

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	May 31, 2021/ 3:22 A.M./ 233 W. 87 th Street Chicago, Illinois 60620
Date/Time of COPA Notification:	June 6, 2020/ 10:11 A.M.
Involved Sergeant #1:	Alla Awadallah, Star #2110, Emp. # [REDACTED], Appointed: September 24, 2001, Police Sergeant, Unit 006, DOB: [REDACTED], 1979, Male, White
Involved Officer #1:	Richard Lane, Star #16704, Emp. # [REDACTED], Appointed: April 16, 2018, Police Officer, Unit 006, DOB: [REDACTED], 1991, Male, White
Involved Officer #2:	Robert Fangerow, Star #10679, Emp. # [REDACTED], Appointed: May 16, 2017, Police Officer, Unit 006, DOB: [REDACTED], 1985, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1999, Male, Hispanic
Case Type:	4 th Amendment

I. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Alla Awadallah	It is alleged on May 31, 2020, at approximately 3:19 A.M., at or near 233 West 87 th Street Chicago, Illinois 60620, Police Sergeant Alla Awadallah, Star #2110:	
	1. Arrested [REDACTED] without justification.	Not Sustained
	2. Searched [REDACTED]'s vehicle without justification.	Not Sustained
	3. Damaged [REDACTED]'s property without justification.	Not Sustained
	4. Stole [REDACTED]'s property.	Not Sustained
	5. Failed to activate his body worn camera in violation of S03-14 Body Worn Cameras.	Sustained

Officer Richard Lane	It is alleged on May 31, 2020, at approximately 3:19 A.M., at or near 233 West 87 th Street Chicago, Illinois 60620, Police Officer Richard Lane, Star #16704:	
	1. Arrested [REDACTED] without justification.	Not Sustained
	2. Searched [REDACTED]'s vehicle without justification.	Not Sustained
	3. Damaged [REDACTED]'s property without justification.	Not Sustained
	4. Stole [REDACTED]'s property.	Not Sustained
Officer Robert Fangerow	It is alleged on May 31, 2020, at approximately 3:19 A.M., at or near 233 West 87 th Street Chicago, Illinois 60620, Police Officer Robert Fangerow, Star #10679:	
	1. Arrested [REDACTED] without justification.	Not Sustained
	2. Searched [REDACTED]'s vehicle without justification.	Not Sustained
	3. Damaged [REDACTED]'s property without justification.	Not Sustained
	4. Stole [REDACTED]'s property.	Not Sustained

II. SUMMARY OF EVIDENCE¹

On June 7, 2020, Complainant [REDACTED] provided a statement to COPA.² He alleged that on May 31, 2020, members of the Chicago Police Department arrested him for damaging an ATM, but he denied that he was at the ATM in question. Mr. [REDACTED] also alleged that officers searched his vehicle without justification, damaged his vehicle without justification, and stole his property.³

COPA reviewed the body-worn camera (BWC) footage⁴ from the involved officers, including Officers Robert Fangerow and Richard Lane. Sgt. Awadallah did not activate his body-worn camera during the incident.⁵ The BWC footage begins after Mr. [REDACTED]'s vehicle is

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation.

² Att. 12. COPA also attempted to contact two individuals Mr. [REDACTED] identified as witnesses to the incident, with negative results. See CMS Notes CO-0069146, CO-0083914.

³ Specifically, Mr. [REDACTED] alleged that CPD members stole his gloves, cologne, iPhone, and money (\$19.00). The inventory sheets document that officers inventoried and subsequently returned to Mr. [REDACTED] an iPhone, a wallet with miscellaneous cards, a black metal cross necklace, and a blue Columbia raincoat. There is no record that any officers recovered cologne or gloves from the vehicle. Att. 31.

⁴ Att. 5.

⁵ Att. 3.

stopped. Officers Lane and Fangerow assist Sgt. Awadallah in removing all of the occupants from the vehicle, including Mr. [REDACTED]. One of the passengers physically resists the officers, causing a brief struggle. The passenger is then handcuffed and placed in the back of a police vehicle while officers run a name check. After all the occupants are detained, Officers Fangerow and Lane search Mr. [REDACTED]'s vehicle. At 3:21:10 am, Officer Fangerow locates a handgun under the driver's seat of Mr. [REDACTED]'s vehicle.⁶ The officers continue searching the vehicle, and they take Mr. [REDACTED] into custody. Officer Lane then drives Mr. [REDACTED]'s vehicle to the police station. The BWC footage does not capture any officers damaging Mr. [REDACTED]'s vehicle or stealing any of his property. To the contrary, Officer Lane's BWC video appears to show pre-existing damage to the passenger's sideview mirror of Mr. [REDACTED]'s vehicle,⁷ and the footage of the vehicle search does not reveal a bottle of cologne or gloves inside the vehicle. COPA requested the in-car camera footage from Sgt. Awadallah's vehicle, as he was the first CPD member on scene, but no video was found.⁸

The arrest report⁹ and case report¹⁰ for Mr. [REDACTED] indicate Sgt. Awadallah observed Mr. [REDACTED] and several other individuals breaking into an ATM. Sgt. Awadallah drove towards the ATM with his emergency lights activated, and all of the individuals fled. Sgt. Awadallah observed Mr. [REDACTED] run to his vehicle, then drive away from the scene. Sgt. Awadallah followed Mr. [REDACTED] to a Jewel parking lot, where Mr. [REDACTED] ran over a curb and damaged his vehicle. As Sgt. Awadallah approached Mr. [REDACTED]'s vehicle, he saw Mr. [REDACTED] reach toward the floorboard in a manner consistent with concealing an object. Assisting officers arrived shortly thereafter, and Sgt. Awadallah told them he observed Mr. [REDACTED] trying to hide something. The officers searched the vehicle, and Officer Fangerow discovered a Glock Model 20 Gen 4, 10mm semi-automatic pistol under the driver's seat. Mr. [REDACTED] acknowledged the gun belonged to him, and he further stated he had an active FOID card but no concealed weapons permit. The officers arrested Mr. [REDACTED] for Aggravated UUI and Criminal Damage to Property. They also conducted name checks on Mr. [REDACTED]'s passengers but released them when the results came back clear. After Mr. [REDACTED] was transported to the police station, officers recovered one live 10mm round from the front left pocket of his jeans.

In his statement to COPA, Sgt. Awadallah¹¹ reiterated the facts included in the arrest and case report. Sgt. Awadallah confirmed that he observed five to ten individuals, including Mr. [REDACTED], attempting to break into the ATM with pry bars. When Sgt. Awadallah approached the ATM, all of the individuals fled. Sgt. Awadallah observed Mr. [REDACTED] holding his hands near his waist area as he ran from the ATM to his vehicle. Sgt. Awadallah followed Mr. [REDACTED]'s vehicle into a strip mall parking lot, where he observed Mr. [REDACTED] drive over a cement median. The impact damaged the front of Mr. [REDACTED]'s vehicle and caused it to come to a stop. Sgt. Awadallah pulled up behind Mr. [REDACTED]'s vehicle with his emergency lights activated, then approached the driver's door of Mr. [REDACTED]'s vehicle. He observed Mr. [REDACTED] hunched over with his hand under the driver's seat, as if he was grabbing or concealing an object. Sgt. Awadallah removed Mr. [REDACTED] from the vehicle as assisting officers arrived at the scene and detained Mr. [REDACTED]'s passengers. The sergeant instructed Officers Lane and Fangerow to search the vehicle,

⁶ Att. 5, FANGEROW Axon_Body_3_Video_2020-05-31_0320, at 03:21:10.

⁷ Att. 5, LANE Axon_Body_3_Video_2020-05-31_0343, at 03:46:25-03:46:40.

⁸ Att. 26.

⁹ Att. 2.

¹⁰ Att. 7.

¹¹ Atts. 18, 24.

as he believed Mr. ██████ might have concealed a weapon or the proceeds from the ATM theft under the seat. Sgt. Awadallah denied that he damaged Mr. ██████'s vehicle or stole his property. In his second statement to COPA,¹² Sgt. Awadallah stated he did not realize he did not activate his body-worn camera during the incident. He said he had his eyes on the individuals breaking into the ATM and may have incorrectly pressed the button on his BWC, thus failing to activate the camera.

In their statements to COPA, Officers Lane¹³ and Fangerow¹⁴ stated they arrived at the scene after Sgt. Awadallah removed Mr. ██████ from the vehicle. Sgt. Awadallah told the officers that Mr. ██████ tried to conceal something under his seat, and he instructed them to search the vehicle. Officer Fangerow recovered a 10mm pistol from under the driver's seat, and Officer Lane recovered one live 10mm round from the driver's side rear seat. After the scene was secure and Mr. ██████ in custody, Officer Lane drove Mr. ██████'s vehicle to the police station. Both officers denied that they stole Mr. ██████'s property or damaged his vehicle. All of the members stated the vehicle was already damaged when they arrived at the scene, as Mr. ██████ hit a curb.

III. ANALYSIS AND CONCLUSION

Due to Sgt. Awadallah's failure to activate his BWC and lack of in-car camera video, COPA lacks sufficient evidence to prove or disprove any of Mr. ██████'s allegations by a preponderance of the evidence. Mr. ██████ stated he was not at the ATM, but COPA has no way of proving or disproving this, and Sgt. Awadallah's failure to activate his BWC negatively impacts his credibility. Additionally, the BWC videos of Officers Lane and Fangerow only capture the incident after Mr. ██████ is already out of his vehicle. The videos show the officers recover a handgun during the search, and Mr. ██████ reports he has an active FOID but no concealed weapons permit. However, only Sgt. Awadallah saw Mr. ██████ breaking into the ATM, and only Sgt. Awadallah observed Mr. ██████ reaching under the driver's seat as if to conceal a weapon. As previously noted, Sgt. Awadallah's credibility is diminished by his failure to activate his camera. Therefore, COPA finds the allegations that Sgt. Awadallah, Officer Lane, and Officer Fangerow arrested Mr. ██████ without justification and searched Mr. ██████'s vehicle without justification are **not sustained**.

Regarding the allegation that CPD members damaged Mr. ██████'s vehicle, Mr. ██████ provided COPA with a video of his vehicle after the incident,¹⁵ revealing damage to the passenger's sideview mirror and a flat front tire. COPA also reviewed Officer Lane's BWC video, but the lighting conditions and camera angles prevent COPA from determining whether the front of the vehicle was already damaged when Officer Lane drove it to the police station. However, the BWC video does appear to capture damage to the passenger's sideview mirror, suggesting that at least some of the damage to the vehicle was pre-existing. Additionally, the video does not show Office Lane driving as if CPD members had popped one of the tires, as Mr. ██████ alleged. Sgt. Awadallah, Officer Lane, and Officer Fangerow all denied they damaged Mr. ██████'s vehicle, and they insisted that Mr. ██████ hit a curb and damaged the vehicle himself. Mr. ██████ denied this. Although the BWC video that exists does not capture any CPD members damaging

¹² Att. 30.

¹³ Atts. 21, 25.

¹⁴ Atts. 22-23.

¹⁵ Atts. 10-11.

Mr. ██████'s property, without the benefit of Sgt. Awadallah's BWC footage, COPA is unable to prove or disprove these allegations by a preponderance of the evidence. Therefore, COPA finds the allegation that Sgt. Awadallah, Officer Lane, and Officer Fangerow damaged Mr. ██████'s property without justification is **not sustained**.

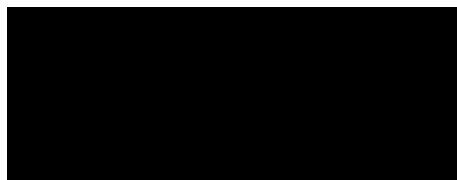
COPA is also unable to prove or disprove that Sgt. Awadallah, Officer Lane, and Officer Fangerow stole Mr. ██████'s property. Mr. ██████ alleged that officers stole his iPhone, gloves, cologne, and money (\$19.00) during the incident. The inventory sheets indicate that officers did recover an iPhone and a wallet, and those items were subsequently turned over to Mr. ██████; however, there is no record that any CPD members recovered gloves or cologne from Mr. ██████'s vehicle. COPA is unable to determine if Mr. ██████ possessed these items when he was arrested, and if so, what happened to them. The BWC videos do not show any CPD member stealing property, but the footage that exists does not capture every interaction CPD members had with Mr. ██████ or his property. Therefore, COPA finds that the allegation that Sgt. Awadallah, Officer Lane, and Officer Fangerow stole Mr. ██████'s property is **not sustained**.

Finally, COPA finds the allegation that Sgt. Awadallah failed to activate his BWC is sustained. Special Order S03-14 requires CPD members to activate their BWCs at the beginning of an incident, and continue recording for all law enforcement-related activities, which include but are not limited to: investigatory stops, arrests, searches, seizure of evidence, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.¹⁶ If circumstances prevent activating a BWC at the beginning of the incident, the member will activate the BWC as soon as practical.¹⁷ Sgt. Awadallah stated he did not realize his BWC was not recording, and he may have pressed the button to activate his camera incorrectly. Sgt. Awadallah's explanation does not relieve him of his responsibilities under the Special Order. Therefore, COPA finds this allegation is **sustained** as violation of Department rules 2, 3, and 6.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

COPA has reviewed and considered Sgt. Awadallah's complimentary history and disciplinary history and role as a supervisor. Sgt. Awadallah has a prior BWC violation. In this instance, Sgt. Awadallah's failure to properly activate his BWC in this case prevented COPA from reaching a positive finding with respect to all of Mr. ██████'s allegations. The lack of video had a substantial and material effect on COPA's investigation; therefore, **COPA recommends a 15-day suspension**.

Approved:



4/27/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

¹⁶ Special Order S03-14 (III)(A)(2).

¹⁷ *Id.*

Appendix A

Assigned Investigative Staff

Squad#:	6
Major Case Specialist:	Emily Pierce
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam