

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	August 20, 2019
Time of Incident:	4:13 PM
Location of Incident:	1311 N. Milwaukee Avenue, Chicago, IL
Date of COPA Notification:	August 20, 2019
Time of COPA Notification:	5:34 PM

This complaint arose from a traffic stop at the above time, date, and location. Officers Nipat Itthipratheep, Mari Mar Gomez, and Craig Davis stopped a vehicle driven by [REDACTED]. The stop was initiated based on a 911 call from the driver of another vehicle who provided a description of Mr. [REDACTED] a description of his car, and the license plate of his car. The caller complained that they saw Mr. [REDACTED] brandish a gun. Mr. [REDACTED] admitted to the officers that he had a handgun in his car but denied removing it from the center console, where it was stored.

Mr. [REDACTED] produced a valid Firearm Owners Identification (FOID) card and Concealed Carry License (CCL). Shortly after the officers initiated the stop, the Office of Emergency Management and Communications (OEMC) dispatcher notified Officer Davis that the 911 caller would not report to the location of the stop or otherwise pursue their complaint. The officers continued the stop to confirm the status of Mr. [REDACTED] FOID card and CCL and to gather enough information to complete an Investigatory Stop Report (ISR) documenting the interaction. Upon completion of those steps, the officers released Mr. [REDACTED] without taking any enforcement action.

Mr. [REDACTED] made complaints against each officer. He alleged that Officer Itthipratheep took a photo of the portable data terminal (PDT) screen in the officers' patrol car while Mr. [REDACTED] information was displayed on the screen, that Officer Gomez made accusatory comments indicating that she did not believe Mr. [REDACTED] denial of the allegation against him, and that Officer Davis incorrectly identified himself as a sergeant and also made inappropriate accusatory comments.

COPA's investigation revealed that Officer Itthipratheep took a photo of the PDT screen on his cellphone while Officer Davis was drafting the ISR for the stop. This conduct is not prohibited by CPD directives, so COPA finds that this allegation against Officer Itthipratheep is **Exonerated**. The investigation further revealed that Officers Davis and Gomez both made comments to Mr. [REDACTED] explaining that they believed the allegation made by the 911 caller, but that they were not taking any enforcement action due to the failure of the caller to pursue the allegation. While Mr. [REDACTED] was offended by the comments, they did not rise to the level of verbal abuse. COPA finds that these allegations against Officer Davis and Gomez are **Exonerated**. The involved officers' BWC video recordings show that Officer Davis did not

identify himself as a sergeant at any time during the stop, and COPA finds that this allegation against Officer Davis is **Unfounded**.

**INVOLVED PARTIES**

Involved Officer #1:	Nipat Itthipratheep, Star #9245, Employee # [REDACTED], Date of Appointment: October 29, 2018, Police Officer, <sup>1</sup> Unit of Assignment: 044/012, DOB: [REDACTED], 1985, Male, Asian
Involved Officer #2:	Mari Mar Gomez, Star #17604, Employee # [REDACTED], Date of Appointment: November 27, 2018, Police Officer, <sup>2</sup> Unit of Assignment: 044/012, DOB: [REDACTED], 1994, Female, Hispanic
Involved Officer #3:	Craig Davis, <sup>3</sup> Star #17472, Employee # [REDACTED], Date of Appointment: August 14, 2000, Police Officer, Unit of Assignment: 012, DOB: [REDACTED], 1971, Male, White
Involved Individual #1:	[REDACTED], 1992, Male, Middle Eastern

**II. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Nipat Itthipratheep	It is alleged by [REDACTED] that on or about August 20, 2019, at approximately 4:13 PM at or near 1311 N. Milwaukee Avenue, Chicago, IL that Officer Nipat Itthipratheep Star #9245 committed misconduct through the following acts or omissions, by:  1. photographing the screen of his portable data terminal on his cell phone.	Exonerated
Officer Mari Mar Gomez	It is alleged by [REDACTED] that on or about August 20, 2019, at approximately 4:13 PM at or near 1311 N. Milwaukee Avenue, Chicago, IL that Officer Mari Mar Gomez Star #17604 committed misconduct through the following acts or omissions, by:	

<sup>1</sup> Officer Itthipratheep held the rank of Probationary Police Officer at the time of the incident under investigation.

