

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 1, 2018
Time of Incident:	11:25 a.m.
Location of Incident:	10100 South Peoria Street, Chicago, Illinois
Date of COPA Notification:	December 19, 2019
Time of COPA Notification:	11:55 a.m.

On June 1, 2018, at approximately 11:25 a.m., [REDACTED], Complainant, while driving his vehicle, was stopped by Sergeant J. Piechocki, Star #1349, of the Chicago Police Department (CPD) for failure to stop at a stop-sign near 10100 South Peoria Street, Chicago, Illinois.¹¹ [REDACTED] was unable to produce a valid driver’s license, and a name check, conducted by the officer determined that [REDACTED] Illinois driver’s license was revoked. [REDACTED] was taken into custody and a custodial / inventory search of his vehicle resulted in the recovery of a loaded 9 mm pistol. [REDACTED] was subsequently charged with Aggravated Unlawful Use of a Weapon, driving on a revoked driver’s license, and failure to stop at a stop-sign. Suspected cannabis was also recovered from the vehicle. The incident was recorded on Sergeant Piechocki’s Body Worn camera (BWC).

[REDACTED] maintains that he did not run a stop-sign, and claims that he was illegally detained, illegally searched, and falsely arrested. He also claimed that his wrist and arm were injured during his arrest because the arresting officer used excessive force.

II. INVOLVED PARTIES

Involved Officer #1:	John M. Piechocki, Star #1349, Employee ID# [REDACTED], Date of Appointment: December 6, 1991, Rank: Sergeant, Unit of Assignment: 004, DOB: [REDACTED], 1970, Male, White
Involved Officer #2:	Samuel Brienzo, Star #17883, Employee ID# [REDACTED], Date of Appointment: August 31, 2012, Rank: Police Officer, Unit of Assignment: 004, DOB: [REDACTED], 1986, Male, White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1981, Male, Black

III. ALLEGATIONS

¹¹ Attachment #3

Officer	Allegation	Finding / Recommendation
Officer Sergeant John Piechocki	1. It is alleged by ██████████ that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Sergeant John M. Piechocki, Star #1349, committed misconduct by detaining ██████████, without justification.	Not Sustained
	2. It is alleged by ██████████ that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Sergeant John M. Piechocki, Star #1349, committed misconduct by searching ██████████, without justification.	Exonerated
	3. It is alleged by ██████████ that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Sergeant John M. Piechocki, Star #1349, committed misconduct by arresting ██████████, without justification.	Exonerated
	4. It is alleged by ██████████ that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Sergeant John M. Piechocki, Star #1349, committed misconduct by using excessive force, without justification, when arresting ██████████.	Exonerated
Officer Samuel Brienzo	1. It is alleged by ██████████ that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Officer Samuel Brienzo, Star #17883, committed misconduct by arresting ██████████, without justification.	Exonerated
	2. It is alleged by ██████████ that on or about June 1, 2018, at approximately 11:25	Exonerated

a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Officer Samuel Brienzo, Star #17883, used excessive force, without justification, when arresting [REDACTED].

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
 2. Rule 2: Any action which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 3. Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
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Orders

1. General Order G03-02 (Use of Force)¹²
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Federal Laws

1. 4th Amendment to the U.S. Constitution
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State Laws

1. Constitution of the State of Illinois, Article I, Section 6

¹² Section III (B): Department members may only use force that is objectively reasonable, necessary, and proportional, *under the totality of the circumstances*, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.

V. INVESTIGATION¹³

a. Interviews

In his interview with COPA on December 19, 2019,¹⁴ ██████████, **Complainant**, stated that on June 1, 2018, at approximately 11:25 a.m., near 10100 South Peoria Street, Chicago, Illinois, he was falsely arrested by officers of the CPD. At the time, ██████████ was a short distance from his home, and was driving his boss' pick-up truck. He claimed to be a community activist, who was involved in cleaning up his community. He was alone when he was stopped, but he was on his way to pick up a co-worker. He was picking up garbage from alleys, and placing the garbage into the back of his pick-up truck, when he was pulled over by the CPD at 101st Street and Peoria Street. Only one officer was involved, and the officer asked him for his driver's license and insurance. He described the officer as a European officer. He believes his name was Officer Gainer. He was unsure as to why he was pulled over. The officer never told him why he was pulled over. ██████████ did not have a currently valid driver's license with him at the time. His driver's license had been revoked, but he claimed he had paid the fees. He was asked to exit the vehicle, and he did so. Several more officers arrived at the scene. He was handcuffed by an African-American officer and claimed that his shoulder and right wrist were injured during the arrest.⁵ He described the African American officer as approximately 6'2", and in his late 30's or early 40's. He told the officers that he was injured but was not allowed to seek medical treatment at the time. There were approximately twelve officers at the scene. He was then transported from the scene in a squadrol to a police station located in Trumbull Park.

