurred in an area where there was gang conflict.

Officer Perez asked ██████ out of the vehicle and detained him, then conducted a search of ██████'s person and placed him into handcuffs. Officer Perez explained he performed the pat and handcuffing for officer safety. Officers Perez and Parks then conducted a search of ██████'s vehicle, with his consent. Officer Renkosiak issued ISR receipts to both ██████ and ██████, and the officers detained them for approximately 15 minutes total. Officer Perez admitted he did not document the stop of ██████. He explained that Officer Renkosiak issued the ISR receipts to ██████ and ██████, and he assumed Officer Renkosiak would also complete the ISR.

Officer Jordan Parks was interviewed by COPA on October 21, 2020.¹² On the date of the incident, Officer Parks was working in the 11th district along with Officers Perez, Renkosiak and Gabler. Officer Parks was in uniform and he was wearing a body-worn camera. According to Officer Parks, he activated his body-worn camera upon approaching ██████'s vehicle. However, when Officer Parks attempted to view the footage, there was nothing to review. Officer Parks stated his camera may have malfunctioned or experienced an error.¹³

On the date and time of the incident, Officer Parks approached the driver's side of ██████'s vehicle, behind Officer Renkosiak. He observed ██████ in the driver's seat and a passenger, who goes by the nickname ██████, in the front passenger's seat. Officer Parks did not recall the reason for the stop, but he believed it might have been due to an expired registration. Officer Parks asked ██████ to step out of his vehicle, but he could not recall why. After ██████ exited the vehicle, Officer Parks placed him into handcuffs. Officer Parks did not recall the

¹⁰ Atts. 33 & 39.

¹¹ Officer Perez stated that it was a lapse in timing as to why he waited to activate his camera.

¹² Atts. 34 & 37.

¹³ Officer Parks stated he first discovered there was no body-worn camera footage from his camera when he was notified of the allegations against him. Officer Parks viewed the other officers' body-worn camera videos and believed he also activated his camera during the incident. According to Officer Parks, at the end of a shift, he docks his camera and the data from the camera is uploaded to a server. Officer Parks acknowledged he does not watch as the data is being uploaded.

specifics as to why he placed [REDACTED] into handcuffs, but he believed it was for officer safety.¹⁴ Officer Parks then performed a pat down of [REDACTED] but he could not recall whether he had [REDACTED]'s consent, or if the pat down was for possible weapons. Officer Parks also searched [REDACTED]'s vehicle with his consent. At some point during the stop, [REDACTED] requested to speak to a supervisor. A supervisor responded to the scene and had a conversation with [REDACTED] but Officer Parks could not recall what they discussed. According to Officer Parks, he did not document the stop of [REDACTED] because he believed that Officer Renkosiak was going to document the stop.

b. Digital Evidence

Officer Renkosiak's body-worn camera footage depicts him walking up to the driver's side of [REDACTED]'s vehicle.¹⁵ The beginning of their conversation is not captured due to the officer's late body-worn camera activation. The video shows [REDACTED] hand the officer what appears to be his license and insurance. Officer Parks is standing behind Officer Renkosiak, and Officer Renkosiak tells Officer Parks that [REDACTED] is shaking a lot and if he wants, he can get him out of the vehicle. Officer Renkosiak then goes back to his squad vehicle and runs [REDACTED]'s information through his PDT. While Officer Renkosiak is running [REDACTED]'s information, other officers on the scene take [REDACTED] and his passenger out of the vehicle. Officer Renkosiak calls the passenger over to his vehicle and asks him to spell his first name and his birth date, and they have a brief conversation about a shooting that occurred the night before. Officer Renkosiak then exits his squad vehicle, and [REDACTED] can be heard complaining that officers snatched him out of his vehicle, and he feels violated. [REDACTED] asks to speak to a supervisor, and one of the officers requests a supervisor over the radio. [REDACTED] states that he does not like the handcuffs, does not know the passenger in his vehicle, and repeatedly complains that he feels violated.

