

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	February 18, 2020 / 9:35 am / 1599 N. Clybourn Ave., Chicago, IL 60642.
Date/Time of COPA Notification:	February 18, 2020 / 9:56 am.
Involved Officer #1:	Officer Dennis Kamradt Jr. / Star#13684 / Employee ID# [REDACTED] / Unit: 701/716 / DOA: November 27, 2006 / Male / White.
Involved Officer #2:	Officer Andrew Kalinoski / Star#16872 / Employee ID# [REDACTED] / Unit: 011 / DOA: October 31, 2005 / Male / White.
Involved Individual #1:	[REDACTED] / Male / Black. ¹
Case Type:	03Q – Improper Seizure

I. ALLEGATIONS

Officer	Allegation	Finding
Officers Dennis Kamradt and Andrew Kalinoski	1. Stopping Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.

II. SUMMARY OF EVIDENCE

Officers Dennis Kamrat and Andrew Kalinoski (collectively “the Officers”) were working as part of the Transit Unit and were patrolling at the Red Line station located at 1599 N. Clybourn Avenue, when they observed Mr. [REDACTED] wearing a backpack, enter the station and walk onto the train platform. The Officers believed that [REDACTED] was a high school aged juvenile and detained him to determine if he was truant. During the detention, the train arrived at the station and [REDACTED] attempted to board the train; however, the Officers blocked [REDACTED] from entering the train by standing between [REDACTED] and the train. [REDACTED] responded by yelling which drew the attention of Ms. [REDACTED].² [REDACTED] boarded the train and had no other observations of [REDACTED]’ interaction with the Officers. The Officers determined that [REDACTED] was enrolled as a student at the [REDACTED] and was traveling to school when he was stopped.³ The Officers completed an Investigatory Stop Report detailing their interaction with [REDACTED] and allowed him to continue his way to school.⁴

¹ COPA mailed a letter to [REDACTED] seeking a statement; however, COPA has never received a response.

² [REDACTED] wearing a red knit hat, was an independent third-party witness who registered a complaint on behalf of [REDACTED] and provided COPA with a sworn statement.

³ The entire interaction is captured on CTA surveillance footage. See Att. 6 from 00:12 to 09:20. There is no body-worn camera footage as the officers were not assigned cameras at the time of this incident.

⁴ Att. 7.

III. 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.

IV. ANALYSIS AND CONCLUSION

COPA finds that the allegations against the Officers are **exonerated**. Department members are permitted to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.⁵ This detention is an Investigatory Stop. Additionally, Illinois state law mandates that any school aged child is required to attend school during the "entire time" school is in session.⁶ Here, the Officers observed ██████ enter the train station and reasonably believed that he was high school aged. Based on these observations it was reasonable for any officer to believe that ██████ was engaged in a criminal act – specifically being truant from school. Therefore, the Officers' decision to detain ██████ and investigate if he was in fact truant was reasonable and proper. Further, upon learning that ██████ was an 18-year-old high school student, the Officers released him and completed an Investigatory Stop Report.

⁵ S04-13-09 II (A)

⁶ 105 ILCS 5/26-1.

Since the Officers' actions were reasonable and proper, there was no need for them to address the allegation.

Approved:



4-29-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date