██████████ claimed that at least two officers searched the vehicle. He stated that a firearm was found in the vehicle, but he did not know that a firearm was present in the vehicle at the time. He learned this information after he was incarcerated. When the officers searched the vehicle and found the firearm, ██████████ did not observe the firearm at the scene of his arrest. ██████████ was arrested and charged with Unlawful Use of a Weapon (UW). He later learned, from viewing BWC footage, that his boss, ██████████, had come to the scene and had told the officers that ██████████ was on his way to pick up a co-worker who lived a few blocks away, and that the truck and firearm were registered under her name.

██████████ said that he eventually went to court, with respect to the UW charge. It was a bench trial and he beat the case. This occurred about 6 months ago. Although he was not present when the firearm was found in the vehicle, he did observe the BWC footage of the search and recovery of the firearm. He attempted to obtain a copy of the BWC footage but was unable to do so. He said that he had filed a Freedom of Information request, but that it had been denied.

¹³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

¹⁴ Attachment #9

⁵ Attachment #14

b. Digital Evidence**Video Posting of Arrest of [REDACTED] on June 1, 2018⁶**

You Tube Video of [REDACTED] of the Arrest of [REDACTED] on June 1, 2018.⁷ [REDACTED] recorded the incident on his cell phone. The arresting officer is not visible. [REDACTED] identified himself as a community activist; however, he was not able to produce a valid driver's license and was arrested and searched. The officer, later confirmed to be Sergeant John Piechocki, said that [REDACTED] ran a stop-sign, which was the reason that he was initially stopped.⁸ [REDACTED] was verbally combative throughout the incident.

Body Worn Camera (BWC) video of Sergeant John Piechocki, Star #1349, on June 1, 2018 of the Arrest of [REDACTED].⁹ The BWC begins after [REDACTED] has been stopped in his vehicle by Sergeant Piechocki, who states that he smells weed (i.e. marijuana). [REDACTED] denies it. [REDACTED] is told that he is being detained for failing to stop at a stop-sign. [REDACTED] is unable to furnish a valid driver's license or insurance, and claims the vehicle he is driving is his boss' vehicle, and not his vehicle. [REDACTED] is visibly upset and argues with Sergeant Piechocki. A name check determines that [REDACTED] driver's license is revoked. [REDACTED] is arrested by Sergeant Piechocki and Officer Samuel Brienzo, who arrives on the scene after Sergeant Piechocki requested assistance. Initially, [REDACTED] is an active resister and verbally combative. He is arrested without incident and appears uninjured. He does not complain of any injuries. He does not request medical assistance. Two uniformed officers from the 22nd District arrive in a police wagon, Officer Edward Bryan and Officer Malcolm Thompson, both Black males. They assist by escorting [REDACTED] into the police wagon, without incident, after [REDACTED] has been handcuffed by Sergeant Piechocki and Officer Brienzo. They do not handcuff [REDACTED]. The vehicle is searched, and a 9 mm pistol is recovered, along with suspect cannabis.

c. Physical Evidence

Ruger Model 9 mm Pistol, Serial No. [REDACTED] and Loaded Magazine recovered at the scene¹⁰

Hand-Rolled Cigar (suspect cannabis) recovered at the scene¹¹

d. Documentary Evidence

CPD Arrest Report, CB# [REDACTED], dated June 1, 2018.¹² [REDACTED] was initially stopped for failure to stop at a stop-sign. The arresting officer, Sergeant John Piechocki, Star

⁶ Attachment #12

⁷ Attachment #13

⁸ Attachment #13 at 08:52:23

⁹ Attachment #14 from 1:10:46 to 11:25:51; Axon Body 2 – X81033066.