Officer Renkosiak returns to his squad vehicle, then gets back out of the vehicle and hands ISR receipts to [REDACTED] and his passenger. A sergeant arrives on scene and speaks with [REDACTED] Officer Renkosiak tells another officer that he already issued the ISR receipts, and the officer asks if they are also going to issue citations. Officer Renkosiak responds that they will just do ISRs, as they already have to complete them for the stop.

Officer Gabler's body-worn camera footage depicts Officer Gabler riding in a squad vehicle.¹⁶ Officer Gabler types something into his PDT, then exits the squad vehicle and approaches the rear passenger's side of [REDACTED]'s vehicle. At that point, three other officers¹⁷ are already standing around [REDACTED]'s vehicle. Officer Gabler tells Officer Renkosiak that the plates are expired. Officer Parks approaches the driver's side of [REDACTED]'s vehicle, extends his hand inside the vehicle through the open window, and opens the driver's side door. Officer Parks places one handcuff on [REDACTED] while he is still seated inside the vehicle, then asks [REDACTED] to exit the vehicle and places the second handcuff on him. At the same time, Officer Perez opens the

¹⁴ Officer Parks explained that at the time of the stop, there was an ongoing gang conflict in the area. He recognized the passenger in [REDACTED]'s vehicle as a known gang member and believed he could potentially have a weapon.

¹⁵ Att. 21.

¹⁶ Att. 23.

¹⁷ Officers Renkosiak and Parks are on the driver's side of [REDACTED]'s vehicle and Officer Perez is on the passenger's side. At 00:55 seconds, the video captures Officer Parks touching what appears to be the center of his body-worn camera one time. *See* Att. 23.

passenger's side door, asks the passenger out of the vehicle, and handcuffs the passenger. Officer Parks then performs a pat down of [REDACTED]. At 02:17 minutes into the video, Officer Parks asks [REDACTED] if he can search his vehicle, and [REDACTED] gives the officer permission to search it. Officer Parks then goes back to [REDACTED]'s vehicle and starts to search it. [REDACTED] tells Officer Gabler that he is an Uber driver and does not know the passenger in his vehicle.

Officer Parks asks [REDACTED] if he has a FOID card or a conceal and carry license, and [REDACTED] responds that his wife has one. Officer Parks asks [REDACTED] if there are any weapons in the vehicle, and [REDACTED] says no but tells Officer Parks he can check the trunk. [REDACTED] says he feels disrespected by the other officers on scene, and he asks to speak to a supervisor. One of the officers on scene calls for a supervisor. [REDACTED] makes a comment that he does not like the handcuffs, and he feels like he is being violated. He also explains he has his permanent license plates in the trunk.

Officer Renkosiak provides an ISR receipt to both [REDACTED] and his passenger. A sergeant arrives and asks [REDACTED] what the problem is. [REDACTED] tells the sergeant that he was pulled out of his vehicle for no reason. Officer Parks then removes the handcuffs from [REDACTED] and Officer Perez removes the handcuffs from the passenger. [REDACTED] ask for Officer Parks' name and the sergeant's name, and both provide the requested information. [REDACTED] then tells the officers to have a great day and says he loves them.

Officer Perez' body-worn camera footage depicts him at the passenger side of [REDACTED]'s vehicle.¹⁸ Officer Perez opens the passenger's side door of [REDACTED]'s vehicle and asks the passenger to exit. Officer Perez places handcuffs on the passenger and tells him he is not under arrest. Officer Perez asks the passenger if he has any weed on him, and he responds no. Officer Perez then performs a pat down of the passenger and directs him to wait near the back of the vehicle. Officer Perez then starts to search [REDACTED]'s vehicle.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State*

¹⁸ Att. 25.

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 conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

VII. ANALYSIS

Officer Michael Renkosiak

COPA makes a finding of **Sustained** for **allegation #1** against Officer Renkosiak, in that he failed to timely activate his body-worn camera. Under Special Order S03-14, Department members must activate their cameras at the beginning of an incident and record the entire incident for all law-enforcement-related activities. The decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary, except where specifically indicated. During Officer Renkosiak’s interview with COPA, he admitted that he did not activate his body-worn camera until he was already speaking with ██████████. Given the body-worn camera video and the officer’s own admissions, COPA finds that Officer Renkosiak did not activate his camera at the beginning of the incident. As such, COPA finds this allegation sustained.