<sup>2</sup> Officer Gomez held the rank of Probationary Police Officer at the time of the incident under investigation.

<sup>3</sup> Officer Davis retired from the Department during the pendency of this investigation, effective on April 16, 2021. (Attachment 28.)

	1. Improperly accusing the complainant of pointing a gun at another driver.	Exonerated
Officer Craig Davis	It is alleged by ██████████ that on or about August 20, 2019, at approximately 4:13 PM at or near 1311 N. Milwaukee Avenue, Chicago, IL that Officer Craig Davis Star #17472 committed misconduct through the following acts or omissions, by:	
	1. Improperly accusing the complainant of pointing a gun at another driver.	Exonerated
	2. improperly identifying himself as a sergeant.	Unfounded

**III. APPLICABLE RULES AND LAWS**

Rules

1. Rule 6: Disobedience of an order or directive, whether written or oral.
2. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
3. Rule 37: Failure of a member, whether on or off duty, to correctly identify himself by giving his name, rank and star number when so requested by other members of the Department or by a private citizen.

General Orders

1. G09-01-01 Access to Computerized Data, Dissemination and Retention of Computer Data (Eff. February 3, 2012)

**IV. INVESTIGATION<sup>4</sup>**

**a. Interviews<sup>5</sup>**

**COPA investigators interviewed the complainant, ██████████ on August 21, 2019.** Mr. ██████████ stated that on August 20, 2019, he was driving for Uber and Lyft. He was stopped at a stop light heading west on Chicago Avenue at the intersection with Halsted Street while between fares. He became involved in an altercation with a driver, who was also stopped at the light, in the lane to his left. After the light turned green, Mr. ██████████ and the other driver both began driving west on Chicago Avenue. The road narrowed to a single lane ahead, and the other driver began honking their horn. Mr. ██████████ rolled down his window and asked the other driver if anything was wrong, and the other driver game him the finger.

<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>5</sup> Because all of the allegations in Mr. ██████████ complaint could be resolved based on the available BWC video recordings, the accused officers were not interviewed.

Mr. █████ continued driving, made a right turn onto Milwaukee Avenue, and lost sight of the other car at Milwaukee Avenue and Ashland Avenue. A few blocks later, Mr. █████ was stopped by a marked CPD vehicle. An officer (now know to be Officer Craig Davis) approached Mr. █████ vehicle and asked him if he had any weapons. Mr. █████ told the officer that he had a gun in the center console. The officer asked Mr. █████ to exit the vehicle. Mr. █████ asked why he was being stopped as he exited the vehicle. The officer did not respond, handcuffed Mr. █████ and patted him down. A second officer (now known to be Officer Mari Mar Gomez) led Mr. █████ to the patrol car and put him in the back seat.

Officer Davis asked Mr. █████ if he had a CCL and insurance. Mr. █████ responded that he did in his right pocket. Officer Davis removed Mr. █████ wallet from his pocket and retrieved Mr. █████ CCL, FOID card, and driver's license. Officer Davis began entering Mr. █████ information in the PDT in the car. Shortly after that, a third officer (now known to be Officer Nipat Itthipratheep) took a photo of the PDT screen on his phone.

Mr. █████ asked the officers again why he was being stopped, and Officer Davis laughed and told Mr. █████ that he knew why he was being stopped. Mr. █████ said that he formed the belief that the stop was based on a call to 911 from the driver he encountered earlier. Mr. █████ believed that the caller stated that he pointed his gun at them. Mr. █████ denied the allegation to the officers and complained of accusatory statements made by Officers Davis and Gomez. Mr. █████ also complained that during the stop Officer Davis mis-identified himself as a sergeant.