¹⁰ Attachment #3

¹¹ Attachment #3

¹² Attachment #3

#1349, smelled the odor of raw cannabis. ██████ was unable to produce a valid driver's license and was asked to step out of the vehicle. The officer requested assistance. Officer Malcolm Thompson and Officer Edward Bryan, 22nd District responded. Officer Samuel Brienzo, Star #17883, also responded. ██████ was verbally combative during the incident. ██████ was determined to have a revoked driver's license. ██████ was arrested and handcuffed by Sergeant Piechocki and Officer Brienzo. A custodial search of the vehicle was conducted. A loaded 9 mm pistol was recovered, along with suspect cannabis. ██████ was escorted to a police wagon and then transported to the 4th District by Officers Thompson and Bryan.¹³

Illinois Driver's License of ██████, DL No. ██████, Issue Date: August 12, 2019; Expiration Date: ██████, 2023¹⁴

VI. ANALYSIS

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

¹³ Attachment #14

¹⁴ Attachment #2

Investigation in this matter has determined that [REDACTED] was initially stopped for a traffic violation, failure to stop at a stop-sign, near 10100 South Peoria Street, Chicago, Illinois, at approximately 11:25 a.m., on June 1, 2018, by CPD Sergeant John Piechocki, Star #1349. [REDACTED] was unable to produce a valid driver's license at that time, and was subsequently arrested. A custodial search of the vehicle [REDACTED] was driving resulted in the recovery of a 9 mm pistol, which [REDACTED] claimed was not his, as the vehicle was registered not to him, but to his employer. Sergeant Piechocki, who had initially stopped [REDACTED], had recorded the incident on his BWC.¹⁵ [REDACTED] claimed that he was not told why he was pulled over. The BWC footage shows that Sergeant Piechocki clearly informed [REDACTED] that he was pulled over for running a stop-sign and then arrested for having a revoked driver's license. Further, the Illinois driver's license that [REDACTED] displayed during his interview with COPA showed an issue date of August 12, 2019. The date of [REDACTED] arrest in this incident is June 1, 2018. The logical inference is that [REDACTED] did not have a valid driver's license on the date of his arrest.

With respect to the initial traffic stop of [REDACTED], the BWC of Sergeant Piechocki does not capture [REDACTED] running a stop-sign. Other than Sergeant Piechocki's incident report, which memorialized the incident, along with his BWC footage of the event, in which he clearly tells [REDACTED] that [REDACTED] ran a stop-sign, there is no corroborating evidence to bolster Sergeant Piechocki's account of the incident. It should be noted, however, that an officer may initiate a brief investigative traffic stop when he has "a particularized and objective basis" to suspect legal wrongdoing, *United States v. Cortez*, 449 U. S. 411, 417. According to Sergeant Piechocki's incident report, that is exactly what he did. Further, for a traffic stop to be valid the officer need only to have probable cause to believe that a traffic violation occurred, not whether a violation actually occurred.¹⁶ Initially, [REDACTED] had identified Officer Gainer as the officer who had pulled him over. Investigation has determined that the correct identity of the officer is Sergeant John Piechocki, Star #1349, not Officer Ryan Gainer, Star #5232. Further, [REDACTED] had claimed that [REDACTED] came to the scene and told the officers that [REDACTED] was on his way to pick up a co-worker who lived a few blocks away, and that the truck and firearm were registered under her name. BWC footage, however, does not record [REDACTED] on the scene.

In order for the allegation made by [REDACTED] of an unlawful detention to be sustained, there must be a preponderance of the evidence that [REDACTED] did not run the stop-sign. This is clearly not the case here, as [REDACTED] was alone in his vehicle at the time of the incident. No other witnesses to the event have been identified, and no other video coverage of the event exists. As such, it is simply [REDACTED] word against that of Sergeant Piechocki. Because a preponderance of the evidence has not been shown, **Allegation 1**, with respect to **Sergeant John Piechocki, Star #1349**, is considered **NOT SUSTAINED**.

With respect to the subsequent search of [REDACTED], when a lawful traffic stop has been made, and probable cause exists to arrest the individual, it is the fact of the lawful arrest which establishes the authority to search; and in the case of a lawful custodial arrest, a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a reasonable

¹⁵ Attachment #14

¹⁶ *United States v. Muriel*, 418 F.3d 720, 724 (7th Cir. 2005); *United States v. Dowthard*, 500 F.3d 567, 569 (7th Cir. 2007); *United States v. McDonald*, 453 F.3d 958, 960 (7th Cir. 2006)

search under that Amendment.¹⁷ As such, the search of ██████, after it was determined that he had an invalid driver's license, was a valid arrest, and the search incident to his arrest was equally justified. Thus, with respect to **Allegation 2** of an unlawful search alleged by ██████, this allegation should be deemed **EXONERATED**, with respect to Sergeant **John Piechocki, Star #1349**.

