

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 8, 2018
Time of Incident:	9:10 pm
Location of Incident:	9642 S. Crandon Ave.
Date of COPA Notification:	July 10, 2018
Time of COPA Notification:	12:27 pm

On July 8, 2018, at approximately 9:10 pm, Mr. [REDACTED] and his friend [REDACTED] were sitting in a vehicle in front of 9642 S. Crandon Ave. Officers noticed the vehicle and pulled over to investigate. Not only was the vehicle parked in the wrong direction, in violation of the Municipal Code of Chicago, but the officers also saw what appeared to be a container of liquor in the vehicle and wanted to find out whether it was open. When they approached the vehicle, they determined the container was open and that Mr. [REDACTED] did not have a driver’s license.

While the officers and Mr. [REDACTED] argued about whether Mr. [REDACTED] had broken any laws, Mr. [REDACTED] began to reach under his seat. After his third attempt, Officer D’amato pulled his weapon, held it at a low ready, and told Mr. [REDACTED] that he had been warned three times not to reach under his seat and would have the gun pointed at his head if he did it again. Mr. [REDACTED] put up his hands and refused to get out of the vehicle. Once the officers opened his door, Mr. [REDACTED] stepped out of the vehicle and was subsequently handcuffed and pat down. The officers arrested Mr. [REDACTED] and he was transported to the district station where, as Mr. [REDACTED] alleged, he was made to remove his pants, exposing his underwear in front of other arrestees.

II. INVOLVED PARTIES

Accused Officer #1:	Daniel Castillo, star # 12726, employee ID# [REDACTED], Date of Appointment October 31, 2005, PO, Unit of Assignment 004, DOB [REDACTED], 1970, Male, Hispanic.
Accused Officer #2:	Mark D’amato, star # 6150, employee ID# [REDACTED], Date of Appointment March 26, 2001, PO, Unit of Assignment 004, DOB [REDACTED], 1977, Male, White.
Witness Officer #1	Marvin Otten, star # 2773, employee ID# [REDACTED], Date of Appointment October 10, 2000, Sergeant, Unit of Assignment 009, DOB [REDACTED], 1978, Male, White.
Witness Sergeant #1:	John Piechocki, star # 1349, employee ID# [REDACTED], Date of Appointment December 16, 1991, Sergeant, Unit of Assignment 004, DOB [REDACTED], 1970, Male, White.

Witness Detention Aid Jerome Griffin, employee ID# [REDACTED], Date of Appointment, Detention Aid, Unit of Assignment 004, DOB [REDACTED], 1981, Male, Black.

Involved Individual #1: [REDACTED] DOB [REDACTED], 1989, Male, Black.

Witness Individual #2: [REDACTED] DOB [REDACTED], 1978, Male, Black.¹

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Daniel Castillo	<p>It is alleged that on or about July 8, 2018, at or about 9:10 pm, at or near 9642 S. Crandon Ave.:</p> <ol style="list-style-type: none"> 1. Officer Daniel Castillo arrested Mr. [REDACTED] without justification. 2. Officer Daniel Castillo, failed to activate his BWC in violation of CPD Policy. 3. Officer Daniel Castillo, while in the 4th District processing area, unjustly made Mr. [REDACTED] remove his pants, exposing his underwear in the presence of other detainees. 	<p>EXONERATED</p> <p>EXONERATED</p> <p>NOT SUSTAINED</p>
Officer Mark D'amato	<p>It is alleged that on or about July 8, 2018, at or about 9:10 pm, at or near 9642 S. Crandon Ave.:</p> <ol style="list-style-type: none"> 1. Officer Mark D'amato arrested Mr. [REDACTED] without justification. 2. Officer Mark D'amato used excessive force when he approached Mr. [REDACTED] vehicle, with his weapon drawn, without justification. 3. Officer Mark D'amato, while in the 4th District processing area, unjustly made Mr. [REDACTED] remove his pants, exposing his underwear in the presence of other detainees. 	<p>EXONERATED</p> <p>UNFOUNDED</p> <p>NOT SUSTAINED</p>

¹ Mr. [REDACTED] did not respond to request for interview.