#### b. Digital Evidence

**COPA investigators obtained and reviewed body-worn camera (BWC) video recordings from Officers Nipat Itthipratheep, Craig Davis, and Mari Mar Gomez.**<sup>6</sup> The BWC recordings show the officers riding in a patrol car, coming to a stop behind a black SUV, and exiting their vehicle.<sup>7</sup> Officer Davis walks forward on the driver's side of the vehicle, maintaining approximately two lanes of traffic between himself and the vehicle.<sup>8</sup> The driver's window is open, and Officer Davis directs the driver (now known to be █████ to turn the car off and to keep his hands on the steering wheel.<sup>9</sup> Officer Davis approaches the black SUV, opens the door, and asks Mr. █████ for his license and insurance.<sup>10</sup> Officer Davis asks Mr. █████ if he has a CCL. Mr. █████ responds that he does and indicates that he has a pistol in the center console.<sup>11</sup> Officer Davis asks Mr. █████ to step out of the car. Mr. █████ does, and Officers Gomez and Itthipratheep proceed to handcuff him.<sup>12</sup> Mr. █████ asks Officer Davis about the basis for the stop several times, and Officer Davis ignores the questions.<sup>13</sup>

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<sup>6</sup> Attachments 2, 3, and 4.

<sup>7</sup> See Attachment 2 at 0:00 – 2:01, Attachment 3 at 0:00 – 2:06, and Attachment 4 at 0:00 – 0:55.

<sup>8</sup> Attachment 3 at 2:07.

<sup>9</sup> *Id.* at 2:11.

<sup>10</sup> *Id.* at 2:21.

<sup>11</sup> *Id.* at 2:31.

<sup>12</sup> *Id.* at 2:37.

<sup>13</sup> *Id.* at 2:24, 2:28, 2:31, 2:44, 2:48, and 2:51.

Officer Davis asks OEMC to have the caller come to their location.<sup>14</sup> Mr. ██████ tells Officer Davis, “If there’s somebody called in, I didn’t do anything,” and Officer Davis asks him, “If somebody didn’t call you in, then you did do something?”<sup>15</sup> Officer Davis begins to pat Mr. ██████ down, and while he does, the OEMC dispatcher says that the caller is at home already.<sup>16</sup> The officers lead Mr. ██████ to their patrol car and place him in the back.<sup>17</sup> Officer Gomez asks the OEMC dispatcher if the caller will come to their location.<sup>18</sup> The dispatcher says that the caller is at home and does not want to come to the scene.<sup>19</sup> Officer Davis asks the OEMC dispatcher to tell the caller that they are needed to proceed with the complaint.<sup>20</sup>

Officer Davis walks back towards Mr. ██████ car, and two additional officers (now known to be Officers Kevin Persaud and Marcus Mudd) are standing near the front driver’s-side door.<sup>21</sup> Officer Davis leans into the driver’s seat, opens the center console, and retrieves Mr. ██████ pistol.<sup>22</sup> Officer Davis returns Mr. ██████ pistol to the center console. He turns to Officers Persaud and Mudd and tells them that he is leaving the pistol in the console because Mr. ██████ has a CCL and is in legal possession of the weapon.<sup>23</sup>

Officer Davis approaches the rear passenger-side door of the patrol car, asks Mr. ██████ for his FOID card, and takes Mr. ██████ wallet from his pocket to retrieve his FOID card, CCL, and driver’s license.<sup>24</sup> Mr. ██████ asks Officer Davis why he is being detained, and Officer Davis tells Mr. ██████ that he knows why and that he is playing dumb. Mr. ██████ says that there was a car earlier honking at him for no reason. Officer Davis tells Mr. ██████ that he does know something. Mr. ██████ responds that he only rolled down his window and asked the driver what was wrong, so he does not know why he is being stopped. Officer Davis says that is not the whole story, and Mr. ██████ and Officer Davis quarrel back and forth over whether it is or is not the full story.<sup>25</sup>

