

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident #1:	May 31, 2020 / 3:00 pm / 2600 N. Narragansett Avenue, Chicago, IL 60707 (Brickyard Mall).
Date/Time/Location of Incident #2:	August 25, 2020 / 2:23 pm / 1615 W. Chicago Avenue, Chicago, IL 60622 (COPA Offices).
Date/Time of COPA Notification:	June 1, 2020 / 12:48 pm
Involved Sergeant #1:	Sergeant Jason Lieblick / Star #1557 / Employee ID # [REDACTED] / Date of Appointment: March 8, 1999 / Unit: 025 / Male / White.
Involved Sergeant #2:	Sergeant Peter Toledo / Star #2105 / Employee ID # [REDACTED] / Date of Appointment: December 5, 2005 / Unit: 025/716 / Male / Hispanic.
Involved Officer #1:	Officer David Laskus / Star #7458 / Employee ID # [REDACTED] / Date of Appointment: February 21, 2006 / Unit: 025/376 / Male / White.
Involved Officer #2:	Officer Raymond Ducker / Star #10388 / Employee ID # [REDACTED] / Date of Appointment: February 2, 2015 / Unit: 016/376 / Male / White.
Involved Officer #3:	Officer Kevin O'Brien / Star #8884 / Employee ID # [REDACTED] / Date of Appointment: October 26, 2015 / Unit: 025 / Male / White.
Involved Officer #4:	Officer Patrick Dwyer / Employee ID # [REDACTED] / Date of Appointment: June 29, 1998 / Unit: 025 / Male / White. ¹
Involved Officer #5:	Officer Christina Delgado / Star #16725 / Employee ID # [REDACTED] / Date of Appointment: December 14, 2015 / Unit: 189/193 / Female / White Hispanic.
Involved Officer #6:	Officer Vincent Caramusa / Star #6298 / Employee ID # [REDACTED] / Date of Appointment: April 16, 2018 / Unit: 025 / Male / White.
Involved Officer #7:	Officer Timothy Vasiliadis / Star #8997 / Employee ID # [REDACTED] / Date of Appointment: June 16, 2017 / Unit: 025 / Male / White.

¹ On July 15, 2020, Officer Dwyer retired from the Department. Att. 125.

Involved Officer #8:	Officer Daniel Doherty / Star #10869 / Employee ID # [REDACTED] / Date of Appointment: February 28, 2016 / Unit: 025/716 / Male / White.
Involved Individual #1:	[REDACTED] / Female / Black.
Involved Individual #2:	[REDACTED] / Female / Black.
Involved Individual #3:	[REDACTED] / Male / Black.
Involved Individual #4:	[REDACTED] / Female / Black.
Involved Individual #5:	[REDACTED] / Female / Black.
Involved Individual #6:	[REDACTED] / Female / Black.
Case Type:	05A – Excessive Force.

I. ALLEGATIONS²

Officer	Allegation	Finding / Recommendation
Incident #1		
Sergeant Lieblick	<p>1. Failed to properly supervise by allowing officers to search and seize [REDACTED] vehicle, without justification.</p> <p>2. Failed to properly supervise by not ensuring officers completed TRRs and/or ISRs.</p> <p>3. Failed to report Officer Dwyer's verbal abuse.</p>	Unfounded. Unfounded. Sustained/45-day suspension
Sergeant Toledo	<p>1. Failed to properly supervise by allowing officers to search and seize [REDACTED] vehicle, without justification.</p> <p>2. Failed to properly supervise by not ensuring officers completed TRRs and/or ISRs.</p> <p>3. Failed to report Officer Dwyer's verbal abuse.</p> <p>4. Damaged [REDACTED] vehicle by striking it with his baton, without justification.</p>	Sustained/90-day suspension Sustained/90-day suspension Not Sustained. Exonerated.

² COPA renumbered some of the allegations for purposes of this report.

	<p>5. Failed to properly supervise by allowing officers to strike [REDACTED] vehicle with batons, without justification.</p> <p>6. Failed to report misconduct of Department members who struck [REDACTED] vehicle with their batons, without justification.</p>	Sustained/90-day suspension Unfounded.
Officer Laskus	<p>1. Damaged [REDACTED] vehicle by striking it with his baton, without justification.</p> <p>2. Arrested [REDACTED] without justification.</p> <p>3. Seized [REDACTED] vehicle, without justification.</p> <p>4. Failed to complete a TRR regarding the force he used against [REDACTED]</p> <p>5. Failed to complete an ISR for [REDACTED] [REDACTED] and/or [REDACTED] [REDACTED]</p> <p>6. Pulled [REDACTED] to the ground by her hair, without justification.</p> <p>7. Knelt on [REDACTED] neck and/or shoulder area while she was prone on the ground, without justification.</p> <p>8. Grabbed [REDACTED] by her hair, without justification.</p> <p>9. Searched [REDACTED] vehicle, without justification.</p>	Sustained/ Separation Sustained/ Separation Sustained/ Separation Sustained/ Separation Sustained/ Separation Sustained/ Separation Sustained/ Separation Sustained/ Separation Sustained/ Separation
Officers Duncker, O'Brien, Vasiliadis and Doherty	<p>1. Damaged [REDACTED] vehicle by striking it with his baton, without justification.</p>	Exonerated
Officer Duncker	<p>2. Arrested [REDACTED] without justification.</p> <p>3. Seized [REDACTED] vehicle, without justification.</p> <p>4. Failed to complete a TRR regarding the force he used against [REDACTED]</p>	Sustained/15-day suspension Sustained/15-day suspension Sustained/15-day suspension

	<p>5. Failed to complete an ISR for [REDACTED] [REDACTED] and/or [REDACTED] [REDACTED]</p> <p>6. Damaged [REDACTED] vehicle by breaking the door handle off, without justification.</p> <p>7. Pulled [REDACTED] out of the vehicle by her hair, without justification.</p>	Sustained/15-day suspension Exonerated Not Sustained
Officer O'Brien	2. Failed to complete a TRR regarding the force he used against [REDACTED]	Sustained/Reprimand
Officer Caramusa	<p>1. Failed to complete an ISR for [REDACTED]</p> <p>2. Failed to complete a TRR regarding the force he used against [REDACTED]</p> <p>3. Failed to report the misconduct of Department members who struck [REDACTED] vehicle with their batons, without justification.</p>	Sustained / Reprimand Sustained / Reprimand Unfounded
Officer Vasiliadis	<p>2. Failed to complete a TRR regarding the force he used against [REDACTED]</p> <p>3. Failed to complete an ISR for [REDACTED]</p> <p>4. Concealed his name and star number.</p>	Sustained / 3-day suspension Sustained / 3-day suspension Sustained / 3-day suspension
Officer Delgado	1. Failed to complete a TRR regarding the force she used against [REDACTED]	Sustained / Reprimand
Officer Dwyer	<p>1. Stated words to the effect of “Stop being a fucking Cunt.”</p> <p>2. Stated words to the effect of “Fucking Bitch.”</p> <p>3. Stated words to the effect of “Fucking Animal.”</p> <p>4. Stated words to the effect of “Fucking Shithead.”</p> <p>5. Stated words to the effect of “Fucking Cunt.”</p> <p>6. Stated words to the effect of “Bitch.”</p> <p>7. Stated words to the effect of “You fucking whore.”</p>	Sustained / Separation Sustained / Separation Sustained / Separation Sustained / Separation Sustained / Separation Sustained / Separation Sustained / Separation

	8. Stated words to the effect of “You fucking animal.”	Sustained / Separation
	9. Stated words to the effect of “Good swing you fucking bitch.”	Sustained / Separation
	10. Stated words to the effect off “Come on bitch, come on bitch, come on man give it a shot!”	Sustained / Separation
	11. Stated words to the effect of “How do I fucking look these fucking shithead shines.”	Sustained / Separation

Incident #2

Officer Laskus	Made false, incomplete, inaccurate, and/or misleading statements to COPA by asserting: 10. That [REDACTED] was armed with a hammer. 11. That Officer Laskus did not pull [REDACTED] [REDACTED] by the hair. 12. That [REDACTED] red vehicle attempted to strike and/or struck Officer Raymond Duncker.	Sustained / Separation Sustained / Separation Not Sustained
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II. BACKGROUND

In the wake of George Floyd’s death at the hands of police officers in Minneapolis, Minnesota on May 26, 2020, large scale protests and demonstrations erupted around our nation calling for police reform. Chicago experienced a period of significant civil unrest which resulted in thousands of police and civilian encounters, many of which were fraught with emotion and hostility. Many of these encounters were captured on videos that went viral on social media platforms and were circulated around the world. While these videos were vital pieces of evidence, they often failed to positively identify the involved officer or civilian. Significant investigative resources were expended to obtain such information and move these cases to conclusion.

This investigation into the misconduct of the involved Department members began on June 1, 2020, when Complainant [REDACTED] contacted COPA and provided third-party video of the incident. While the video itself provided powerful evidence as to the misconduct in question, it did not include enough details to identify all of the parties involved. Therefore, COPA utilized a combination of video enhancement, in-depth interviews, requests for Departmental assistance, and careful review of Department records to identify both the officers and civilians involved. In total, COPA interviewed seven civilian witnesses³ and fourteen Department members and served 50 allegations against ten accused members.

³ Five of these civilian interviews were conducted jointly by the FBI, the Cook County State’s Attorney’s Office, and COPA.

During this investigation, COPA discovered that the Department's interaction with the complainant was the result of Officer David Laskus providing false information about the complainant's vehicle, a red Hyundai, and the occupants' involvement with the attempted looting of the Champs Sporting Goods store, located at 6451 W. Diversey Avenue, in the Brickyard Mall. The following summary recounts the events after the first Department members sought to detain the Hyundai.

III. SUMMARY OF EVIDENCE⁴

On June 1, 2020, at approximately 3:00 pm, [REDACTED] drove a red Hyundai, occupied by her friends [REDACTED] and [REDACTED]⁵ through the parking lot of the Brickyard Mall. The vehicle stopped in a line of traffic, and Officers David Laskus and Raymond Duncker approached on foot from the rear.⁶ Officer Duncker pulled on the door handle of the front passenger door; however the handle broke, causing Officer Duncker to stumble backwards.⁷ Simultaneously, Officer Laskus banged on the rear driver's window while demanding the occupants exit the Hyundai.⁸ [REDACTED] responded by briefly accelerating and making a right-hand turn in the parking lot, in the direction of a sizeable group of Department members. As [REDACTED] brought her vehicle to a stop, the members began running towards the Hyundai. Several members swarmed the Hyundai and immediately began to strike the passenger windows with batons while ordering the occupants to exit the vehicle.⁹ Eventually, the members broke the front and rear passenger's windows, and the rear driver's window.

Once the windows were broken, the doors of the Hyundai were unlocked and opened, and all the occupants except [REDACTED] exited under their own power. Before [REDACTED] had an opportunity to exit the vehicle, Officer Duncker grabbed her and removed her from the Hyundai, then passed her to Officer Laskus.¹⁰ Officer Laskus pulled [REDACTED] by her hair and took her to the ground.¹¹ Once the occupants were out of the vehicle, [REDACTED] and [REDACTED] were placed prone on the ground, secured with a knee across their upper backs, and eventually handcuffed.¹² [REDACTED] was escorted to a Department vehicle, provided with a bandage for his face, and released from custody.¹³ [REDACTED] however, was placed in a Department vehicle and transported to the 025th District Station for processing.¹⁴

⁴ The Department declared a Mass Arrest Incident on May 30, 2020. Att. 62, Z12 1500-1600 at 15:34.

⁵ [REDACTED] was wearing a black hooded sweatshirt with no white markings on the sleeve or trim, a dark shirt under the hooded sweatshirt, dark pants, a dark backpack with a grey liner, and a blue face mask. See Att. 21 from 12:57 to 13:45.

⁶ Officer Laskus approached the driver's side and Officer Duncker approached the passenger's side. Att. 1 at 10:51.

⁷ [REDACTED] relayed that the doors to the vehicle were locked. Att. 58, pg. 21.

⁸ Att. 21 at 12:39, Att. 97, pg. 14. [REDACTED] and [REDACTED] all stated that Officers Laskus and Duncker ordered the vehicle to move. See Att. 56, pgs. 13, 14 and 25; Att. 57, pg. 10; Att. 58, pgs. 8, 19 and 31; Att. 75, pg. 10; Att. 74, pgs. 6 and 15.

⁹ Att. 97, pgs. 14-15.

¹⁰ Att. 25 at 07:45.

¹¹ Att. 57, pg. 11; Att. 25, at 07:45. Officer Laskus recalled placing his hand on [REDACTED] head but denied pulling her hair. See Att. 97, pg. 48, 77 and 78.

¹² Att. 97, pg. 16, 48; Att. 21 at 13:15; Att. 23 at 10:30.

¹³ Att. 21 at 14:05.

¹⁴ Att. 23 at 10:36; Att. 21 at 13:47.

Simultaneous to the stopping and detention of the Hyundai occupants, witness [REDACTED] [REDACTED] approached the Department members and attempted to prevent them from detaining the occupants of the Hyundai.¹⁵ Officer Patrick Dwyer responded to the interference of [REDACTED] and other unidentified citizens by directing a significant number of profanities and derogatory remarks at various members of the community, including [REDACTED]¹⁶ As Officer Dwyer attempted to leave the area, [REDACTED] blocked his vehicle's path, prompting the officer to exit his vehicle, approach [REDACTED] and call her a "bitch."¹⁷ [REDACTED] responded by charging at Officer Dwyer and striking him in the face.¹⁸ Numerous members then took [REDACTED] to the ground and handcuffed her. Officer Dwyer knelt down near [REDACTED] face and directed more derogatory comments at her, calling her a "fucking whore," a "fucking animal," and a "fucking bitch," among other insults.¹⁹

Several minutes after the incident, Officer Laskus entered the Hyundai, located the keys, and drove the vehicle to the district station. He provided the keys to an unidentified sergeant and returned to the field. When officers brought [REDACTED] to the station, she requested medical treatment for an eye injury and was transported to Community First Hospital, where medical personnel treated her for a foreign body (glass) in her right eye.²⁰ After receiving treatment, [REDACTED] was transported back to the station where she was processed for disorderly conduct and released.²¹

During their statements, [REDACTED]²² [REDACTED]²³ [REDACTED]²⁴ [REDACTED]²⁵ and [REDACTED] were all clear that they were not involved in the looting at the Brickyard Mall, and the only time they exited the Hyundai was after the members stopped their vehicle and began striking it with batons. Additionally, all five civilians added that at no time was any occupant of the car armed with any weapons or objects to aid in the destruction of property, including a hammer. Further, [REDACTED] related that she observed Officers Laskus and Duncker approaching the Hyundai on foot while it was stopped in traffic. She heard the officers yell "move, move, move"²⁷ as they began striking the Hyundai, and she obeyed their commands by turning the vehicle to the right.