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.
-

General Orders

-
1. G06-01-03 *Conducting Strip Searches*
-

Special Orders

-
1. S0-14 *Body Worn Cameras*
-

State Law

-
1. 725 ILCS 5/107-2(c) *Arrest by Peace Officer*
 2. 625 ILCS 5/11-502 (a-b) *Transportation or possession of alcoholic liquor in a motor vehicle.*
-

Municipal Code of Chicago

-
1. 9-64-020(a) *Parallel Parking-Obstruction of Traffic*
 2. 9-76-210 *Broken or Inoperable lamps; Broken or Cracked Glass*
-

V. INVESTIGATION²

a. Interviews

Mr. ██████████

COPA interviewed Mr. ██████████ on July 10, 2018, at approximately 12:41 pm. On July 8, 2018, at approximately 9:10 pm, Mr. ██████████ sat with his friend, ██████████ for approximately three hours. They talked and listened to music, which was not overly loud, as they sat in a vehicle that belonged to his girlfriend, parked in front of 9642 S. Crandon Ave. His girlfriend, ██████████ went to Millennium Park, in an Uber, to see a movie with friends. At the time, he was parked opposite the flow of traffic on a residential street.

A police vehicle drove past him, in an unmarked gray police vehicle, and then backed up.⁴ When the officers, he believed three, approached his vehicle, an Officer Mark D'amato, who had his weapon drawn and an aggressive demeanor, asked for his license and registration after he made mention of how the vehicle he was in was parked.⁵ Mr. ██████████ responded by asking if he needed a license just to sit in the vehicle.⁶ Mr. ██████████ then asserted that the engine was not running, and

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. 12. The officers were referred to as Officer #1 and Officer #2 during his interview. It is assumed that Officer #1 was D'amato, and Officer #2 was Castillo.

⁴ Att. 12 at 16:45.

⁵ Att. 12 at 20:30 and 21:05.

⁶ Att. 12 at 05:00.

finally admitted he not only did not have a license, he never have one.⁷ He also claimed that he never had a license suspension and it was never revoked.⁸

The officer then pointed out he had open liquor in the vehicle, to which Mr. ██████ responded that it was empty and being used as an ash tray. He later told the COPA investigators that he did not drink that beer, his friend did, and explained the beer can was sitting in the cup holder next to his friend.⁹ At some point in the conversation, Officer D'amato, who did not know Mr. ██████ was trying to put his shoes back on, told Mr. ██████ to stop reaching in a loud voice, several times.¹⁰ According to Mr. ██████ Officer D'amato has his weapon in his hand, pointing toward the ground and said several times that he was about to shoot Mr. ██████¹¹ The officer then told Mr. ██████ to open the door, but he refused to do so, out of fear, kept his hands up, and told the officer to open the door.¹² Officer D'amato did not open the door because he had a gun in his hand, but another officer opened it as he reached into the vehicle through the passenger side door.¹³ Mr. ██████ and his passenger Mr. ██████ both got out of the vehicle, and the officers then searched the vehicle for guns. None were found.

According to Mr. ██████ the officer never asked who the beer belonged to, then threatened to arrest him for DUI for getting smart with him.¹⁴ Mr. ██████ objected and pointed out that he was not pulled over and he was not driving, and he later explained that the car was not running, and the car was cool. The officer explained that because he had the key and because he was in the driver's seat, he was in possession of the vehicle and was subject to DUI.¹⁵ A sergeant, now known as Sergeant John Piechocki, arrived on scene and confirmed that Mr. ██████ was subject to a DUI because he was in the driver's seat and had the key to the vehicle.¹⁶ Mr. ██████ stated the officers never asked him to do a breathalyzer, and told the investigators that he had not consumed any alcohol that evening.¹⁷ Mr. ██████ said that he and his friend were smoking a "Black and Mild."¹⁸

The COPA investigator asked how many police vehicles were on scene and Mr. ██████ responded that there were four or five.¹⁹ The investigator then asked what his mood was like during the incident because it seemed to be a big police response for a traffic violation. Mr. ██████ stated that he was compliant and was just talking, which he later described as a "debate".²⁰ He stated he was not combative, but he asked how they could give him a DUI for the same reasons he

⁷ Att. 12 at 05:35 and 43:35.

⁸ Att. 12 at 43:40.

⁹ Att. 12 at 17:30.

¹⁰ Att. 12 at 06:20.

¹¹ Att. 12 at 23:15. There is no evidence Officer D'amato ever threatened to shoot Mr. ██████ on BWC.

¹² Att. 12 at 08:20.

¹³ Att. 22 at 24:00.

¹⁴ Att. 12 at 05:55 and 18:00.

¹⁵ Att. 12 at 08:15.

¹⁶ Att. 12 at 45:55.

¹⁷ Att. 12 at 09:30 and 22:20.

¹⁸ Att. 12 at 22:45.

¹⁹ Att. 12 at 29:00.

²⁰ Att. 12 at 31:00.

mentioned earlier. He said one of the officers told him to shut up and he would be let go.²¹ When asked if the windshield was cracked, he said he did not know because it was not his vehicle.²²

Mr. ██████ was handcuffed and searched by Officer D'amato, put into a police vehicle, then taken to the police station. Mr. ██████ said that he did not have cuffs on at the station, and nobody knew why he was there.²³ Mr. ██████ sat in a holding cell for a while, and the officer who searched him at the scene, believed to be Officer D'amato, searched Mr. ██████ and then told him to remove his pants while in a room occupied by other arrestees.²⁴ The other detainees who were in the room mentioned that they did not think the officer should have done that. Officer D'amato also told him to remove his jewelry, shoestrings and belt.^{25, 26} When Officer D'amato left the room, he also left Mr. ██████ pants, which he put back on. Although Mr. ██████ at first believed he was arrested for DUI, he was told at the station that he was arrested for a cracked windshield, obstruction of traffic, and driving without a license.²⁷

Detention Aid Jerome Griffin²⁸

COPA interviewed Detention Aid Griffin on March 11, 2020, at approximately 7:02 am regarding an incident that occurred on July 8, 2018, at approximately 9:10 pm, at or near 9642 S. Crandon Ave. Detention Aid Griffin was shown the arrest report for Mr. ██████ to refresh his recollection of the incident in question.

On that night, Mr. ██████ was arrested and entered lock-up at about 11:15 pm. Department personnel processed and searched Mr. ██████ and then placed him in a cell. Detention Aid Griffin explained the procedure for processing arrestees and mentioned that the removal of clothing would normally only occur if there was a strong possibility that there were narcotics or a weapon on their person and would be performed in an environment that excluded anyone not involved in the search.²⁹

Detention Aid Griffin recalled that although he was generally calm, Mr. ██████ was somewhat upset and complaining about something during his stay, although he did not recall what the issue was.³⁰ He also did not recall if Mr. ██████ removed any clothing or if Officer Castillo or Officer D'amato performed a search or pat-down on Mr. ██████ while in the processing or cell areas, although it was possible.

Officer Mark D'amato³¹

²¹ Att. 12 at 29:45.

²² Att. 12 at 46:20.

²³ Att. 12 at 09:50.

²⁴ Att. 12 at 10:50 and 35:30.

²⁵ Att. 12 at 12:15.

²⁶ Mr. ██████ claimed he did not get his belt back when he left. The inventory report only reported the earrings, which were returned.

²⁷ Att. 12 at 48:40. He also received a citation for transportation of alcohol.

²⁸ Att. 16.

²⁹ Att. 16 at 10:08.

³⁰ Att. 16 at 14:40.

³¹ Att. 23.

COPA interviewed Officer D'amato on June 15, 2021, at approximately 10:21 am regarding an incident that occurred on July 8, 2018, at approximately 9:10 pm, at or near 9642 S. Crandon Ave. Investigators showed Officer D'amato his BWC footage for the incident in question before beginning the interview. On his own, he also viewed the BWC footage recorded by Officer Otten and Sergeant Piechocki.