Officer Davis walks around the patrol car to sit in the driver’s seat and begins entering Mr. ██████ information into the PDT.<sup>26</sup> Officer Davis continues a verbal exchange with Mr. ██████ explaining that he can do anything he wants,<sup>27</sup> that he is answering Mr. ██████ questions the way he wishes to,<sup>28</sup> that Mr. ██████ made a bad decision,<sup>29</sup> and that Mr. ██████ is

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<sup>14</sup> *Id.* at 2:46.

<sup>15</sup> *Id.* at 3:19.

<sup>16</sup> *Id.* at 3:30.

<sup>17</sup> *Id.* at 3:42.

<sup>18</sup> Attachment 4 at 2:58.

<sup>19</sup> Attachment 3 at 4:10.

<sup>20</sup> *Id.* at 4:15.

<sup>21</sup> *Id.* at 4:19.

<sup>22</sup> *Id.* at 4:24.

<sup>23</sup> *Id.* at 4:51.

<sup>24</sup> *Id.* at 5:13.

<sup>25</sup> *Id.* at 5:51.

<sup>26</sup> *Id.* at 6:32.

<sup>27</sup> *Id.* at 7:41.

<sup>28</sup> *Id.* at 7:46.

<sup>29</sup> *Id.* at 7:57.

playing dumb.<sup>30</sup> Officer Davis continues entering information into the PDT while speaking with Mr. ██████<sup>31</sup>

Officer Davis turns to Officers Itthipratheep and Gomez and tells them that he's going to write an ISR and not to hit "save" on the PDT screen.<sup>32</sup> Officer Itthipratheep reaches into a pocket on his vest, pulls out his phone, and takes a picture of the PDT screen.<sup>33</sup> Officer Davis hands Mr. ██████ IDs to Officer Gomez and tells her that she can release Mr. ██████<sup>34</sup> Officer Davis tells Mr. ██████ not to pull his gun on anyone, and the two begin to argue until Officer Gomez leads Mr. ██████ out of the car.<sup>35</sup> Officer Gomez removes Mr. ██████ handcuffs.<sup>36</sup> She walks with him to his car where he checks that the Uber application is still on and that his gun is still in the center console. Officer Gomez returns his IDs.<sup>37</sup> Officer Gomez tells Mr. ██████ not to pull his gun on anyone and walks away as Mr. ██████ continues to argue.<sup>38</sup>

**COPA obtained and reviewed BWC video recordings from Officers Kevin Persaud,<sup>39</sup> Marcus Mudd,<sup>40</sup> and Michael Muldoon,<sup>41</sup> and the dashboard camera recordings from the patrol cars driven by Officers Craig<sup>42</sup> Davis and Michael Muldoon.<sup>43</sup> These recordings do not capture any information relevant to the complaints beyond what is captured in the BWC videos from Officers Itthipratheep, Davis, and Gomez.**

### c. Documentary Evidence

**COPA obtained and reviewed the ISR generated for the stop of ██████ on August 20, 2019.<sup>44</sup> The report is authored by Officers Davis and Gomez. It indicates that Mr. ██████ was stopped in a 2014 black Infiniti truck with Illinois license plate ██████.<sup>45</sup>**

The narrative indicates that Beat 1213 was dispatched in response to a 911 call reporting a Hispanic male driving a black Infinity with license plate number ██████ who flashed a gun at the caller. Officers Davis and Gomez assisted Beat 1213 in locating the vehicle described by the 911 caller and stopped the vehicle. The driver, Mr. ██████ produced a valid commercial driver's license, CCL, and FOID card. Mr. ██████ told the officers he had a firearm in his center console and denied having any other weapons. The officers patted Mr. ██████ down and

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<sup>30</sup> *Id.* at 8:18.