COPA makes a finding of **Sustained** for **allegation #2** against Officer Renkosiak in that he failed to complete an investigatory stop report (ISR). Under Special Order S04-13-09, sworn members who conduct an investigatory stop are required to complete an ISR. An investigatory stop is defined as the temporary detention and questioning of a person in the vicinity where the person was stopped, based on reasonable suspicion that the person is committing, is about to commit, or has committed a criminal offense. Officer Renkosiak issued ██████████ and his passenger ISR receipts but failed to actually complete the ISRs. Officer Renkosiak admitted he forgot to do the reports because the stop occurred early in his shift. He took full responsibility for not completing the ISRs, as he was the officer who obtained all the information during the traffic stop. As a result, COPA finds this allegation sustained.

Officer Michael Gabler Jr.

COPA makes a finding of **Sustained** for **allegation #1** in that Officer Gabler failed to complete an investigatory stop report. As discussed above, under Special Order S04-13-09, sworn members who conduct an investigatory stop are required to complete an ISR. Officer Gabler stated he did not complete the ISRs because he thought Officer Renkosiak was going to handle the paperwork. Officer Gabler and his partners failed to ensure that the ISRs were completed, and as such, COPA finds this allegation sustained.

Officer Alexander Perez

COPA makes a finding of **Exonerated** for **allegation #1** against Officer Perez in that he handcuffed ██████'s passenger without justification. The Fourth Amendment protects people from unreasonable searches and seizures by the government. A person is seized when a police officer "by means of physical force or show of authority, terminates or restrains [a person's] freedom of movement through means intentionally applied."¹⁹ The critical question is whether "the use of such restraints is reasonably necessary for safety under the specific facts of the case."²⁰ According to Officer Perez, both ██████ and his passenger appeared to be nervous. The passenger was also fidgeting in his seat, which caused Officer Perez to fear there could potentially be a weapon in the vehicle. Officer Perez recognized the passenger as a known gang member, and he stated there was an ongoing gang conflict in the area. Given the totality of the circumstances, COPA finds there is clear and convincing evidence that Officer Perez placed the handcuffs on ██████'s passenger for officer safety. As a result, COPA finds this allegation exonerated.

COPA makes a finding of **Sustained** for **allegation #2** in that Officer Perez failed to complete an investigatory stop report. As discussed above, under Special Order S04-13-09, sworn members who conduct an investigatory stop are required to complete an ISR. Officer Perez stated he did not complete any ISRs because he believed Officer Renkosiak, who had given the ISR receipts to ██████ and his passenger, was going to complete the paperwork. Officer Perez and his partners failed to ensure that the ISRs were completed, and as such, COPA finds this allegation sustained.

COPA makes a finding of **Sustained** for **allegation #3** in that Officer Perez failed to timely activate his body-worn camera. Under Special Order S03-14, Department members must activate their cameras at the beginning of an incident and record the entire incident for all law-enforcement-related activities. Officer Parks was wearing a body-worn camera, but he did not activate it until he was standing next to the passenger's door of ██████'s vehicle, immediately before he directed the passenger to exit the vehicle. Given the body-worn camera video and the officer's own admissions, COPA finds that Officer Perez did not activate his camera at the beginning of the incident. As a result, this allegation is sustained.

Officer Jordan Parks

COPA makes a finding of **Sustained** for **allegation #1** against Officer Parks in that he failed to complete an investigatory stop report. As discussed above, under Special Order S04-13-09, sworn members who conduct an investigatory stop are required to complete an ISR. Officer Parks thought Officer Renkosiak was going to handle the ISRs, so he did not complete the reports himself. Officer Parks and his partners failed to ensure that the ISRs were completed; as such, COPA finds this allegation sustained.

COPA makes a finding of **Sustained** for **allegation #2** against Officer Parks in that he failed to activate his body-worn camera. Under Special Order S03-14, Department members must activate their cameras at the beginning of an incident and record the entire incident for all law-

¹⁹ *Brendlin v. California*, 551 U.S. 249, 254 (2007).