With respect to the arrest of ██████ by Sergeant John Piechocki and Officer Samuel Brienzo, the officers clearly had probable cause to arrest ██████, as ██████ was driving a vehicle without a valid driver's license in violation of 625 ILCS 5.0/6-303-A. Regardless of whether the initial traffic stop of ██████ was justified, the fact that ██████ was determined to be operating a motor vehicle without a valid driver's license remains an offense for which an arrest is justified. Thus, **Allegation 3**, with respect to **Sergeant John Piechocki, Star #1349**, and **Allegation 2**, with respect to **Officer Samuel Brienzo, Star #17883**, respectively, should be deemed **EXONERATED**.

Further, in his interview with COPA, ██████ claimed that he was handcuffed by an African-American officer, and that his shoulder and right wrist were injured during the arrest.¹⁸ Review of BWC footage of Sergeant Piechocki shows that no African-American officer handcuffed ██████. The officers who placed ██████ in a police wagon, however, were both African-American officers, Officer Edward Bryan, and Officer Malcolm Thompson, but they were only minimally involved in ██████ arrest. Per Sergeant Piechocki's BWC, Officers Bryan and Thompson were not observed twisting ██████ arm, nor injuring him.¹⁹ Sergeant John Piechocki and Officer Samuel Brienzo handcuffed ██████, both of whom are white males. However, ██████ alleged in his interview with COPA that an African American officer had twisted his arm, using excessive force. This is inconsistent with the BWC footage. Officer Bryan and Officer Thompson did not handcuff ██████, nor did they use excessive force in escorting ██████ to the squadrol. Further, ██████ did not complain about his treatment or request medical assistance.²⁰ ██████, who was verbally combative throughout the incident, was initially an active resister.²¹ When police officers face what is essentially a fluid situation, they are entitled to graduate their response to meet the demands of the circumstances confronting them.²² That is what the officers did, and subsequently ██████ complied.

Since it is clear and convincing from viewing the BWC of Sergeant Piechocki that ██████ was an active resister, verbally combative, and uninjured during his arrest, his version of the event is simply not corroborated. As such, there is clear and convincing evidence that excessive force has not been shown, and **Allegation 4**, with respect to **Sergeant John Piechocki, Star #1349**, and

¹⁷ *United States v. Robinson*, 414 U.S. 218, 38 L.Ed2d 427, 94 S.Ct. 467 (1973); *Gustafson v. Florida*, 414 U.S.260, 38 L.Ed.2d 456, 94 S.Ct. 48 (1973)

¹⁸ Attachment #9: COPA interview of ██████. See, however, Attachment #14: The officers who actually arrested ██████ (i.e. placing the handcuffs on him) were Sergeant John Piechocki and Officer Samuel Brienzo, both of whom are white males.

¹⁹ Attachment #14

²⁰ Attachment #14

²¹ See Attachment #14 at 11:21:14.

²² See *Smith v. Ball State University*, 295 F.3d 763, 770 (7th Cir. 2002).

Allegation #2, with respect to **Officer Samuel Brienzo, Star #17883**, should be deemed **EXONERATED**.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Sergeant John M. Piechocki	<p>1. It is alleged by [REDACTED] that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, the accused, Sergeant John M. Piechocki, Star #1349, committed misconduct by detaining [REDACTED], without justification.</p> <p>2. It is alleged by [REDACTED] that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, the accused, Sergeant John M. Piechocki, Star #1349, committed misconduct by searching [REDACTED], without justification</p> <p>3. It is alleged by [REDACTED] that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, the accused, Sergeant John M. Piechocki, Star #1349, committed misconduct by arresting [REDACTED], without justification.</p> <p>4. It is alleged by [REDACTED] that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Sergeant John M. Piechocki, Star #1349, committed misconduct by using excessive force, without justification, when arresting [REDACTED].</p>	<p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
Officer Samuel Brienzo	<p>1. It is alleged by [REDACTED] that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, the accused, Officer Samuel Brienzo, Star #17883, committed misconduct by arresting [REDACTED], without justification.</p>	<p>Exonerated</p>

2. It is alleged by [REDACTED] that on or about June 1, 2018, at approximately 11:25 a.m., at or near 10100 South Peoria Street, Chicago, Illinois, Officer Samuel Brienzo, Star #17883, committed misconduct by using excessive force, without justification, when arresting [REDACTED].

Exonerated

Approved:

[REDACTED]

10-30-2020

Angela Hearts-Glass
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	James L. Whitmer
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass