

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date / Time / Location of Incident:	September 5, 2019 / 5:55 pm / 2928 W. Madison St., Chicago, IL 60612
Date / Time of COPA Notification:	September 5, 2019 / 7:16 pm
Type of Case:	Improper Detention

Mr. [REDACTED] and his girlfriend, Ms. [REDACTED] alleged that on September 5, 2019, Officer Daniel Ciach and his partner, Officer Dexter Calhoun (collectively “the Officers”) performed a traffic stop without justification. [REDACTED] and [REDACTED] also alleged that Officer Ciach was rude, threatened to tase [REDACTED] handcuffed [REDACTED] without justification, choked [REDACTED] and continued following them after the traffic stop had concluded.

II. INVOLVED PARTIES

Involved Officer #1:	Officer Daniel Ciach, Star #13590, Employee # [REDACTED], DOA: February 29, 2016, Unit: 011, Male, White.
Involved Individual #1:	[REDACTED] Male, Black.
Involved Individual #2:	[REDACTED] Female, White.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Ciach	1. Engaged in an unnecessary verbal altercation with [REDACTED] and/or [REDACTED]	Sustained / 15-day suspension.
	2. Detained [REDACTED] without justification.	Exonerated.
	3. Threatened to tase [REDACTED] without justification.	Sustained / 15-day suspension.
	4. Handcuffed [REDACTED] without justification.	Exonerated.
	5. Choked [REDACTED] without justification.	Unfounded.
	6. Followed [REDACTED] and [REDACTED] after the traffic stop had concluded.	Exonerated.

IV. INVESTIGATION¹

a. Interviews

COPA interviewed the ██████████ on September 17, 2019,² during which he relayed that on September 5, 2019, he was with his girlfriend, ██████████ and driving ██████████ car when he was stopped by the Officers. Officer Ciach approached his vehicle and told ██████████ to put his hand inside the car. Officer Ciach asked ██████████ to hand over his driver's license. This request led to ██████████ and Officer Ciach arguing. Officer Ciach eventually took the driver's license and asked for insurance, which ██████████ displayed on his phone. ██████████ showed the officer his own insurance and asserted to COPA that his insurance covers him regardless of the car he is driving. ██████████ then provided her insurance, but Officer Ciach refused to take it. ██████████ received citations but he denied failing to stop at a stop sign. ██████████ told Officer Ciach the citations would be thrown out in court, and Officer Ciach asked ██████████ what medication he was taking. ██████████ was ordered out of the car, but Officer Ciach stood in his way. Eventually, Officer Ciach reached towards ██████████ and stood close to him, while ██████████ tried to stand up and exit his car. ██████████ criticized Officer Ciach by calling him a profane name. Officer Ciach then pointed his taser at ██████████ and threatened to tase him. Officer Ciach holstered his taser and pulled ██████████ out of the car while telling ██████████ to relax and to stop flexing. ██████████ denied resisting. Officer Ciach roughly handcuffed ██████████ behind his back, scratching and hurting ██████████ right hand and wrist. Officer Ciach proceeded to grab ██████████ neck from behind, choked him, and told ██████████ to follow him. ██████████ also alleged that Officer Ciach adjusted the handcuffs making the right wrist very tight. When Officer Ciach removed the handcuffs, he forcefully removed them, causing ██████████ right middle and ring fingers to bleed. After ██████████ drove off, he noticed Officer Ciach was following him. ██████████ stopped, and Officer Ciach parked behind him. ██████████ called the police. Dispatch told ██████████ they were sending a sergeant, and the Officers drove away. ██████████ proceeded to a police station, made a report, and was photographed. ██████████ went to ██████████ ██████████ in Oak Park, IL, where he received a tetanus shot, antibiotics, and a diagnosis of a sprained wrist.³

COPA interviewed ██████████ on September 17, 2019,⁴ during which she relayed that on September 5, 2019, ██████████ was driving with her in the car when the police pulled him over. ██████████ had his license ready for the officer, but Officer Ciach shouted for ██████████ to put his arm inside the vehicle. Officer Ciach and ██████████ argued about whether the officer would take the license or if ██████████ would hand it to the officer. Eventually, Officer Ciach took the license and stated he had been following ██████████. Officer Ciach related that ██████████ had not made a complete stop at a stop sign. ██████████ believed ██████████ had fully stopped. Officer Ciach asked for insurance and registration. ██████████ stated that her car's registration was current, but she did not have the registration paperwork on hand. Officer Ciach announced that ██████████ did not have insurance, because they were in ██████████ Nissan and ██████████ insurance was for a Jeep. ██████████ asserted

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 8.