Officer D'amato and his partners Officer Otten and Officer Castillo were in an unmarked police vehicle, traveling southbound near the 9600 block of Crandon, and notice a running vehicle parked facing the wrong direction with music on. When the officers stopped and approached the parked vehicle, Officer D'amato observed an open, 24oz can of Icehouse beer.³² He did not have his gun drawn at this time.³³ He asked the driver of the vehicle, now known as [REDACTED] to produce a driver's license, which he failed to do. It was later determined his license was suspended. Officer D'amato asked the driver if he and his passenger were drinking in the vehicle, and then noticed a set of keys in Mr. [REDACTED] lap.³⁴

The previously calm Mr. [REDACTED] started to become a little "irate" and "belligerent" when asked to exit the vehicle. Officer Otten then went to the passenger side of the vehicle and began to speak to Mr. [REDACTED] through the window. Officer Otten informed him that the reason he was stopped was because he had suspect open alcohol in the vehicle, and he was facing the wrong way.³⁵ He then asked for an ID. At this point Officer Otten told Mr. [REDACTED] to stop bending over.³⁶ Officer D'amato then observed Mr. [REDACTED] bend over again, and possibly a third time. Concerned for his safety the officer unholstered his weapon, held it in a low/ready chest-press position, and told Mr. [REDACTED] that if he did it again, he would point his weapon toward his head.³⁷ Mr. [REDACTED] asked Officer D'amato if he was going to shoot him, and the officer responded, no, nobody is pointing a gun at you, but that he was concerned he was reaching for a weapon and that the other officers and the passenger could be at risk.³⁸

Officer D'amato opened the driver's side door and Mr. [REDACTED] exited the vehicle. He reholstered his weapon, handcuffed Mr. [REDACTED] and performed a pat-down. The officers searched the vehicle for a weapon even though Mr. [REDACTED] claimed he was actually just trying to tie his shoe. The open beer was the only contraband found in the vehicle. Mr. [REDACTED] was arrested, and his vehicle was impounded when it was determined his driver's license was suspended.

Mr. [REDACTED] was taken to the 4th District police station by a transport vehicle. Officer D'amato did not recall whether he was in the holding area or processing area when Mr. [REDACTED] was present and did not recall if he had any interaction with him at the police station. He was

³² Att. 23 at 05:50. He mentioned later (12:50) that the officers may have seen the open alcohol as they drove by. They were in an SUV and had a higher vantage point. He also mentioned a cracked windshield at this time.

³³ Att. 23 at 13:20.

³⁴ Att. 23 at 06:45.

³⁵ Att. 23 at 07:45.

³⁶ Att. 23 at 07:55.

³⁷ Att. 23 at 09:40.

³⁸ Att. 23 at 09:55.

reasonably sure he did not perform a pat-down of Mr. [REDACTED] while at the district station. Officer D'amato did not ask Mr. [REDACTED] to remove his pants at any time.³⁹

Officer Daniel Castillo⁴⁰

COPA interviewed Officer Castillo on June 15, 2021, at approximately 11:20 am regarding an incident that occurred on July 8, 2018, at approximately 9:10 pm, at or near 9642 S. Crandon Ave. Investigators showed Officer Castillo BWC footage for the incident in question before beginning the interview.

Officer Castillo was in the rear passenger seat of an unmarked police vehicle driven by Officer Otten, with Officer D'amato in the front passenger seat. He explained that he did not have a BWC during this incident because it malfunctioned during his earlier shift. Because these were the first generation of BWC's, there was no replacement available before this shift.⁴¹

The officers performed a traffic stop on a vehicle that was parked, occupied, and facing in the wrong direction. When the officers first drove past the vehicle in question it was running but was not when officers first approached the vehicle.⁴² During the stop it was determined that Mr. [REDACTED] had open alcohol in the center console, a cracked windshield, a suspended license, no identification, and he was driving a vehicle that belonged to someone else.

Although Mr. [REDACTED] maintained throughout the interaction that he was not driving the vehicle and violated no laws, officers arrested him after he failed to comply with orders to exit the vehicle. He was taken to the district station in a transport vehicle.

Officers spoke with the passenger of the vehicle, Mr. [REDACTED] and released him on scene. He lived across the street from where Mr. [REDACTED] was parked.

