

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	December 29, 2019 / 10:13 am / 8100 S Loomis Blvd., Chicago, IL 60620.
Date/Time of COPA Notification:	December 31, 2019 / 1:23 pm.
Involved Officer #1:	Officer Alexander Chorak / Star#14867 / Employee ID# [REDACTED] / DOA: October 27, 2014 / Unit: 004 / Male / White.
Involved Officer #2:	Officer Francisco Gonzalez / Star#16782 / Employee ID# [REDACTED] / DOA: December 2, 2002 / Unit: 701/704 / Male / Hispanic.
Involved Officer #3:	Unidentified Member(s)
Involved Individual #1:	[REDACTED] / Male / Black.
Case Type:	03Q – Improper Detention.

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officers Alexander Chorak, Francisco Gonzalez and Unidentified Member(s)	1. Stopping [REDACTED] without justification.	Not Sustained.
	2. Searching [REDACTED] without justification.	Not Sustained.
	3. Searching [REDACTED] vehicle, without justification.	Not Sustained.
	4. Failing to document your interaction with [REDACTED] in an Investigatory Stop Report.	Not Sustained.
	5. Failing to provide [REDACTED] with an Investigatory Stop Receipt.	Not Sustained.
Officers Chorak and Gonzalez	6. Failing to activate your Body Worn Camera.	Unfounded.
Unidentified Member(s)	6. Failing to activate your Body Worn Camera.	Not Sustained.

**II. SUMMARY OF EVIDENCE**

During a statement to COPA, [REDACTED] alleged that he was driving his uncle’s ([REDACTED] vehicle tan 1999 or 2000 four-door Mercury, displaying a personalized Mississippi Airforce Veteran license plate, home from the store when he was stopped by four uniformed Department members in an unmarked Department vehicle. During the traffic stop the members completed a custodial search of his person and searched his vehicle while asking if he had a body

in the trunk. After the traffic stop, ██████ was released. ██████ alleged that the members later passed his residence at ██████

██████ described the members as three males and one female. ██████ explained that all four members were either white or Hispanic. ██████ added that one of the males was “tall” in height, who was the member who searched his vehicle. ██████ relayed that one of the males was “shorter” and asked if there was a body in his trunk, which prompted him to consent to a search of the trunk.<sup>1</sup> Finally, ██████ explained that he went to the local station to report the incident and was told that they had no knowledge of the members or the vehicle.<sup>2</sup>

To identify the members, COPA completed a search of a name check using the name ██████. This search revealed that Officer Francisco Gonzalez completed a name check on ██████ on the December 29, 2019, 10:13:46 am.<sup>3</sup> Additionally, this search revealed that ██████ had a listed address in Pembroke Township, and there was no indication of a Chicago address.<sup>4</sup> COPA also reviewed the Attendance and Assignment sheets for Unit 312 for the relevant date and time and learned that Officer Gonzalez was working with Officer Alexander Chorak. No other members were listed working in the same vehicle as Officers Gonzalez and Chorak during the same time.<sup>5</sup> Finally, COPA obtained the physical descriptions of Officers Gonzalez and Chorak, both of which stand less than five feet eight inches in height.<sup>6</sup>

During their statement Officers Gonzalez and Chorak did not recall any interaction with ██████ nor stopping a vehicle consistent with ██████ vehicle. Additionally, Officers Gonzalez and Chorak explained that at the time of the incident there was not a female assigned to their team and that they were working a two-person vehicle. Further, Officers Gonzalez and Chorak explained that at the time of the incident Unit 312 was not assigned with Body Worn Cameras. Additionally, Officers Gonzalez and Chorak both denied routinely asking if a citizen was storing a body in the trunk of their vehicle and that such a question would only occur if certain facts of a stop necessitated such a question. Finally, Officer Gonzalez explained that while he did complete a name check of ██████ he did not recall why and explained that it was not uncommon for him to stop and check on members who had completed a traffic stop and are asked to complete a name check.

### III. LEGAL STANDARD

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

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<sup>1</sup> ██████ explained that his consent to search his trunk occurred prior to any member searching any part of his vehicle. Att. 4 at 14:38.

<sup>2</sup> *Id.*, at 25:13.

<sup>3</sup> The results of this name check revealed that ██████ stands at five feet eleven inches in height. Att. 9.

<sup>4</sup> *Id.*

<sup>5</sup> Att. 10.

<sup>6</sup> Atts. 18 and 19.

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.<sup>7</sup> 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.<sup>8</sup> 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."<sup>9</sup>

#### IV. ANALYSIS AND CONCLUSION

COPA find that Allegations# 1 to 3 against Officers Gonzalez and Chorak are **not sustained**. While COPA does not doubt that ██████ was stopped and likely subject to a search of his person and vehicle, COPA was unable to locate any evidence – beyond a name check search – that indicated which Department members stopped ██████. Additionally, while the name check search is an indication that a member conducted a name check on an individual, there are many reasons for this beyond a traffic stop or detention such as assisting another member and completing the name check at their request, as explained by Officer Gonzalez. Further, ██████ was clear during his statement that he was stopped by three members, one of which was a white female, which COPA was unable to identify. Finally, the physical description ██████ provided of the male members who detained and searched him does not match the description of the accused. Therefore, COPA is unable to determine if the accused were the members who detained and searched ██████.

COPA finds that Allegations #4 and 5 against Officers Gonzalez and Chorak are **not sustained**. Since COPA could not determine the identity of the members who detained and searched ██████ there can be no determination if the accused failed to complete and issue the required documents.

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<sup>7</sup> *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.)

<sup>8</sup> *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>9</sup> *Id.* at ¶ 28.

COPA finds that Allegation #6 against Officers Gonzalez and Chorak is **unfounded**. At the time of this incident the accused were assigned to Area South Gang Enforcement, which was not assigned or deployed with Body Worn Cameras in the fall of 2019.

COPA finds that all the allegations against the unidentified member(s) are **not sustained**. Since COPA was unable to identify the member(s) who detained and subject [REDACTED] to a search, COPA is unable to determine if their actions were reasonable and proper.

Approved:



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Angela Hearts-Glass  
*Deputy Chief Investigator*

6-6-2022

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Date