During Officer Laskus' statements,²⁸ he claimed that upon arrival at the Brickyard Mall he observed [REDACTED] standing in front of the Champs Sporting Goods store, holding a hammer in his right hand.²⁹ A female officer, now identified as Officer Jacqueline Villasenor, allegedly pointed at [REDACTED]

¹⁵ Att. 60, pgs. 4, 17-18.

¹⁶ The specific language used by Officer Dwyer is detailed in his allegations. See Att. 24.

¹⁷ Att. 24 at 30:41.

¹⁸ Att. 24 at 30:45.

¹⁹ Att. 24 from 31:17 to 32:30.

²⁰ Att. 72, pgs. 6 and 7.

²¹ Att. 18.

²² Atts. 44 and 58.

²³ Atts. 38 and 57.

²⁴ Atts. 41 and 56.

²⁵ Atts. 70 and 75.

²⁶ Atts. 71 and 74.

²⁷ Att. 58, pg. 8.

²⁸ Atts. 89, 90, 97, 141, 143, 149 and 150.

²⁹ Footage from Champs shows one black male armed with a hammer, and several other black males attempting to force entry into the store. None of the males match [REDACTED] description. After several attempts to force entry, the males

and indicated he was one of the people attempting to smash out the store windows.³⁰ Officer Laskus observed [REDACTED] run towards and enter the red Hyundai while still holding the hammer.³¹ He broadcast a flash message across the radio that included the vehicle's license plate and reports that black male occupants were armed with hammers.³² After broadcasting his message, Officer Laskus saw that the red Hyundai was stopped in traffic, and he informed Officer Duncker they should stop the vehicle. Officer Laskus explained that he determined that Hyundai needed to be stopped so he could take enforcement action against [REDACTED] for the damage caused to the Champs.

Officer Laskus approached the driver's side of the red Hyundai from the rear. Once he reached the Hyundai, Officer Laskus ordered the occupants to exit while striking the Hyundai with his baton; however, no occupants complied. The Hyundai accelerated and made a right hand turn in the parking lot, driving towards a group of Department members. As this occurred, Officer Laskus observed Officer Duncker step backwards, leading Officer Laskus to believe the driver, [REDACTED] had attempted to strike Officer Duncker with the Hyundai.³³ Officer Laskus ran towards the Hyundai and yelled to the other members that the Hyundai had just attempted to strike an officer. Once the Hyundai stopped, Officer Laskus assisted with removing the occupants by striking the Hyundai with his baton. Officer Duncker then removed [REDACTED] from the front passenger's seat and passed her to Officer Laskus. Officer Laskus stated he did not do a takedown, as [REDACTED] complied with his verbal commands to get on the ground.³⁴ However, Officer Laskus acknowledged that as [REDACTED] dropped to her knees, he may have inadvertently, and unintentionally, pulled her hair.³⁵

Once the occupants of the Hyundai were secured, Officer Laskus entered the Hyundai to seize it as arrestee property. He observed a hammer on or near the center console,³⁶ but he was unable to locate the vehicle keys. Officer Laskus stepped out of the Hyundai, never leaving it unattended, and in a manner of seconds he located the keys on the roof. Officer Laskus then drove the Hyundai to the district station, where he completed a search of the vehicle but could not locate the hammer.³⁷ After being unable to locate the hammer, Officer Laskus passed the vehicle keys to an unidentified sergeant and left the station without making anyone aware of the evidentiary value of the hammer or that it would need to be recovered if located.³⁸

give up and flee eastbound into the mall, away from the Hyundai that was parked south of the store. After being shown the footage from Champs, Officer Laskus admitted that he has doubts about which male was armed with the hammer. See Att. 91; Att. 97, pgs. 32-33; Att. 108; Att. 120, pgs. 13-14; Att. 144 at 3:01:14 – 3:03:45; and Att. 150, pg. 7.

³⁰ Officer Villasenor told COPA she observed two women standing near the Champs window, then walk towards a maroon vehicle in the parking lot. When Officer Laskus arrived at the scene, Officer Villasenor pointed at the vehicle and stated, "They got in that car." Att. 120, pgs. 18-23. Officer Villasenor and her partner, Officer Walenty Byk, both denied they observed anyone with a hammer or saw any black males enter the parked vehicle. Att. 120, pgs. 9, 10 and 19; Att. 142, pgs. 7 to 9.

³¹ Att. 97, pgs. 19-21.

³² Att. 62, Z12 1400-1500 from 58:25 to 1:00:14.

³³ Att. 97, pg. 40.

³⁴ Att. 97, pg. 48.

³⁵ Even after being shown screen shots and video footage from Officer O'Grady BWC, Officer Laskus insisted that he did not pull [REDACTED] by the hair. Att. 150, pgs. 9 to 13. Also see Att. 25 at 07:45 and Atts. 135 to 138.

³⁶ Att. 143, pgs. 42-50.

³⁷ Officer Laskus relayed that he conducted a cursory search. Att. 143, pgs. 42 and 43.

³⁸ Att. 143, pg. 65.

During Sgt. Lieblick's statement,³⁹ he relayed that he arrived at the scene after the occupants of the Hyundai had already been removed and detained.⁴⁰ Additionally, he was clear that none of his direct subordinates detained any of the Hyundai occupants or used force on █ or █ and that the supervisor of the members who did use force and detained the individuals was present at the scene.⁴¹ Sgt. Lieblick relayed that he believed Sgt. Toledo was the sergeant responsible for the scene.⁴² He also stated that he did not witness Officer Dwyer's verbal abuse and that, if he had, he would have at least admonished Officer Dwyer for the language. Sgt. Lieblick maintained he was not aware of Officer Dwyer's verbal abuse until he was shown the footage during his COPA statement.⁴³

During the COPA statements of Officers Duncker,⁴⁴ O'Brien,⁴⁵ Caramusa,⁴⁶ Delgado,⁴⁷ Doherty,⁴⁸ and Vasiliadis⁴⁹, each member relayed that they heard Officer Laskus' flash message about armed males involved in looting inside the Hyundai. They also heard Officer Laskus yell that the Hyundai attempted to strike an officer, then observed the vehicle driving towards the group of members.⁵⁰ Officer Duncker relayed that when he heard Officer Laskus' comment about the Hyundai trying to strike a member, he believed the Officer Laskus was the referenced member.⁵¹ Officers Duncker, O'Brien, Doherty and Vasiliadis each stated their decision to strike the Hyundai with their batons was based on: 1) the reports from Officer Laskus; 2) the occupants' failure to comply with directions to get out the Hyundai; 3) the officers' limited ability to see into the Hyundai; and 4) the officers' immediate need to gain control of the vehicle to prevent possible injury.⁵² Additionally, none of the officers recalled observing a hammer in the vehicle.⁵³ Officers Vasiliadis, Duncker, O'Brien, Caramusa, and Delgado each admitted they failed to complete a TRR documenting the force they used on █ and/or █. The officers were under the impression a blanket TRR was being completed and there was an ongoing need for every member to be on the street responding to the civil unrest.⁵⁴ Further, Officer Vasiliadis admitted that he covered his name and star number because he was concerned that citizens would use his identity to locate his residence.⁵⁵

³⁹ Atts. 99 and 119.