Officer Castillo did not recall if he went to the processing area with Mr. [REDACTED] on this occasion.⁴³ He was possibly present in one of the holding areas. The officer did not recall if he did any sort of pat-down or search of Mr. [REDACTED] either on scene or at the district station. Officer Castillo did not ask Mr. [REDACTED] to remove his pants at any time and did not recall seeing him with his pants down exposing his underwear.⁴⁴

b. Digital Evidence⁴⁵

Officer D'amato approached a vehicle parked on the side of the road and approached an open driver's side window and Officers Otten and Castillo went to the passenger side. Officer D'amato asked the person sitting in the driver's seat, now known as [REDACTED] [REDACTED] to show him

³⁹ Att. 23 at 20:00.

⁴⁰ Att. 24.

⁴¹ Att. 24 at 05:11.

⁴² Att. 24 at 11:09.

⁴³ Att. 23 at 16:10. He mentioned that one of the three officers, or possibly a transport officer, would have gone to the processing area with the arrestee.

⁴⁴ Att. 23 at 19:37. He also mentioned that it is common for pants to fall down.

⁴⁵ Att. 28.

his hands and asked him if the vehicle was his. He responded by saying it belonged to his “girl”. Officer D’amato then pointed out the open can of beer in the vehicle and asked him for his driver’s license. Mr. ██████ responded he did not have a driver’s license, was not driving and stated that there was no longer anything in the beer can.⁴⁶ Officer Otten then explained that because he had the keys to the vehicle, which were sitting in Mr. ██████ lap, he was in control of the vehicle.⁴⁷

The officers asked Mr. ██████ to exit the vehicle at which time Mr. ██████ argued with the officers that he was not driving and kept asking what law he was violating. Officer D’amato explained that first, he was parked facing the wrong direction. Officer Otten continued and said that they could see the alcohol in the vehicle as they drove by and wanted to verify if it was open and mentioned that Mr. ██████ was slurring his speech.⁴⁸ Officer D’amato then told Mr. ██████ not to reach under his seat.⁴⁹ Mr. ██████ continued to argue with the officers asserting that the vehicle was not running and did nothing wrong. He then invited to get the owner of the vehicle, whom he claimed to be inside a nearby house.⁵⁰

Officer D’amato told Mr. ██████ for the third time not to reach under the seat and said that if he did, he would have a gun to his head and repeatedly ordered him out of the vehicle.⁵¹ Officer Otten ordered another vehicle to assist and explained to Mr. ██████ that there was an officer safety issue.⁵² Mr. ██████ responded that he would not touch anything at which time because he was in fear for his life and was going to keep his hands up.⁵³ Officer Otten then asked the front seat passenger to exit the vehicle. Officer D’amato stated on his BWC that his gun was not pointed at Mr. ██████ head. Officer Otten reached through the passenger side door and opened the driver’s side door after which Mr. ██████ exited the vehicle. Mr. ██████ later told officers he was reaching for his shoe. Officer D’amato responded repeatedly that he could not see his shoe.

Mr. ██████ who was now handcuffed, then asked the officers if it was illegal to sit in someone’s car and drink, and an officer responded that he cannot, even if he is not driving. Once the transport officers relocated Mr. ██████ Officer D’amato and other officers on the scene searched the vehicle. He recovered the beer can from the center console but did not find any other contraband. The decision was made to impound the vehicle. During the search, Sergeant Piechocki asked Mr. ██████ who owned the vehicle and he responded ██████ and then he said it was probably registered to another party, which was unintelligible on BWC.⁵⁴

Officer Otten performed a name check on the passenger, Mr. ██████ completed what appeared to be an ISR, and released Mr. ██████ He then had a brief conversation with Mr. ██████ He told Mr. ██████ that if the music is loud, they drive by slowly. When they did, they saw what appeared to be open alcohol. It was illegal to drink on the public way and it is illegal to drink in a vehicle. He then went on to say if you have the key, you are in control of the vehicle, even if you

⁴⁶ Att. 28 D’amato at 01:05.

⁴⁷ Att. 28 D’amato at 01:20 and Otten 00:59.

⁴⁸ Att. 28 D’amato at 02:00 and Otten at 01:35.

⁴⁹ Att. 28 D’amato at 02:10.

