

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 18, 2020
Time of Incident:	7:37 PM
Location of Incident:	1037 N. Laramie Ave Chicago, IL 60651.
Date of COPA Notification:	June 19, 2020.
Time of COPA Notification:	1:31 PM

At approximately 7:37 PM on June 18, 2020, at or near 1037 N. Laramie Ave Chicago, IL 60651, Accused Police Officers Jacob Gies (“Officer Gies”) and Juan Sanchez (“Officer Sanchez”), both of the 025th District, conducted a traffic stop of the complainant, [REDACTED] (“[REDACTED]” vehicle, who was driving with his passenger, [REDACTED] (“[REDACTED]”). Officer Gies and Officer Sanchez pulled [REDACTED] vehicle over after allegedly observing [REDACTED] not wearing a seat belt and other minor traffic offenses. During the traffic stop, Officer Gies used his discretion to not give the driver, [REDACTED] certain tickets that might hinder his driver’s license but wrote [REDACTED] a ticket for his expired vehicle city sticker and departed the area.

[REDACTED] and [REDACTED] allege that they were pulled over without justification, the officers did not give them their name, star, or badge number when they were asked, and that one officer touched [REDACTED] shoulder during the traffic stop without justification.

II. INVOLVED PARTIES

Involved Officer #1:	Jacob Gies, Star #18021, Employee ID# [REDACTED], Date of Appointment: 2-19-2019, Rank: P.O., Unit of Assignment: 025, DOB: [REDACTED]-1998, Gender: Male, Race: White
Involved Officer #2:	Juan Sanchez, Star #12022, Employee ID# [REDACTED], Date of Appointment: 8-31-2015, Rank: P.O., Unit of Assignment: 716, DOB: [REDACTED]-1983, Gender: Male, Race: Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED]-1979, Gender: Male, Race: White
Involved Individual #2:	[REDACTED] DOB: [REDACTED]-1974, Gender: Female, Race: White

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jacob Gies	<p>It is alleged by [REDACTED] and [REDACTED] that on or about June 18, 2020, at or near 1037 N. Laramie Ave Chicago, IL 60651 at approximately 7:37 P.M., Officer Gies:</p> <ol style="list-style-type: none"> 1. Conducted a traffic stop of the complainant’s vehicle without justification. 2. Failed to identify himself when asked by the complainants. 3. Failed to active his Body Worn Camera in violation of Rule 6 and Special Order S03-14. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained/ Violation noted</p>
Officer Juan Sanchez	<p>It is alleged by [REDACTED] and [REDACTED] that on or about June 18, 2020, at or near 1037 N. Laramie Ave Chicago, IL 60651 at approximately 7:37 P.M. Officer Sanchez:</p> <ol style="list-style-type: none"> 1. Conducted a traffic stop of the complainant’s vehicle without justification. 2. Failed to identify himself when asked by the complainants. 3. Failed to activate his Body Worn Camera in violation of Rule 6 and Special Order S03-14. 4. Made unnecessary physical contact with the complainant, [REDACTED] by putting his hand on her shoulder while she was inside the vehicle. 	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained/Violation noted.</p> <p>Not Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 6:** Disobedience of an order or directive, whether written or oral.

Special Orders

1. **S03-14:** Body Worn Cameras.

Federal Laws

1. 4th Amendment, U.S. constitution.**V. INVESTIGATION****a. Interviews**

On June 25th, 2020, ██████████ gave COPA an audio recorded statement.¹ He explained that on June 18, 202, he got off work and picked up his girlfriend, ██████████ and while driving on Laramie Avenue, he was pulled over by a CPD vehicle. One officer came to the driver's side of his vehicle, introduced himself and asked for driver's license and insurance. He told the officer that he was not going to give his driver's license and insurance because he wanted to know why he was being pulled over. The officer told him he pulled him over because the passenger was not wearing a seatbelt. ██████████ stated that he then looked at ██████████ who was wearing her seatbelt. The officer then said, "Well you did not turn your right turn signal on," which ██████████ also denied. The passenger officer leaned into the car by his girlfriend, and ██████████ stated to the officer, "Get the fuck out of my car. That was the second time and that's when I saw him having his hand on my girl's shoulder... and that's when I told him, 'get the fuck out of my car'."² The officer then stepped back. ██████████ gave the officer his driver's license and insurance. He was given a ticket for expired city sticker, but the officers name was not on the ticket. When he asked for his name and star number, the officer did not give it.

On October 21, 2020, ██████████ gave COPA a video recorded statement.³ In the statement she related the same information as ██████████ added that during the traffics stop, the passenger officer had his hand on her shoulder and was too close to her face when he leaned into the car, invading her personal space. She asked the officers for their name and star numbers, which they refused to provide. ██████████ received a ticket for expired city sticker, and they departed the area.

On June 9th, 2020, **Police Officer Jacob Gies #18021**,⁴ gave COPA an audio recorded statement. He stated that he observed the vehicle that ██████████ was driving commit multiple traffic violations. One was the passenger not wearing a seatbelt. He walked to the driver side of the vehicle and introduced himself as Officer Gies and explained the reason for the stop. ██████████ was initially not compliant to Officer Gies demands to give him his driver's license. However, after a few minutes, ██████████ produced his driver's license. Officer Gies stated, "I used my discretion to not give him a ticket for the seatbelt and the ticket for the driver's license. Used my discretion and gave him a parking ticket because that would not affect his driving record."⁵ He gave ██████████ a ticket for an expired city sticker. He did not recall if Officer Sanchez touched ██████████ shoulder during the traffic stop. He did recall Officer Sanchez leaning into the vehicle to hear what he had to say to the driver, because it was hard to hear on the street.

¹ Attachment #8.

² Attachment #8 at 10:30.

³ Attachment #3.

⁴ Attachment #42.

⁵ Attachment #42 at 11:12.

On June 9th, 2020, **Police Officer Juan Sanchez #12022**,⁶ gave COPA an audio recorded statement. In the statement he related his partner, Officer Gies, observed a vehicle commit a traffic violation and initiated a traffic stop. Officer Gies walked to the driver side of the vehicle, and Officer Sanchez walked to the passenger side of the vehicle. He heard Officer Gies tell the driver the reason he was pulled over. ██████ appeared to be angry and agitated about being stopped. When showing Officer Sanchez, the In Car-Camera video, that shows him leaning into the vehicle multiple times he stated, “According to the In Car Camera... it is a busy street ...I just got closer or maybe just to hear what was being said especially since he was agitated ...and looking around in my surrounds, that nothing was out of the ordinary. So, that’s why I probably leaned over.”⁷ He denied touching ██████ shoulder during the traffic stop.

b. Digital Evidence

The **In Car- Camera (ICC)**,⁸ captures the traffic stop from the initiation of the stop to the end of the stop. ██████ vehicle is already in view when the ICC begins. ██████ vehicle makes a right-hand turn, utilizing the turning signal. While the vehicle is stopped at a stop sign, the officers pull parallel to the passenger’s side of the vehicle. When ██████ drives forward, the officers curb the vehicle. Officer Sanchez approaches the passenger’s side of the vehicle and leans partially in the vehicle several times. The video does not clearly depict if Officer Sanchez makes contact with ██████. The video also does not clearly depict if ██████ was wearing her seatbelt at the initiation of the traffic stop, though at times a strap does appear to be over her right shoulder.

There is no **Body Worn Camera** found for this incident.⁹

c. Documentary Evidence

The **Event Query**,¹⁰ indicates that on June 18, 2020, at 7:29 P.M beat 2544, initiated a traffic stop at the location of 1037 N. Laramie Ave.

The **A&A attendance sheet**,¹¹ indicates that on June 18, 2020, Officer Gies and Officer Sanchez were in the same marked CPD vehicle #7317.

The **GPS report** shows,¹² vehicle #7317 stopped at the location of 1037 N. Laramie Ave on June 18, 2020.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

⁶ Attachment #40.

⁷ Attachment #40 at 15:55.

⁸ Attachment #2.

⁹ Attachment #14 and 15.

¹⁰ Attachment #21.

¹¹ Attachment #5.

¹² Attachment #23.

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

COPA finds **Allegation 1**, that Officers Gies and Sanchez conducted a traffic stop without justification, is **Not Sustained**. The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantees the right of individuals to be free from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. Police-citizen encounters are categorized into three tiers: (1) an arrest of a citizen, which must be supported by probable cause; (2) a temporary investigative seizure conducted pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968) and 725 ILCS 5/107- 14, which must be supported by reasonable, articulable suspicion of criminal activity; and (3) a consensual encounter, which does not implicate any Fourth Amendment interests. *People v. McDonough*, 239 Ill. 2d 260, 268 (2010).