²⁰ *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2d Dist. 2009).

enforcement-related activities. Officer Parks claimed he activated his body-worn camera upon approaching ██████'s vehicle. However, when Officer Parks attempted to view the footage, he realized it did not exist. Officer Parks speculated that his camera may have malfunctioned, but he was not sure. The Special Order requires every Department member to inspect their body-worn camera, ensure it is their assigned camera, and verify it is fully charged and operational visually and physically. Officer Parks acknowledged he did not do this, as he only found out there was no footage after he was served with the allegation. COPA conducted a search for Officer Parks' body-worn footage from the entire date of the incident, with negative results. As such, COPA finds this allegation sustained.

COPA makes a finding of **Exonerated** for **allegation #3** in that Officer Parks handcuffed ██████ without justification. The Fourth Amendment protects people from unreasonable searches and seizures by the government. A person is seized when a police officer "by means of physical force or show of authority, terminates or restrains [a person's] freedom of movement through means intentionally applied."²¹ The critical question is whether "the use of such restraints is reasonably necessary for safety under the specific facts of the case."²² Officer Parks could not recall the specific reasons he placed ██████ into handcuffs, but he believed it was for officer safety. He explained that at the time of the stop, there was an ongoing gang conflict in the area and the passenger in the vehicle was a known gang member. Other officers on the scene described both ██████ and the passenger as being nervous and fidgeting. Given the officers' observations, their prior knowledge of the passenger, and the gang conflict in the area, COPA finds Officer Parks' decision to handcuff ██████ was reasonable under the circumstances. Therefore, COPA finds this allegation exonerated.

COPA makes a finding of **Not Sustained** for **allegation #4** in that Officer Parks searched ██████'s person without justification. The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantee the right of individuals to be free from unreasonable searches and seizures. An officer may subject a person to a limited search for weapons only if the officer reasonably believes that the person is armed and dangerous.²³ Officer Parks acknowledged he performed a pat down of ██████ but he could not recall if he had consent or if the pat down was for possible weapons. Given the officer's failure to recall the specific circumstances of the pat down, and the lack of clarity from the body-worn camera videos and ██████'s statement, COPA finds there is insufficient evidence to determine whether Officer Parks searched ██████'s person without justification. As such, COPA finds this allegation not sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Michael Renkosiak

COPA has reviewed the complimentary and lack of disciplinary history of Officer Renkosiak. Officer Renkosiak admitted that he failed to timely activate his body-worn camera

²¹ *Brendlin v. California*, 551 U.S. 249, 254 (2007).

²² *People v. Arnold*, 394 Ill. App. 3d 63, 71 (2d Dist. 2009).

²³ *People v. Sorenson*, 196 Ill. 2d 425, 433 (2001).

and failed to complete ISRs for the stop; however, he took full responsibility for these oversights. As a result, COPA recommends a 1-day suspension.

b. Officer Michael Gabler Jr.

COPA has reviewed the complimentary and disciplinary history of Officer Gabler. Officer Gabler admitted he did not complete the ISRs for the stop; however, [REDACTED] and his passenger did receive ISR receipts. Additionally, Officer Renkosiak took full responsibility for failing to complete the ISRs. As such, COPA recommends a violation noted.

c. Officer Alexander Perez

COPA has reviewed the complimentary and lack of disciplinary history of Officer Perez. Officer Perez admitted he failed to timely activate his body-worn camera and did not complete the required ISRs; however, [REDACTED] and his passenger did receive ISR receipts. Additionally, Officer Renkosiak took full responsibility for failing to complete the ISRs. As such, COPA recommends a written reprimand.

d. Officer Jordan Parks

COPA has reviewed the complimentary and lack of disciplinary history of Officer Parks. Officer Parks admitted he failed to timely activate his body-worn camera and did not complete the required ISRs; however, [REDACTED] and his passenger did receive ISR receipts. Additionally, Officer Renkosiak took full responsibility for failing to complete the ISRs. As such, COPA recommends a written reprimand.

Approved:

[REDACTED]

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

4/5/2021

Date

Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|----------------|
| Squad#: | 6 |
| Investigator: | ██████████ |
| Supervising Investigator: | Steffany Hreno |
| Deputy Chief Administrator: | Matthew Haynam |