<sup>31</sup> *Id.* at 8:33 – 12:04.

<sup>32</sup> *Id.* at 12:05.

<sup>33</sup> Attachment 2 at 12:24.

<sup>34</sup> Attachment 3 at 12:11.

<sup>35</sup> *Id.* at 12:28.

<sup>36</sup> Attachment 4 at 12:06.

<sup>37</sup> *Id.* at 12:35.

<sup>38</sup> *Id.* at 12:49.

<sup>39</sup> Attachment 5.

<sup>40</sup> Attachment 6.

<sup>41</sup> Attachment 7.

<sup>42</sup> Attachment 8.

<sup>43</sup> Attachment 9.

<sup>44</sup> Attachment 10.

<sup>45</sup> This is a typo in the ISR. The license plate number is listed as ██████ in the narrative of the ISR, which is consistent with the plate on Mr. ██████ vehicle on view in the officers' BWC video.

confirmed the location of the weapon in the console. No other weapons were found on Mr. ██████ person or observed in his car. The officer attempted to contact the 911 caller, but the caller declined to report to the scene of the stop or to identify themselves. The officers name-checked Mr. ██████ and found that he was clear of wants and warrants. The officers warned Mr. ██████ of the danger of displaying his weapon and released him. The ISR narrative indicates that an ISR receipt was mailed to Mr. ██████ based on feedback by Sergeant Victor Medina during his review of the report.

**COPA obtained and reviewed an Event Query Report documenting the 911 call and stop.**<sup>46</sup>

The report indicates that the 911 call was received at 4:06:29 PM. The caller indicated that a Hispanic male driving a black Infinity with license plate ██████ flashed a gun at the caller. The call was dispatched to Beat 1213 at 4:08:49 PM and Beat 1215 at 4:09:33 PM. At 4:13:20 PM, Beat 1215 indicated that it had stopped a car at the intersection of Milwaukee and Paulina. At 4:16:15:23 PM, the dispatcher indicated that the victim was contacted and did not want to talk. Beat 1213 is listed as clear of the event at 4:33:27 PM. There is no entry indicated that Beat 1215 is clear of the event, and the event is closed at 5:19:23 PM.

## V. 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 reviewed did not comply with CPD policy.<sup>47</sup> If the evidence gathered in an investigation establishes that it is more likely that the conduct violated CPD 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.<sup>48</sup> Clear and Convincing can be defined as a "degree of proof, which, considering all the

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<sup>46</sup> Attachment 11.

<sup>47</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.")

<sup>48</sup> See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”<sup>49</sup>

## VI. ANALYSIS

### a. Officer Itthipratheep’s conduct while photographing the PDT terminal screen on his cell phone is within Department policy

In his statement to COPA investigators, Mr. ██████ complained that Officer Itthipratheep photographed a PDT screen while Mr. ██████ personal information was displayed on the screen.<sup>50</sup> The conduct is captured clearly on Officer Itthipratheep’s BWC video.<sup>51</sup> Officer Itthipratheep took the photo immediately after Officer Davis said he was drafting his ISR and directed Officer Gomez to release Mr. ██████<sup>52</sup>

Officer Itthipratheep’s photo appeared to be intended to preserve the information on the screen from inadvertent loss. The BWC videos do not capture any of the officers writing down Mr. ██████ information during the stop, and Officer Itthipratheep’s photo would be the only record the officers had available to complete their ISR in the event the information entered was lost. Officer Itthipratheep’s conduct is functionally identical to writing down Mr. ██████ information on a notepad. There are no Department directives that specifically prohibit recording information needed for an official report in this manner. Because there are no CPD directives prohibiting photographs in this context, **COPA finds the allegation that Officer Itthipratheep improperly photographed the PDT screen is Exonerated.**

### b. Officers Gomez and Davis’ statements to Mr. ██████ regarding his alleged conduct are within Department policy

In his statement to COPA investigators, Mr. ██████ complained that Officers Davis and Gomez accused him of pointing his gun at another driver.<sup>53</sup> The BWC footage corroborates Mr. ██████ complaint showing that both officers made statements to Mr. ██████ that they did not find his denial of the allegations made by the 911 caller to be credible.<sup>54</sup> Officer Davis specifically expressed his disbelief that the 911 caller would accurately state that Mr. ██████ was in possession of a handgun if he had not drawn it.<sup>55</sup>

The officers expressed their suspicion that the allegations against Mr. ██████ were true and highlighted the improbability of his denial. These statements were not derogatory and do not rise to the level of verbal abuse or harassment. Also, it is common investigative practice for police officers to confront a person accused of a crime with statements from witnesses and to gauge the accused’s reaction to being told that the officer does not believe their story. Here, the officers took no further action after the 911 caller failed to pursue their allegations and terminated their

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<sup>49</sup> *Id.* ¶ 28.

<sup>50</sup> Attachment 1 at 23:40

<sup>51</sup> Attachment 2 at 12:50.

<sup>52</sup> Attachment 2 at 12:11.

<sup>53</sup> Attachment 1 at 30:15.

<sup>54</sup> Attachment 3 at 12:28 and Attachment 4 at 12:49.

<sup>55</sup> Attachment 3 at 12:44.



stop after gathering the information needed to document the stop. **COPA finds the allegations that Officers Davis and Gomez improperly accused Mr. [REDACTED] of pointing his gun at another driver are Exonerated.**

**c. Officer Davis did not identify himself to Mr. [REDACTED] as a sergeant**

In his statement to COPA investigators, Mr. [REDACTED] alleged that Officer Davis improperly identified himself as a sergeant. Officer Davis activated his BWC prior to engaging with Mr. [REDACTED] and Officer Davis deactivated his BWC after Mr. [REDACTED] was released and returned to his car. Officer Davis’ BWC recording captures the entirety of his encounter with Mr. [REDACTED] and does not show Officer Davis identifying himself as a sergeant. Officer Davis was working as a field training officer. During the encounter with Mr. [REDACTED] Officer Davis was issuing directives to Officers Gomez and Itthipratheep, and his uniform bore a patch with chevrons and the initials FTO for field training officer. Mr. [REDACTED] may have drawn an inference that Officer Davis was a supervisor, but he did not identify himself as such. **COPA finds the allegation that Officer Davis improperly identified himself as a sergeant to be Unfounded.**

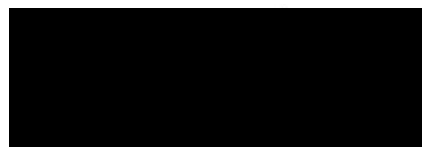
**VII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Nipat Itthipratheep	It is alleged by [REDACTED] that on or about August 20, 2019, at approximately 4:13 PM at or near 1311 N. Milwaukee Avenue, Chicago, IL that Officer Nipat Itthipratheep Star #9245 committed misconduct through the following acts or omissions, by:  1. photographing the screen of his portable data terminal on his cell phone.	Exonerated
Officer Mari Mar Gomez	It is alleged by [REDACTED] that on or about August 20, 2019, at approximately 4:13 PM at or near 1311 N. Milwaukee Avenue, Chicago, IL that Officer Mari Mar Gomez Star #17604 committed misconduct through the following acts or omissions, by:  1. Improperly accusing the complainant of pointing a gun at another driver.	Exonerated
Officer Craig Davis	It is alleged by [REDACTED] that on or about August 20, 2019, at approximately 4:13 PM at or near 1311 N. Milwaukee Avenue, Chicago,	

	<p>IL that Officer Craig Davis Star #17472 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"><li>1. Improperly accusing the complainant of pointing a gun at another driver.</li><li>2. improperly identifying himself as a sergeant.</li></ol>	<p>Exonerated</p> <p>Unfounded</p>
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Approved:



5/31/2022

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date