⁴⁰ This is confirmed by Sgt. Lieblick's BWC. Att. 23 at 00:00.

⁴¹ Att. 119, pgs. 16 to 17; 19 to 22; 25 to 26.

⁴² Att. 119, pgs. 16 to 17.

⁴³ Att. 119, pg. 21 to 23. The BWC footage captures Sgt. Lieblick ask Officer Dwyer if he is alright, and Officer Dwyer responds, "How do I look these fucking shithead shines." See Att. 24 at 32:24.

⁴⁴ Atts. 93, 94 and 98.

⁴⁵ Atts. 81 and 114.

⁴⁶ Atts. 78 and 117.

⁴⁷ Atts. 84 and 115.

⁴⁸ Atts. 103, 104 and 116.

⁴⁹ Atts. 111 and 123.

⁵⁰ Att. 98, pgs. 13 to 15; Att. 114, pg. 13; Att. 117, pg. 10; Att. 115, pg. 10; Att. 116, pg. 15; Att. 123, pg. 10 and 11.

⁵¹ Att. 98, pg. 15

⁵² Att. 98, pgs. 15 to 17; Att. 114, pgs. 13 to 15; Att. 116, pgs. 15 to 16; Att. 123, pgs. 16 to 17. Officer Duncker also relayed that as he approached the Hyundai, he observed the tail/brake lights illuminated which caused him to believe the vehicle was still in drive.

⁵³ Att. 98, pgs. 35 to 37; Att. 114, pgs. 30 to 31; Att. 117, pg. 30; Att. 116, pgs. 34 and 35; Att. 123, pg. 23. Additionally, COPA was unable to locate a single witness, beyond Officer Laskus, who observed █ or any occupant with a hammer, or who saw a hammer in the vehicle.

⁵⁴ Att. 98, pg. 42; Att. 114, pgs. 34 to 35; Att. 115, pg. 37; Att. 123, pgs. 25 to 26.

⁵⁵ Att. 123, pg. 27 to 28.

During his statement, Officer Dwyer⁵⁶ admitted to the unprofessional, derogatory, and racial remarks that he directed at various members of the community and explained his use of the language was because of frustration.⁵⁷

IV. 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.⁵⁸ 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.⁵⁹ 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.”⁶⁰

V. ANALYSIS

a. Rule 14 Allegations

COPA finds that Allegation #12 against Officer Laskus is **not sustained**. While COPA has serious doubts about the reasonableness of Officer Laskus’ perception that the red Hyundai attempted to strike Officer Duncker, there is no indication that Officer Laskus’ perception was willfully false.

⁵⁶ Atts. 63 and 118.

⁵⁷ Att. 118, pgs. 29, 30, 32, 34, 36, 38 to 40, and 46.

⁵⁸ *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).

⁵⁹ *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁶⁰ *Id.* at ¶ 28.

COPA finds that Allegations #10 and 11 against Officer Laskus are **sustained**. Allegations #10 and 11 against Officer Laskus allege he violated Rule 14 by making false incomplete, inaccurate and/or misleading statements during his statement to COPA on August 25, 2020. The Department Member's Bill of Rights prohibits a member from being charged with a Rule 14 violation "unless the Department member willfully made a false statement, and the false statement was made about a fact relevant to the investigation."⁶¹ The willfulness and relevance of Officer Laskus' false statements is discussed below.

i. Assertions of a Hammer

1. Officer Laskus falsely stated he observed █ armed with a hammer.

During Officer Laskus' August 25, 2020, July 15, 2021, and September 13, 2021, statements, he claimed he observed █ holding a hammer in his right hand as he ran from the window of the Champs Sporting Goods and entered the passenger compartment of the parked red Hyundai. However, there is no evidence that supports Officer Laskus assertions. In fact, the evidence directly refutes Officer Laskus' assertions and supports a finding that Officer Laskus' statements to COPA were false. Specifically, surveillance footage obtained from the Champs store shows a black male wearing a white hooded sweatshirt and light color pants, which is not consistent with how █ was dressed, approach the window and strike it with a hammer-like object. Additionally, the footage shows additional black males, none of whom match █ description, attempting to force entry into the business. The males then fled from the area in an easterly direction, away from parked red Hyundai that was directly south of the business.⁶²

Further, Officers Villasenor and Byk both denied they witnessed █ or any other civilian, armed with a hammer walking towards or entering the Hyundai. Additionally, no other member, including Officer Laskus' partner, observed █ armed with a hammer, and no other member or civilian recounted ever seeing a hammer inside the Hyundai. Officer Laskus' own statements related to the hammer also defy basic logic. He asserted that from the time he observed the hammer in the center console area of the Hyundai, he never walked away from the vehicle or observed anyone else enter the vehicle. Yet the alleged hammer, which only Officer Laskus observed, vanished between the time Officer Laskus entered the vehicle and arrived at the district station. Finally, Officer Laskus admitted that the alleged hammer would have been evidence of a criminal offense, but despite its evidentiary value, he made no efforts to search for, recover, or inform any Department members about the hammer. For these reasons, COPA finds that the preponderance of the evidence establishes that Officer Laskus' statements regarding █ being armed with a hammer were false.

2. Officer Laskus' false statements about the hammer were made willfully.

Officer Laskus' statements that █ was armed with a hammer are contradicted by video evidence and the statements of Officers Duncker, Villasenor, and Byk, as well as all of the Hyundai

⁶¹ G08-01-01 II(N), Department Member Bill of Rights (effective May 4, 2018 – present).

⁶² Officer Laskus admitted he was wrong about which male possessed the hammer.

occupants. Based on the preponderance of the evidence standard, COPA finds that █ never possessed a hammer and that no person ever witnessed █ or any other person armed with a hammer, enter the Hyundai. Officer Laskus' false statements regarding the hammer were not the result of a mistake or misperception on the part of the officer. Instead, Officer Laskus fabricated the existence of the hammer to justify his actions related to stopping and detaining the occupants of the vehicle. COPA's conclusion that Officer Laskus intentionally provided false information is based on the following:

First, the video from Champs shows the only male armed with a hammer did not match █ description and could not be reasonably confused with █ Second, the males fled eastbound—away from the location of the parked Hyundai--more than a minute before Officer Laskus arrived at the scene. Third, Officer Villasenor refuted Officer Laskus' claim that she pointed at a male with a hammer running towards the Hyundai and identified him as a suspected looter. Officer Villasenor and her partner also denied they informed Officer Laskus of anyone armed with a hammer. Fourth, Officer Laskus is the only person who purportedly saw a hammer inside the Hyundai after the incident. He claimed the hammer was clearly visible on top of the center console, but none of the other Department members reported seeing it. Fifth, no hammer was recovered from the Hyundai or any of its occupants. Officer Laskus' explanation for the missing hammer was that it essentially vanished when he relocated the Hyundai to the station; however, he admitted he did not take any reasonable steps to locate the hammer after it vanished. Finally, despite all the evidence to the contrary, Officer Laskus was adamant that █ was armed with a hammer during both his COPA statements. For all these reasons, COPA finds that Officer Laskus' statements regarding the hammer were willfully false.