⁵⁰ Att. 28 D’amato at 02:45 and Otten at 02:15.

⁵¹ Att. 28 D’amato at 03:03.

⁵² Att. 28 Otten at 02:47.

⁵³ Att. 28 D’amato at 03:15.

⁵⁴ Att. 28 Piechocki at 03:11.

are sitting in the back seat. Officer Otten told Mr. [REDACTED] that he had been shot at before and could have just told the officers he was putting on his shoe instead of getting angry.⁵⁵ He also pointed out that the vehicle was facing in the wrong direction, to which Mr. [REDACTED] responded that he just backed out and parked there.⁵⁶ Officer Otten pointed out that he pulled out of the driveway while Mr. [REDACTED] had a suspended license and that he could be cited with a DUI, because of the open alcohol, even if he was not driving.⁵⁷

c. Documentary Evidence

Arrest Report – [REDACTED]

On July 8, 2018, at or about 9:10 pm, [REDACTED] was in possession of a 2010 Infinity station wagon and was arrested at or near 9642 S. Crandon Ave., and was charged with driving on a suspended license, having a cracked windshield exceeding six inches, parallel parking-obstruction of traffic, and transport/carry alcohol liquor. The vehicle was impounded due to Mr. [REDACTED] suspended license. Mr. [REDACTED] was issued four tickets and schedule for a court hearing. He was released on July 9, 2018, at approximately 3:33 am on a Recognizance Bond. This report also indicated that Officer Castillo performed a search of him at the district station.

Body-Worn Camera Equipment Report – PO Castillo⁵⁹

On June 15, 2021, Officer Castillo presented a document marked Ticket #22931 to COPA investigators to verify that he was without his BWC on July 8, 2018, at approximately 9:10 pm because it had been reported inoperable on July 8, 2018, at approximately 12:33 am, and appeared to have been replaced on or about July 12, 2018.

Secretary of State Motor Vehicle Record – [REDACTED]

[REDACTED] had License Suspensions on the following dates:

- July 18, 2012
- March 17, 2014
- March 26, 2015
- April 9, 2018 – which was in effect on the date of this incident.

VI. LEGAL STANDARD

⁵⁵ Att. 28 D'amato at 09:25.

⁵⁶ Att. 28 D'amato at 09:47.

⁵⁷ Att. 28 D'amato at 11:35.

⁵⁸ Att. 5.

⁵⁹ Att. 25.

⁶⁰ Att. 19. Mr. [REDACTED] driver's license was revoked December 27, 2018.

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 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 AND CONCLUSION

During this investigation, COPA investigators uncovered several inconsistent statements made by Mr. [REDACTED] during his interview at COPA, which reduced his credibility in relation to this case. For instance, he told the officers on scene that the owner of the vehicle was in a home very near the location of the incident. However, during his statement to COPA he claimed that the owner of the vehicle, [REDACTED] was with friends at Millennium Park during the incident leading to his arrest. He also stated that Officer D'amato initially approached his vehicle in an aggressive manner with his gun drawn, which was subsequently disproven by BWC footage. His claim that he had never had a license suspension or revocation was disproven upon review of his motor vehicle record, and his statement that he was not handcuffed during his visit to the police station was unbelievable because, inter alia, BWC captured Mr. [REDACTED] in handcuffs while on scene.

Officer Daniel Castello

COPA finds **Allegation #1**, that on or about July 8, 2018, at or about 9:10 pm, at or near 9642 S. Crandon Ave., Officer Daniel Castillo arrested Mr. [REDACTED] without justification, is not supported by the evidence and Officer Castillo is **EXONERATED**.

A peace officer may arrest a person when he has reasonable grounds to believe that the person is committing or has committed an offense. 725 ILCS 5/107-2(c) *Arrest by Peace Officer*. And, according to state law, no driver or passenger may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this state except in the original container and with the seal unbroken. 625 ILCS 5/11-502 (a-b) *Transportation or possession of alcoholic liquor in a motor vehicle*. The Municipal Code of Chicago instructs that it shall be unlawful to stand or park any vehicle other than parallel with the edge of the roadway headed in the direction of lawful traffic movement, and that no person shall operate any vehicle on any roadway if any window of the vehicle is missing, broken or has a crack that exceeds six inches in length. 9-64-20 *Parallel parking-Obstruction of traffic* and 9-72-220(b) *Broken or inoperable lamps; broken or cracked glass*.