Officer Gies and Officer Sanchez stated they conducted a traffic stop of [REDACTED] vehicle due to his passenger not wearing a seat belt and observing multiple minor traffic violations. However, [REDACTED] and [REDACTED] deny the traffic violations and that [REDACTED] was not wearing a seatbelt. The ICC footage does not depict traffic violations or whether [REDACTED] was wearing a seatbelt. When the ICC footage begins, the Officers are already behind [REDACTED] vehicle. Thus, it is possible the traffic violations occurred prior to the ICC beginning. It is also possible that the officers observed [REDACTED] without a seatbelt. There is insufficient evidence in this case to determine if the allegations occurred by a preponderance of the evidence. Therefore, this allegation is Not Sustained for both officers.

Similarly, COPA finds **Allegation 2**, that Officers Gies and Sanchez failed to identify themselves when asked by the complainants, is **Not Sustained**. According to Chicago Police Department (CPD) Rules and Regulations, officers must correctly identify themselves by giving their name, rank and star number when so requested by other members of the Department or a citizen. [REDACTED] and [REDACTED] allege that when they asked the officers for this information, they would not provide it. Officer Sanchez and Officer Gies both stated in their COPA interviews that they were wearing the approved CPD uniform during this incident, which displayed a name plate and star number. Despite being in full uniform, if asked for this information, the Officers would be required to provide it in accordance with Department Rules. In this case, there is insufficient evidence to determine whether they refused to provide this information. Therefore, this allegation is Not Sustained for both officers.

COPA finds **Allegation #3**, that both officers failed to activate their body worn cameras, is **Sustained**. Officers are required to activate BWC when engaged in a law enforcement activity.¹³ Officers Gies and Sanchez did not activate their BWC during this traffic stop. Their BWC should have been on in the beginning of the traffic stop, since they were initiating law enforcement activity. Officer Gies and Officer Sanchez both stated in their COPA interviews, that the BWC should have been on, and they thought they started it, but must not have. The Officers admitted that during this incident it should have been on. Thus, the allegation that the Officer's failed to activate to activate their Body Worn Cameras in violation of S03-14 to be **Sustained**.

COPA finds **Allegation #4** against **Officer Sanchez**, that he made unnecessary physical contact with the complainant, [REDACTED] by putting his hand on her shoulder while she was inside the vehicle, is **Not Sustained**. Chicago Police Department members are supposed to treat everyone they come in contact with professionalism, integrity, courage, dedication, and respect which are their core values.¹⁴ [REDACTED] and [REDACTED] allege that Officer Sanchez touched [REDACTED] shoulder. When asked if Officer Sanchez touched [REDACTED] shoulder during the traffic stop, he responded, "I deny doing that, I do not recall ever trying to put my hands on her shoulder for whatever reason. If I wear to do that, it was just to probably keep her from staying in the car or getting out of the vehicle, which seemed according to the video, none of the two took place."¹⁵ There is no BWC capturing their interaction. ICC does not clearly depict what, if any, contact Officer Sanchez had with [REDACTED] Officer Gies did not recall this. Thus, there is insufficient evidence to prove the allegations by a preponderance of the evidence and the allegation is **Not Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jacob Gies

i. Complimentary and Disciplinary History

¹³ Body Worn Cameras, Special order S03-14.

¹⁴ General Order, G01-01, #5- Respect.

¹⁵ Attachment #30 at 18:30.

1. **Complimentary:** 1 2019 Crime Reduction Award, 2 Complimentary Letters, 25 Honorable Mentions and 1 Unit Meritorious Performance Award.

2. **Disciplinary:** None

ii. Recommended Penalty, by Allegation

1. **Allegation No. 3:** Violation Noted

b. Officer Juan Sanchez

i. Complimentary and Disciplinary History

1. **Complimentary:** 1 2019 Crime Reduction Award, 1 Attendance Recognition Award, 3 Complimentary Letters and 27 Honorable Mentions

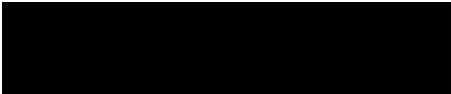
2. **Disciplinary:** None

ii. Recommended Penalty, by Allegation

1. **Allegation No. 4:** Violation Noted

COPA recommends a Violation Noted for both officers. Neither officer has a disciplinary history. Both officers acknowledged their responsibility to activate their BWC.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 31, 2022

Date