3. Officer Laskus' false statements about the hammer were material to the investigation.

COPA finds that Officer Laskus' false statement about █ being armed with a hammer was a fact relevant to the investigation, and the actions of other members during the incident. Officer Laskus explained the sole purpose for attempting to stop the Hyundai while it was stopped in traffic was to detain/arrest █ for his actions with the hammer. By Officer Laskus' own admission, had █ not possessed a hammer, there would have been no reason to stop the Hyundai. Therefore, COPA finds that Officer Laskus' false statements to COPA about the hammer were material to the investigation.

ii. Assertions of No Hair Pull

1. Officer Laskus falsely stated he did not pull █ by her hair.

Officer Laskus claimed he did not intentionally pull █ by her hair while executing an emergency takedown. However, there is no evidence that supports Officer Laskus' assertions. In fact, the collected evidence directly refutes Officer Laskus' assertions and support the determination that Officer Laskus' statements to COPA were false. Specifically, BWC footage clearly shows that after Officer Dunker removed █ from the front passenger seat, he directed her towards Officer Laskus, who grabbed █ by the end of her braided hair and pulled her to

the ground.⁶³ For these reasons, COPA finds the preponderance of the evidence establishes that Officer Laskus' statements regarding the pulling of [REDACTED] hair were false.

2. Officer Laskus' false statements that he did not pull [REDACTED] hair were made willfully.

Even after being shown the BWC footage, Officer Laskus asserted that he did not pull [REDACTED] by the hair and any contact he had with her hair was unintentional. Officer Laskus' claims that his actions were unintentional defy basic reason. The BWC footage clearly shows Officer Laskus placed his hand on the top of [REDACTED] head and grabbed a fistful of her braids. He then pulled the braids in a downward direction as [REDACTED] moved from a standing position to prone on the ground. The way Officer Laskus pulled [REDACTED] hair cannot reasonably be considered unintentional. Thus, the only reasonable explanation as to why Officer Laskus pulled [REDACTED] hair was that he intended to pull her hair, possibly to assist in taking [REDACTED] to the ground. The fact that Officer Laskus, after reviewing the BWC footage and several screen shots, refused to even acknowledge he had contact with [REDACTED] hair, speaks directly to the willfulness of his false statements. For these reasons, COPA finds that Officer Laskus intentionally provided a false statement when he denied he pulled [REDACTED] hair.

3. Officer Laskus' false statements about the hair pull were material to the investigation

Allegations #6 and 8 against Officer Laskus allege he grabbed and pulled [REDACTED] to the ground by the hair. During his statements to COPA, Officer Laskus was keenly aware that his interaction with [REDACTED] and specifically his contact with her hair, was being investigated by COPA and thus materially relevant to COPA's investigation. Additionally, when COPA served Officer Laskus with Allegation #11, he was provided even more notice that his interaction with [REDACTED] hair was material. Despite this, Officer Laskus still insisted he did not pull [REDACTED] by the hair, and any contact he made was unintentional. Therefore, COPA finds that Officer Laskus' false statement was material to the investigation.

For all of the above reasons, COPA finds the preponderance of the evidence shows that Officer Laskus' statements were false, willful, and material to COPA's investigation. Therefore, Allegations #10 and 11 are **sustained** as violations of Rules 2, 3, 6, and 14.

b. Failure to Properly Supervise

Allegations #1 and 2 against Sgts. Toledo and Lieblick allege the sergeants failed to properly supervise by allowing officers to search and seize [REDACTED] vehicle, and by not ensuring that the officers completed the required paperwork. Additionally, Allegation #5 against Sgt. Toledo alleges he failed to properly supervise by allowing officers to strike [REDACTED] vehicle with a baton.

COPA finds that Allegations #1, 2 and 5 against Sgt. Toledo are **sustained**. Supervisory members of the Department are responsible for ensuring "adherence to the Department Rules, Regulations, Policies, Orders and Procedures."⁶⁴ Additionally, "they have a responsibility to

⁶³ See Att. 25, O'Grady BWC video, at 7:45-7:50 minutes.

⁶⁴ Section IV(B) of the Rules and Regulations of the Chicago Police Department.

influence subordinate members and to motivate them to perform at a high level of efficiency.”⁶⁵ Here, Sgt. Toledo was a supervisor who present throughout an incident in which investigatory detentions and reportable uses of force occurred. He knew or should have known that ISRs and TRRs would be required to document the actions of the involved members. Despite this knowledge, Sgt. Toledo took no action to ensure that the required reports were completed, thereby failing to properly supervise his subordinates.

Additionally, as Sgt. Toledo and the other members used their batons to remove the occupants from the Hyundai, Sgt. Toledo was obligated to ensure that he directed members to follow effective police practices. While, as discussed below, COPA finds that each individual member’s decision to use his baton to break the Hyundai’s windows and gain the occupants’ compliance was reasonable; the collective action was problematic. As a practical point, every door of the Hyundai was besieged by members striking the windows with batons while simultaneously demanding the occupants exit. The baton strikes, collectively, limited the effectiveness the police action – specifically gaining control of the Hyundai occupants. It is the group action that Sgt. Toledo failed to appreciate and respond to when he took no action to guide or direct his subordinates as they sought to gain compliance from the occupants of the Hyundai. Sgt. Toledo’s failure to ensure that members used effective police practices and completed the required reports was contrary to Department policy and in violation of Rules 2, 3, and 6.

COPA finds that Allegations #1 and 2 against Sgt. Lieblick are **unfounded**. Sgt. Lieblick did not arrive on scene until after the occupants of the Hyundai had been detained. Further, Sgt. Lieblick was not the supervisor of the members who detained [REDACTED] and [REDACTED]; or who used force on [REDACTED] and [REDACTED]. In fact, those members reported to Sgt. Toledo, who was present on scene and aware of the detentions and force used. Since Sgt. Toledo was on scene and had knowledge of the detentions and force, Sgt. Lieblick was not responsible to ensure that the required paperwork was completed for an incident he did not witness or direct.

c. Failure to Report Misconduct

COPA finds that Sgt. Lieblick failed to report Officer Dwyer’s verbal abuse, and Allegation #3 against Sgt. Lieblick is **sustained**. Department supervisors who observed misconduct “will initiate a complete and comprehensive investigation” in accordance with Department policy.⁶⁶ Additionally, Department supervisors are responsible for holding Department members under their command accountable for their actions and have a duty to report allegations of misconduct. Here, it is undisputed that when Officer Dwyer engaged in his verbal abuse, he was under the command of Sgt. Lieblick. Additionally, the BWC footage is clear that Sgt. Lieblick asked Officer Dwyer if he was alright, and Officer Dwyer replied, directly to Sgt. Lieblick, “How do I fucking look these fucking shithead shines.” While Sgt. Lieblick asserted that he did not hear Officer Dwyer’s remark, COPA can think of no reasonable explanation, even when considering the chaotic environment, as to why Sgt. Lieblick would not have heard the statement. Therefore, COPA finds that Sgt. Lieblick’s failure to initiate a complaint or report Officer Dwyer’s misconduct violated Rules 2, 3, and 6.

⁶⁵ Section IV(B) of the Rules and Regulations of the Chicago Police Department.

⁶⁶ G08-01-02 II(B)(2), Specific Responsibilities Regarding Allegations of Misconduct (effective May 4, 2018 – present).

COPA finds that Allegation #3 against Sgt. Toledo, which also alleges he failed to report Officer Dwyer's misconduct, is **not sustained**. While BWC footage shows Sgt. Toledo standing in the general vicinity of Officer Dwyer when the officer used derogatory language, Sgt. Toledo was looking in a different direction and was not directly interacting with Officer Dwyer. Additionally, Officer Dwyer's verbal abuse occurred while Sgt. Toledo was trying to supervise a chaotic event involving dozens of officers and hundreds of civilian bystanders. It is possible, therefore, that Sgt. Toledo did not hear Officer Dwyer's comments. As a result, this allegation must be not sustained.

Allegation # 6 against Sgt. Toledo and Allegation #3 against Officer Caramusa allege they failed to report the misconduct of the members who struck [REDACTED] vehicle with their batons. Both allegations are **unfounded**. As discussed below, it was reasonable for the members to deploy their batons to obtain compliance from the occupants of the Hyundai; therefore, there was no misconduct to for Sgt. Toledo or Officer Caramusa to report.

d. Use of Force Allegations

Allegations #6, 7 and 8 against Officer Laskus allege he pulled and grabbed [REDACTED] by her hair, and knelt on her neck and/or shoulder area while she was prone on the ground. COPA finds all three allegations are **sustained**. Department members are permitted to use force to overcome resistance.⁶⁷ However, the nature of the force used must be proportional to the level of resistance faced.⁶⁸ When a citizen "fails to comply (non-movement) with verbal or other direction," they are a passive resister.⁶⁹ Members are permitted to respond to passive resistance by using holding techniques, compliance techniques, control instruments, and oleoresin capsicum (OC) spray; but they are not permitted to pull or grab hair.⁷⁰ Additionally, once a citizen "is complaint without the need for physical force," they are a cooperative person and members are only allowed to use mere police presence and verbal response.⁷¹ Here, as [REDACTED] was reluctant to exit the Hyundai, she could reasonably be considered a passive resister. However, once Officer Duncker removed [REDACTED] from the Hyundai and passed her to Officer Laskus, she decreased her level of resistance and became a cooperative person. Even if [REDACTED] was still considered a passive resister once Officer Laskus had control of her, that level of resistance would not have permitted Officer Laskus to grab or pull [REDACTED] by the hair. Further, Officer Laskus told COPA that [REDACTED] complied with his orders to get on the ground; therefore, by the officer's own admission, [REDACTED] was a cooperative person and Officer Laskus was only permitted to use verbal commands and police presence. Instead, he elected to use a control technique by placing his knee on her shoulder/neck area until she was secured in handcuffs. For these reasons, Officer Laskus' uses of force violated Department policy and Rules 2, 3, 6, and 9.

COPA finds that Allegation #7 against Officer Duncker, which alleges he pulled [REDACTED] out of the Hyundai by her hair, is **not sustained**. While it is clear that Officer Duncker made physical contact with [REDACTED] as he removed her from the Hyundai, he denied that he intentionally

⁶⁷ G03-02-01, Force Options (effective February 29, 2020 – April 14, 2021).

⁶⁸ G03-02-01 II (F).

⁶⁹ G03-02-01 IV(B)(1).

⁷⁰ G03-02-01 IV(B)(1)(a-d).

⁷¹ G03-02-01 IV(A)(1-2).

grabbed [REDACTED] by the hair. Officer Duncker stated he placed his hand on [REDACTED] arm or shoulder area to escort her out of the vehicle. The contact between Officer Duncker and [REDACTED] is not clearly captured on video, and COPA was unable to locate any evidence, other than [REDACTED] and Officer Duncker's statements, that support or refute the allegation.

e. Search, Seizure, and Arrest Allegations

Allegations #2 and 3 against Officers Laskus and Duncker allege they arrested [REDACTED] and seized [REDACTED] vehicle without justification. COPA finds the allegations are **sustained** against both members. An officer must have probable cause to arrest a subject.⁷² "Probable cause to arrest exists where the police have knowledge of facts that would lead a reasonable person to believe that a crime has occurred and that the subject has committed it."⁷³ The reasonable basis of any arrest should be considered from the perspective of a reasonable officer at the time of the arrest.⁷⁴ Additionally, members are permitted to tow an arrestee's vehicle if the vehicle "has evidentiary value; the vehicle cannot be safely driven to the detention facility...; the vehicle cannot be legally, securely, and continuously parked at scene of the arrest; or the arrestee does not authorize another person to take control of the vehicle."⁷⁵ Here, [REDACTED] and only [REDACTED] was arrested and charged with disorderly conduct.⁷⁶ The only information that tied [REDACTED] to possible force or violence that disturbed the peace was Officer Laskus' false statement that suspected looters had entered the Hyundai. Because Officer Laskus knew that no looters entered the Hyundai, he also knew that [REDACTED] was not engaged in disorderly conduct. Despite this knowledge, Officer Laskus, with the assistance of Officer Duncker, determined that [REDACTED] should be arrested. This determination was not based on probable cause, but rather on Officer Laskus' false statement. Since Officer Laskus knew there was no probable cause to arrest [REDACTED] for disorderly conduct, her arrest was improper. Since [REDACTED] arrest was improper, there was no basis to tow her vehicle as arrestee property; therefore, the decision to seize the Hyundai as arrestee property was unreasonable and improper. For these reasons, the officers' decision to arrest [REDACTED] and seize the Hyundai violated Rules 2, 3, and 6.

COPA finds that Allegation #9 against Officer Laskus, which alleges he searched the Hyundai without justification, is **sustained**. After an arrest, a vehicle may be searched if it is seized as an arrestee's property. However, as discussed above, there was no probable cause to arrest [REDACTED] and thus no basis for the search of the Hyundai. Therefore, Officer Laskus' search of the Hyundai was improper and in violation of Rules 2, 3, and 6.

f. Allegations Related to the Damage to [REDACTED] Vehicle

Allegation #1 against Officer Laskus alleges that he struck the Hyundai with his baton without justification. COPA finds this allegation is **sustained**. Department policy states that, "[w]hen it is safe and feasible to do so, a member who is utilizing a baton will give verbal

⁷² *People v. Johnson*, 408 Ill. App. 3d 107, 119 (citing *Beck v. Ohio*, 379 U.S. 89, 91 (1964)).

⁷³ S04-13-09 II(D), Investigatory Stop System (effective July 10, 2017 – present).

⁷⁴ S04-13-09 II(D).

⁷⁵ G07-03 IV(G)(1), Vehicle Towing and Relocation Operations (effective November 1, 2014 – present).

⁷⁶ Disorderly conduct occurs when a person knowingly “[a]ssembles with three or more persons for the purpose of using force or violence to disturb the public or peace.” Municipal Code of Chicago 8-4-010(F).

commands and warnings prior to, during and after use..., [and] allow a subject a reasonable amount of time to comply with a warning prior to using or continuing the use of a baton.”⁷⁷ Here, prior to using his baton, Officer Laskus knew there were no armed individual(s) in the Hyundai. This knowledge, combined with Officer Laskus’ unreasonable perception that Officer Duncker’s step backwards from the stationary Hyundai was an attempt to strike Officer Duncker, created more than sufficient opportunity for Officer Laskus to issue verbal warnings and provide an opportunity for compliance. Further, even after the doors of the Hyundai opened, Officer Laskus continued to strike the vehicle, despite all the other members stopping.⁷⁸ Officer Laskus’ actions were not reasonable or proportional, especially when considering his knowledge related to the falsehood of armed individual(s) being in the Hyundai. Therefore, Officer Laskus’ conduct violated Rules 2, 3, and 6.