In this case, Mr. [REDACTED] who had possession of the vehicle ignition fob, admitted he pulled said vehicle out of a driveway and parked it on a residential street. In doing so, he violated the law because, at the time, his driver's license was suspended. Furthermore, an open can of Icehouse Edge beer was discovered in the center console of the vehicle, the officers reported that there was a crack in the windshield that exceeded six inches, and BWC confirmed that he was parked facing in the wrong direction in violation of the Municipal Code of Chicago.

Based on the evidence, the officers had ample reasonable grounds to believe that Mr. [REDACTED] was committing or had committed an offense, allowing his arrest. Therefore, Officer Castillo is Exonerated.

COPA finds **Allegation #2**, that on or about July 8, 2018, at or about 9:10 pm, Officer Daniel Castillo, failed to activate his BWC in violation of CPD Policy, is not supported by the evidence and Officer Castillo is **EXONERATED**.

According to S03-14 *Body Worn Cameras*, the Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.

In this case, Officer Castillo was without a BWC on the date in question because his camera had become unusable, and the department did not issue him a new camera until approximately four days later. Therefore, Officer Castillo is Exonerated.

COPA finds **Allegation #3**, that on or about July 8, 2018, at or about 9:10 pm, Officer Daniel Castillo, while in the 4th District processing area, unjustly made Mr. [REDACTED] remove his pants, exposing his underwear in the presence of other detainees, is not supported by enough evidence to sufficiently prove or disprove Mr. [REDACTED] account of the event and is **NOT SUSTAINED**.

According to G06-01-03 *Conducting Strip Searches*, a strip search means having an arrested person remove or arrange some of or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such a person.

In this case, Mr. [REDACTED] alleged that an officer, possibly Officer D'amato, made him remove his clothing to expose his underwear. The Arrest Report for Mr. [REDACTED] however, suggested that it was more likely that Officer Castillo performed a search of him at the district station. However, based on the statements made by the lock-up keeper, Officer D'amato and Officer Castillo, and Mr. [REDACTED] diminished credibility, it is more likely than not that no form or strip search was performed on Mr. [REDACTED] at the district station requiring him to remove his pants. Therefore, this allegation is Not Sustained.

Officer Mark D'Amato

COPA finds **Allegation #1**, that on or about July 8, 2018, at or about 9:10 pm, at or near 9642 S. Crandon Ave., Officer Mark D'amato arrested Mr. [REDACTED] without justification, is not supported by the evidence and Officer Castillo is **EXONERATED**.

The analysis for this allegation is consistent with that of Officer Castillo's Allegation #1.

COPA finds **Allegation #2**, that on or about July 8, 2018, at or about 9:10 pm, at or near 9642 S. Crandon Ave., Officer Mark D'amato used excessive force when he approached Mr. [REDACTED] vehicle, with his weapon drawn, without justification, is not supported by the evidence and is **UNFOUNDED**.

Mr. [REDACTED] allegation that Officer D'amato approached his vehicle in an aggressive manner, with his weapon drawn is disproven by Officer D'amato's BWC footage. Specifically, at 01:12, Officer D'amato is captured with a flashlight in one hand, and his other hand, sans a firearm, is resting on the vehicle. Furthermore, there is no indication that Officer D'amato was in any way aggressive when he first approached Mr. [REDACTED]. Therefore, this allegation is Unfounded.

COPA finds **Allegation #3**, that on or about July 8, 2018, at or about 9:10 pm, Officer Mark D'amato, while in the 4th District processing area, unjustly made Mr. [REDACTED] remove his pants, exposing his underwear in the presence of other detainees, is not supported by enough evidence to sufficiently prove or disprove Mr. [REDACTED] account of the event and is **NOT SUSTAINED**.

The analysis for this allegation is consistent with that of Officer Castillo's Allegation #3.

Approved:

[REDACTED]

1/6/2022

Matthew Haynam
Deputy Chief Administrator

Date