

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 7, 2020, 1:53 am, 4102 W. Madison St.
Date/Time of COPA Notification:	March 9, 2020, 11:14 am
Involved Officer #1:	Charles O’Conner Star 8546, Employee ID # [REDACTED], Date of Appointment August 29, 2016, Rank Police Officer, Unit of Assignment 011, DOB [REDACTED], 1984, Male, White
Involved Officer #2:	William Sierzega, Star #19352, Employee ID # [REDACTED], Date of Appointment December 12, 2016, Rank Police Officer, Unit of Assignment 011, DOB [REDACTED], 1995, Male, White
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1991, Male, Black
Case Type:	Civil Rights Violations

I. ALLEGATIONS

Officer	Allegation¹	Finding
Officer Charles O’Connor	It is alleged by [REDACTED] that on or about March 7, 2020 at approximately 1:53 am. at or near 4102 W. Madison Street, Officer Charles O’Connor Star No.: 8546, committed misconduct through the following act or omissions, by: 1. Arresting [REDACTED] without justification after a traffic stop.	EXONERATED
Officer William Sierzega	It is alleged by [REDACTED] that on or about March 7, 2020 at approximately 1:53 am. at or near 4102 W. Madison Street, Officer William Sierzega Star No.: 8546, committed misconduct through the following act or omissions, by: 1. Arresting [REDACTED] [REDACTED] without justification after a traffic stop.	

¹ Formal allegations were not served on the involved officers.

		EXONERATED
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II. SUMMARY OF EVIDENCE²

On March 7, 2020 at approximately 1:52 am, Officer William Sierzega and his partner Officer Charles O’Conner observed [REDACTED] vehicle in motion creating traffic violations and arrested him based on their observations and suspicion of driving while under the influence of alcohol.

The **Arrest Report**³ documented Officers observations of [REDACTED] as he drove northbound on Pulaski Road. After [REDACTED] turned left onto Madison Street where he swerved into the right hand lane and failed to use a turn signal. [REDACTED] traveled at a high rate of speed, until he stopped at a red light with the van tires across the intersection line. Officers then observed the van stop near 4100 W. Madison without brake lights. The narrative documented [REDACTED] as confused and thick tongued. Officer Sierzega noted that there was an open, nearly empty beer bottle and [REDACTED] breathe emitted an odor of an alcoholic beverage. [REDACTED] was noted to have glassy blood shot eyes. Officer Sierzega administered Standardized Field Sobriety Tests (SFSTs). Noted was the Horizontal Gaze Nystagmus (HGN) test result of 6 clues. The Walk and Turn (WAT) test result of 4 clues and the One Leg Stand (OLS) test result of 3 clues. [REDACTED] was taken into custody for Driving under the Influence (DUI). After transport to the 011 District, [REDACTED] provided a breath sample after the observation period that showed a Breath Alcohol Concentration (BrAC) of 0.100 g/210L. Officer Sierzega noted that [REDACTED] was driving without regard for public safety.

The **Body Worn Camera**⁴ (BWC) of Officer Sierzega is activated as officers observe [REDACTED] vehicle. Officers curb the vehicle after it turns and parks. Officer Sierzega approaches [REDACTED] on the drivers side and informs him that he was driving recklessly. BWC video captures Officer Sierzega explain the traffic violations of the high rate of speed and crossing over from the left lane to the right lane. In response to Officer Sierzega request for his license and insurance, [REDACTED] gives his drivers license and pulls a near empty box of beer bottles including one empty bottle from the back of the van. [REDACTED] does not produce an immediate copy of his insurance instead he places a cellphone call to his mother and asks her to send a copy.

[REDACTED] denies drinking alcohol. [REDACTED] was asked to exit the vehicle and gave officers permission to “search the van and do what ever you want to do.” As [REDACTED] walked to the rear of the van, Officer Sierzega walked behind him and stated “Gate Ataxia. I think you may be under the influence of alcohol.”

While standing on the sidewalk, [REDACTED] states he is taking medication for a foot fungus, after which he takes off his sock to display his foot. Officer Sierzega administers a roadside SFST

²COPA 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 opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

³ Attachment #3

⁴ Attachment #7

including WAT test and the HGN test and the OLS test. The video ends as [REDACTED] is placed in custody.

III. ANALYSIS AND CONCLUSION

[REDACTED] alleged that officers arrested him without justification and that he passed the breathalyzer test at the station proving that he was not intoxicated. After examining the available BWC video, the documentary evidence, and the complainant's interview, COPA has determined that there is insufficient evidence to prove the allegation that the officers were unjustified in arresting [REDACTED] for violating traffic laws.

Under Illinois law, a person shall not drive or be in actual physical control of any vehicle within this state while the alcohol concentration in the persons blood, other bodily substance, or breath is 0.08 or more... or while under the influence of alcohol.⁵ In the event a sworn officer observes a subject displaying indicators, including traffic violations, that may lead a reasonable officer to believe that the subject is operating or in actual physical control of a vehicle, that officer would then possess the requisite reasonable suspicion to further investigate to determine the sobriety of said subject. As a part of that investigation, the officer may also request that the subject complete field sobriety tests (FST). If based upon a totality of the circumstances, the officers concludes that the subject is operating or is in actual physical control of a vehicle while under the influence of alcohol, that officer would then possess probable cause to effectuate an arrest of the subject. Finally, in furtherance of his/her investigation, after the subject is arrested, the officer may also require the driver to take a breathalyzer test.

Here, while the BWC video does not capture the moving traffic violation prior to the officer initiating contact with [REDACTED] the conversations and FSTs were recorded. During their interactions with [REDACTED] officers asked a series of questions and administered a battery of tests to determine if [REDACTED] was DUI. Officer Sierzega explained to [REDACTED] that his vehicle was observed in motion and drew attention based on the vehicle maneuvers. Suspicious behavior included weaving into the right lane, a stop beyond the limit line at the intersection and the rate of speed that [REDACTED] was traveling. Also, noted was [REDACTED] failure to use a turn signal. The officers developed their initial suspicion of driving under the influence based on the vehicle maneuvers which they associated with impairment.

The face to face contact allowed the officers to further observe and interview [REDACTED]. During the personal contact at the driver's door, Officer Sierzega recognized the odor of alcohol on [REDACTED] breath. Officer Sierzega noted [REDACTED] bloodshot, glassy eyes and thick tongued speech referring to slurred speech. Captured on BWC is the box of beer shown by [REDACTED] to Officer Sierzega. Officer Sierzega comments that one of the bottles was open and almost empty. [REDACTED] apologized but did not refute the statement.

As [REDACTED] walked to the back of the vehicle, Officer Sierzega noted Gait Ataxia (unsteady and staggy gait in which walking is uncoordinated and appears to be not ordered.) Although [REDACTED] denies consuming alcohol, he agreed to the FSTs. The BWC captured [REDACTED] as he performs the tests. Post stop and during the tests [REDACTED] repeated the officer's questions and

⁵ 625 ILCS 5/11-501 (a) (1-2).

exhibited clues of intoxication including fumbling with his license and mobile phone, unsteady walking, problems tracking with his eyes and balance problems. Based on the police officers training and interpretation of [REDACTED] performance, the officers had probable cause to place [REDACTED] into custody for driving under the influence of alcohol. In addition, the results of the breathalyzer test exceeded the acceptable limit.

While the smell of alcohol, slurred speech, blood shot eyes, the numerous traffic violations observed by the officers and [REDACTED] failure of the FST are not enough to prove driving under the influence beyond a reusable doubt, these indicators were enough to create the requisite reasonable suspicion to investigate and finally, the probable cause to arrest [REDACTED] for DUI. Finally, [REDACTED] also exceeded the legal limit allowed per the breathalyzer test results, further solidifying the accuracy of the officers' observations.

After careful consideration of all the facts, COPA finds that it is highly and substantially more probably to be true than not that [REDACTED] was driving under the influence and the Officer Sierzega and O'Connor were justified in arresting him. Accordingly, COPA finds that this allegation is **EXONERATED**.

Approved:

[REDACTED]

6/15/2021

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	14
Investigator:	Erica Sanders
Supervising Investigator:	Dortricia Penn
Director of Investigations:	Matthew Haynam