Allegation #1 against Officers Duncker, O’Brien, Vasiliadis, and Doherty and Allegation #4 against Sgt. Toledo also arise from the members’ baton strikes to the Hyundai. COPA finds this allegation is **exonerated** as to all the members other than Officer Laskus. Department policy states that, “[w]hen it is safe and feasible to do so, a member who is utilizing a baton will give verbal commands and warnings prior to, during and after use..., [and] allow a subject a reasonable amount of time to comply with a warning prior to using or continuing the use of a baton.”⁷⁹ Here, the members were aware that: (1) Officer Laskus reported the Hyundai contained armed individuals; (2) the occupants of the Hyundai failed to heed Officers Laskus’ and Duncker’s order to exit the vehicle; (3) the Hyundai accelerated away from Officers Laskus and Duncker; (4) Officer Laskus reported the Hyundai attempted to strike a member; and (5) the Hyundai was quickly approaching a group of members standing in the parking lot. These five pieces of information would cause a reasonable officer to believe that Hyundai and its occupants presented an immediate danger that needed to be addressed without delay.

COPA finds that the members’ failure to issue warnings prior to striking the Hyundai was in response to an immediate safety threat and was reasonable, especially considering the occupants’ prior failure to comply and attempts to flee. While the members did not issue verbal warnings prior to striking the windows, they issued warnings as the strikes occurred and immediately stopped striking the vehicle once the doors to the Hyundai were unlocked and opened.⁸⁰ Further, COPA finds that the members had no information that would reasonably cause them to believe Officer Laskus’ claims of the armed looters were willfully false. The mere fact that Officer Laskus invented the presence of an armed individual in the Hyundai does not, in of itself, render the other members’ actions improper. Further, as discussed above, COPA does not believe the individual actions of the members were unreasonable but does believe that the collective action created a situation that directly prolonged the baton use.

COPA finds that Allegation #6 against Officer Duncker, which alleges he damaged the Hyundai by breaking the door handle off, is **exonerated**. While intentional damage to citizen’s property is not permissible, Department policy acknowledges that law enforcement action may

⁷⁷ G03-02-07 III(A), Baton Use Incidents (effective February 29, 2020 – April 14, 2021).

⁷⁸ Officer Laskus struck the Hyundai a total of eight times, including at least three baton strikes *after* the door opened.

⁷⁹ G03-02-07 III(A).

⁸⁰ None of the members delivered more than two strikes to the windows.

result in accidental property damage.⁸¹ Here, the damage caused by Officer Duncker occurred while he was trying open the Hyundai's locked front passenger door. While this damage is unfortunate, there is no evidence that Officer Duncker's actions were intentional. In fact, the evidence supports a finding that Officer Dunker's damage was purely accidental because: (1) the doors of the Hyundai were locked; (2) there is no indication that Officer Duncker was aware the doors of the Hyundai were locked; and (3) Officer Duncker's decision to attempt to open the door to detain the occupants of the Hyundai, who were not heeding orders to exit, was reasonable, practical, and proper. The mere fact that the door was damaged does not constitute misconduct.

g. Verbal Abuse Allegations

COPA finds all the allegations against Officer Dwyer are **sustained**. Department members are required to "treat all persons with courtesy and dignity which is inherently due every person as a human being," and to do so while speaking "in a professional manner and maintain[ing] a courteous attitude in all contacts with the public."⁸² Here, it is undisputed that Officer Dwyer directed profane and derogatory remarks at numerous members of the public, thereby violating Rules 2, 3 and 6.

h. Procedural Allegations

i. Failure to complete Tactical Response Reports

COPA finds that Allegation #4 against Officers Laskus and Duncker, Allegation #2 against Officers Caramusa, Vasiliadis, and O'Brien, and Allegation #1 against Officer Delgado are **sustained**. Department members are required to complete a TRR detailing the force used on a subject who is injured or alleges injury; is an active resister or assailant; actively obstructs a member by using a physical act directed at the member; or physically attacks a member, to include murder, aggravated battery, and battery.⁸³ However, in an instance where a Mass Arrest Incident (MAI) has been declared, Department members are only required to complete a TRR in instances of force "involving an assailant, all weapons discharge incidents, canine use incidents, Long Range Acoustic Device (LRAD) use, or if a person is injured, alleges injury, or dies...."⁸⁴

Here, a MAI was declared, and the force the members used on [REDACTED] and [REDACTED] was in response to no more than active resistance; however, because both [REDACTED] and [REDACTED] sustained injuries, a TRR was required. Additionally, the force that Officers O'Brien and Delgado used on [REDACTED] was in response to her actions as an assailant when she pushed an unidentified officer and struck Officer Dwyer, therefore a TRR was required, regardless of her lack of injury. The failure to complete the TRRs violated Department policy and Rule 6.

ii. Failure to complete Investigatory Stop Reports

⁸¹ See, e.g., S03-10, City Claims Notification Program (effective October 10, 2012 – present).

⁸² G02-04 II(C), Prohibition Regarding Racial Profiling and Other Bias Based Policing (effective December 1, 2017 – present); G02-01III(B), Human Rights and Human Resources (effective October 5, 2017 – present).

⁸³ G03-02-02 III(A)(1)(a-e), Incidents Requiring the Completion of a Tactical Response Report (effective February 29, 2020 – April 14, 2021).

⁸⁴ S06-06 VIII(C), Mass Arrest Procedures (effective September 27, 2018 – present).

COPA finds that Allegation #5 against Officers Laskus and Duncker, Allegation #1 against Officer Caramusa, and Allegation #3 against Officer Vasiliadis are **sustained**. Department members who complete an investigatory stop are required to complete an ISR that details all of the factors that support the detention of the subject.⁸⁵ Here, the evidence is clear that [REDACTED] and [REDACTED] were all detained for investigative purposes. It is undisputed that no ISRs related to this incident were completed by any member despite the detention of [REDACTED] and [REDACTED]. This failure to complete the required ISRs violated Department policy and Rule 6.

iii. Concealing Name and Star Number

COPA finds that Allegation #4 against Officer Vasiliadis is **sustained**. Uniformed Department members are required to “wear the prescribed star, name tag, unit designator, and rank insignia on their outer-most garment and in view to the public.”⁸⁶ Here, it is undisputed that Officer Vasiliadis covered both his name and star during this incident. Officer Vasiliadis’ actions were in direct violation of Department policy and Rule 6.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sergeant Jason Lieblick

i. Complimentary and Disciplinary History

Sgt. Lieblick has received 2 Life Saving Awards, 5 Department Commendations, 1 Unit Meritorious Performance Award, 12 Complimentary Letters, 69 Honorable Mentions, and 10 other awards. Sgt. Lieblick has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

BWC footage captures at least one instance of Officer Dwyer’s verbal abuse being made directly to Sgt. Lieblick. Despite Sgt. Lieblick’s assertions to the contrary, there is no logical reason he would not have heard the comment. Sgt. Lieblick acknowledged Officer Dwyer’s language was improper and needed to be addressed. Therefore, COPA recommends that Sgt. Lieblick receive a **45-day suspension**.

b. Sergeant Peter Toledo

i. Complimentary and Disciplinary History

Sgt. Toledo has received 2 Life Saving Awards, 5 Department Commendations, 2 Unit Meritorious Performance Awards, 7 Complimentary Letters, 107 Honorable Mentions and 14 other awards. Sgt. Toledo has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

As a supervisory member of the Department, Sgt. Toledo has an obligation to ensure that the Department’s goals and objectives are met by properly supervising his subordinates; however,

⁸⁵ S04-13-09 VIII(A)(1).

⁸⁶ U04-01 II(A)(3), Uniform and Appearance Standards (effective March 11, 2020 – April 26, 2021).

he failed to do so during this incident. Sgt. Toledo's failure to ensure proper reports were completed is unacceptable and should not have occurred. Additionally, Sgt. Toledo's failure to direct members to ensure effective police action as they struck the Hyundai needlessly escalated the situation and caused preventable damage to the Hyundai. Therefore, COPA recommends that Sgt. Toledo receive a **90-day suspension**.

c. Officer David Laskus

i. Complimentary and Disciplinary History

Officer Laskus has received 7 Department Commendations, 2 Complimentary Letters, 69 Honorable Mentions, and 17 other awards. Officer Laskus has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

COPA has serious concerns with Officer Laskus' materially false statements. In addition to the negative impact his statements had on COPA's investigation, his false statements made during the incident directly precipitated the actions of the other accused members. COPA has found that Officer Laskus' radio transmissions that armed male(s), to include [REDACTED] entered the red Hyundai, and his verbal reports that the driver of the red Hyundai attempted to strike a police officer, directly influenced the decision by the other members to strike and break the Hyundai's windows with batons. Additionally, COPA firmly believes that truthfulness is a cornerstone of the law enforcement profession and that any member who knowingly provides false information is not suitable to properly enforce the law. It is for these reasons that COPA recommends that Officer Laskus be **separated** from the Department.

d. Officer Patrick Dwyer

i. Complimentary and Disciplinary History

Officer Dwyer has received 2 Life Saving Awards, 2 Department Commendations, 8 Complimentary Letters, 47 Honorable Mentions, and 33 other awards. Officer Dwyer has no sustained CR numbers and one SPAR, which he received in March 2020 for a preventable traffic accident. Officer Dwyer received a reprimand as a result of that incident.

ii. Recommended Penalty

COPA has grave concerns with Officer Dwyer's misconduct given the racist, sexist, and derogatory nature of his remarks, as well as his decision to use them during a volatile situation while taking enforcement action. While Officer Dwyer admitted to his misconduct and acknowledged the unprofessional, derogatory, and racial nature of his remarks, this admission and acknowledgement do little to mitigate his actions or the need for discipline. COPA would have recommended that Officer Dwyer be **separated** from the Department; however, Officer Dwyer retired on July 15, 2020, after providing COPA with a statement.⁸⁷ Therefore, COPA recommends

⁸⁷ COPA notes that Officer Dwyer completed his Retirement Submission on September 10, 2019, some eight months prior to this incident. See Att. 125, pg. 1.

that the Department issue a formal determination on COPA's findings and place this report in Officer Dwyer's personnel file for consideration in the event he applies for re-employment with the City. Additionally, COPA recommends that the Department, based on its findings, rescind Officer Dwyer's retirement identification card and retirement star, as Officer Dwyer retired when he was the subject of an investigation that ultimately determined he engaged in misconduct warranting his discharge. Finally, COPA recommends the Department communicate to the Illinois Retired Officer Concealed Carry (IROCC) program that Officer Dwyer is not in "good standing" and should be removed from the program.

e. Officer Raymond Duncker**i. Complimentary and Disciplinary History**

Officer Duncker has received 2 Department Commendations, 2 Complimentary Letters, 36 Honorable Mentions, and 4 other awards. Officer Duncker has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

While Officer Duncker's misconduct was a result of false information from Officer Laskus, he still was obligated to ensure that [REDACTED] arrest was based on probable cause and that the Hyundai was only seized as a result of the arrest. Officer Duncker did not do this, and instead relied almost entirely on the false reports of his partner. Officer Duncker also failed to complete the required reports related to this incident; however, COPA acknowledges the Department-wide confusion related to when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer Duncker receive a **15-day suspension**.

f. Officer Kevin O'Brien**i. Complimentary and Disciplinary History**

Officer O'Brien has received 2 Life Saving Awards, 1 Department Commendation, 75 Honorable Mentions, and 6 other awards. Officer O'Brien has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

Officer O'Brien failed to complete the required report related to his use of force on [REDACTED] however, COPA acknowledges the Department-wide confusion related to when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer O'Brien receive a **written reprimand**.

g. Officer Vincent Caramusa**i. Complimentary and Disciplinary History**

Officer Caramusa has received 1 2019 Crime Reduction Award, 1 Unit Meritorious Performance Award, and 9 Honorable Mentions. Officer Caramusa has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

Officer Caramusa failed to complete the required report related to his use of force on [REDACTED] however, COPA acknowledges the Department-wide confusion related to when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer Caramusa receive a **written reprimand**.

h. Officer Timothy Vasiliadis**i. Complimentary and Disciplinary History**

Officer Vasiliadis has received 1 Life Saving Award, 1 Superintendent's Award of Valor, 1 Department Commendation, 12 Honorable Mentions, and 3 other awards. Officer Vasiliadis has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

Officer Vasiliadis admitted to concealing his name and star number, which directly impacted COPA's ability to identify him. However, he provided a compelling reason for his conduct, stating that during the civil unrest the previous day, a citizen Googled his name, located his address, and threatened to burn down his house.⁸⁸ COPA believes this context substantially mitigates Officer Vasiliadis' misconduct in concealing his identity. Officer Vasiliadis also failed to complete the required report related to his use of force on [REDACTED] but COPA acknowledges there was Department-wide confusion about when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer Vasiliadis receive a **3-day suspension**.

i. Officer Christina Delgado**i. Complimentary and Disciplinary History**

Officer Delgado has received 2 Department Commendations, 2 Complimentary Letters, 74 Honorable Mentions, and 8 other awards. Officer Delgado has no sustained disciplinary history in the past five years.

ii. Recommended Penalty

Officer Delgado failed to complete the required report related to her use of force on [REDACTED] however, COPA acknowledges the Department-wide confusion related to when TRRs would be required during the civil unrest. Therefore, COPA recommends that Officer Delgado receive a **written reprimand**.

⁸⁸ Officer Vasiliadis added that he lives with his disabled mother and one-year-old child. A COPA investigator Googled the officer's name and confirmed that the first page of results identifies his address, phone number, family members, and high school, among other personal information.

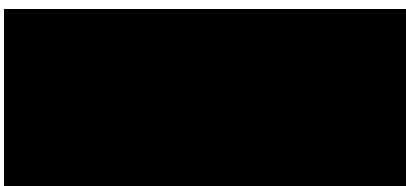
Approved:



9/27/2021

Deputy Chief Administrator
Matthew Haynam

Date



9/27/2021

Interim Chief Administrator
Andrea Kersten

Date

Appendix A

Assigned Investigative Staff

Squad#:	0
Investigator:	Garrett Schaaf
Supervising Investigator:	Steffany Hreno
Deputy Chief Administrator:	Matthew Haynam