³ ██████████ informed COPA that he is prescribed several psychotropic medications and that he had not taken them as prescribed for about a week prior to the incident and explained that he gets nervous when he is not on his medication. Att. 8 at 26:58 and 38:20.

⁴ Att. 5.

that his insurance covered him, regardless of what car he was driving. Officer Calhoun asked why [REDACTED] was behaving erratically and [REDACTED] showed the Officers her insurance. The Officers asked [REDACTED] to exit the car and tempers escalated. Officer Ciach eventually opened the door and reached towards [REDACTED] asked Officer Ciach to step back, and Officer Ciach told [REDACTED] to exit the car, or he would tase [REDACTED] exited the vehicle with his hands raised, while Officer Ciach stepped back and grabbed his taser and pointed it at [REDACTED] Officer Ciach turned [REDACTED] around, pushed him against the car, and handcuffed him. Officer Ciach told [REDACTED] to stop flexing. Officer Ciach then grabbed [REDACTED] arms and neck from behind. Officer Calhoun asked if [REDACTED] was intoxicated. [REDACTED] related that he was on prescribed medication. Officer Ciach then roughly released [REDACTED] returned to the car and [REDACTED] photographed his bleeding hand.⁵ They drove several blocks when [REDACTED] observed that Officer Ciach was following them. [REDACTED] stopped and called for a supervisor. [REDACTED] and [REDACTED] then went to a police station, made a report, and proceeded to [REDACTED].

COPA interviewed **Officer Daniel Ciach** on January 30, 2020,⁶ during which he relayed that on September 5, 2019, he and Officer Calhoun were working a traffic mission in the 11th District when they observed [REDACTED] weaving through traffic and changing lanes without signaling. The Officers stopped [REDACTED] and he put his hand out the window with his driver's license. Officer Ciach thought this was unsafe and asked [REDACTED] to put his hand inside the car.⁷ [REDACTED] then held the license close to his chest, but eventually moved it further out and Officer Ciach took it. [REDACTED] showed Officer Ciach insurance on his cellphone, but it was for a Jeep and not the Nissan that [REDACTED] was driving.⁸ Officer Ciach then returned to his vehicle to complete traffic citations. After completing the citations, Officer Ciach determined he would ask [REDACTED] to exit the vehicle to better evaluate his sobriety.⁹ Officer Ciach tried to grab [REDACTED] arm and [REDACTED] proceeded to kick Officer Ciach. Officer Ciach again asked [REDACTED] out of the car while unholstering his taser. [REDACTED] complied but because of [REDACTED] aggressive demeanor Officer Ciach handcuffed [REDACTED] As Officer Ciach tried to escort [REDACTED] to the rear of the vehicle, [REDACTED] was moving and twisting his shoulders. Officer Ciach put his left hand on [REDACTED] shoulder to control [REDACTED] movement.¹⁰ Officer Ciach denied touching [REDACTED] neck or choking [REDACTED]¹¹ Officer Ciach released [REDACTED] Officer Ciach did not observe any injuries to [REDACTED] After providing [REDACTED] the citations and ending the encounter, Officer Ciach chose to follow [REDACTED] because as [REDACTED] left the location he left the location at a quick speed, none of the occupants were wearing seat belts, and to monitor [REDACTED] driving. Officer Ciach did not believe he had engaged in an unnecessary verbal altercation; however, explained that in hindsight he no longer believed [REDACTED] was intoxicated and believed [REDACTED] behavior was due to medication and anxiety.

⁵ Att. 32.

⁶ Atts. 31 and 36.

⁷ Officer Ciach explained the safety concern was related to the risk [REDACTED] could push him from the vehicle into passing traffic or grab on to him and pull him towards the vehicle.

⁸ Officer Ciach confirmed that [REDACTED] did in fact offer to show insurance, but it was after he had completed the citations.

⁹ Officer Ciach explained that [REDACTED] was visibly shaking and clenching his jaw during the initial encounter and while completing the citations [REDACTED] was rocking his vehicle side to side and displaying his middle finger out the sunroof all of which caused Officer Ciach to believe the [REDACTED] was possibly under the influence.

¹⁰ Att. 31, pg. 22.

¹¹ Att. 31, pg. 22.

COPA interviewed **Officer Dexter Calhoun** on January 30, 2020,¹² during which he relayed that on September 5, 2019, Officer Calhoun was on patrol in the 11th District with Officer Ciach. Officer Calhoun saw [REDACTED] weaving through traffic and driving erratically.¹³ The Officers stopped [REDACTED] and discovered he was disrespectful while failing to comply with Officer Ciach's orders. Officer Calhoun did not smell alcohol, but suspected [REDACTED] was intoxicated because [REDACTED] was shaking, very upset, moving around and turning up the radio volume.¹⁴ After writing [REDACTED] citations, Officer Ciach asked [REDACTED] to exit the car. Officer Calhoun related that Officer Ciach removed his taser after [REDACTED] pulled away.¹⁵ Officer Calhoun relayed that prior to exiting the vehicle [REDACTED] kicked Officer Ciach. Additionally, Officer Calhoun relayed that his thumb was injured when [REDACTED] pulled away while trying to escort him from the vehicle. Once [REDACTED] was out of the vehicle, the Officers handcuffed him because of his physical resistance and to determine if he was under the influence. After [REDACTED] was secured, Officer Calhoun spoke with him and learned [REDACTED] was on medication, based on this information the Officers determined [REDACTED] was not under the influence and decided to release him. Officer Calhoun denied that Officer Ciach used force and denied that Officer Ciach grabbed [REDACTED] neck or injured [REDACTED] with the handcuffs. The Officers followed [REDACTED] after the stop to see if [REDACTED] would continue driving erratically. [REDACTED] pulled over and so did the Officers but did not have further interaction. Eventually the Officers proceeded on their way.

b. Digital Evidence

In-Car Camera¹⁶ (ICC) and **Body Worn Camera**¹⁷ (BWC) footage depict [REDACTED] changing lanes and turning left without signaling, swerving, and failing to make a complete stop at a stop sign.¹⁸ The Officers stopped [REDACTED] and approach the vehicle. Upon reaching the vehicle the Officers observe that [REDACTED] holding his driver's license out the window and Officer Ciach tells [REDACTED] to keep his hand inside the vehicle.¹⁹ [REDACTED] complies, but Officer Ciach and [REDACTED] argue over how [REDACTED] driver's license will make it into Officer Ciach's hand. Eventually, Officer Ciach retrieves [REDACTED] driver's license while asking for proof of insurance and registration.²⁰ [REDACTED] tells Officer Ciach that the registration sticker was on her plates, and Officer Ciach responds that she needs registration paperwork for the vehicle. [REDACTED] shows insurance on his phone and Officer Ciach remarks the insurance was for a different vehicle.²¹ The Officers return to their vehicle and discuss that [REDACTED] may be on drugs while completing citations.²² After completing the citations, Officer Ciach returns to [REDACTED] vehicle and asks if [REDACTED] was under the influence while asking [REDACTED] to exit the vehicle. [REDACTED] and Officer Ciach argue about who would open the car door before Officer Ciach takes out his handcuffs and grabs [REDACTED] left arm.

¹² Atts. 30 and 33.

¹³ Att. 30, pg. 7.

¹⁴ Att. 30, pg. 10.

¹⁵ Officer Calhoun described Officer Ciach holding the taser in the low ready position. Att. 30, pg. 11.

¹⁶ Att. 6.

¹⁷ Atts. 34, 35, 37 and 38.

¹⁸ Att. 6 from 00:00 to 00:56.

¹⁹ Att. 6 from 01:35 to 02:58

²⁰ Att. 6 from 02:58 to 04:08.

²¹ Att. 6 from 04:08 to 05:40.

²² While this is occurring, [REDACTED] vehicle is seen rocking side to side while [REDACTED] appears to dance while seated in the front seat. Att. 6 from 05:53 to

█ responds by pulling away from Officer Ciach while he and Officer Ciach continue to argue. Officer Ciach unholsters his taser, points it at █ while informing █ that he would tase █ unless █ complied.²³ █ exits the car and allows Officer Ciach to handcuff him. As Officer Ciach was escorting █ attempts to pull away from Officer Ciach's control while telling the officer to not touch his neck.²⁴ Officer Calhoun then took over interactions with █ tried to give Officer Ciach the car insurance, but he walks away.²⁵ Both █ and █ relay that █ was on prescription medication. Officer Ciach escorts █ back to the driver's side of the vehicle and removes the handcuffs.²⁶ █ enters the driver's seat while arguing with Officer Ciach about who would close the car door before Officer Ciach closes it. Officer Ciach explains the traffic citations, █ again announced she has insurance. █ grabs the citations with his right hand and balls them up.²⁷ The Officers return to their vehicle and deactivate their BWC. █ drives away and the Officers travel in the same direction. █ pulls over and the Officers stopped behind him but there is no further interaction.

c. Documentary Evidence

█ **Medical Records**²⁸ detail that he presented at █ with complaints of wrist and neck pain caused by his interaction with Department members. █ was diagnosed and treated for wrist and neck pain, and small abrasions to his finger.²⁹ However, x-rays revealed there were no signs of trauma or fracture.³⁰

█ **Traffic Citations**³¹ and a **Traffic Statistical Study Card**³² detail that █ was stopped after failing to maintain a lane. █ was issued citations for failure to maintain a lane, failing to use a signal when required, and operating an uninsured motor vehicle.

Event Queries³³ detail the traffic stop conducted by Officers Ciach and Calhoun, █ request for a supervisor, and the request for an Evidence Technician to photograph █ injuries. When █ requested a supervisor, he informed the call taker he was being harassed by a Department member who had just issued him traffic citations.³⁴ █ also relayed that during the traffic stop the middle finger on his right hand was injured by handcuffs.³⁵

Evidence Technician Photographs³⁶ detail blood on █ fingers, with an apparent laceration to his middle finger. However, there were no signs of injury to █ face or neck showed no visible injuries.

²³ Att. 34 at 22:45 and Att. 37 at 22:20.

²⁴ Officer Ciach's left hand was seen near the left side of █ neck. Att. 34 at 23:18 and Att. 37 at 23:05.

²⁵ This occurred after Officer Ciach made several requests and the citations were completed.

²⁶ Att. 34 at 25:38.

²⁷ Att. 37 at 27:00.

²⁸ Att. 9.

²⁹ Att. 9, pg. 5.

³⁰ Att. 9, pg. 7.

³¹ Att. 46.

³² Att. 52.

³³ Atts. 23 to 25.

³⁴ Att. 23, pg. 2.

³⁵ Att. 23, pg. 2.

³⁶ Atts. 7 and 32.

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.³⁷ 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.³⁸ 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."³⁹

V. ANALYSIS

COPA finds that Allegation #1 against Officer Ciach, that he engaged in an unnecessary verbal altercation with ██████████ and/or ██████████ is **sustained**. Department members are prohibited from engaging in unjustified verbal altercations.⁴⁰

Here, the evidence is clear that Officer Ciach engaged ██████████ in a verbal altercation. While the altercation was not one sided, COPA finds that Officer Ciach's decision to argue with ██████████ over how a driver's license will be provided to him and who will open or close the door to ██████████ vehicle served not purpose other than to exert increased authority over ██████████ while inflaming the interaction. While COPA acknowledges that ██████████ was challenging to interact with, no Department interest was served by Officer Ciach arguing with him over how a task would be accomplished. Therefore, Officer Ciach's actions violated Rules 2, 3, and 9.

³⁷ *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).

³⁸ *People v. Coan*, 2016 IL App (2d) 151036 (2016).

³⁹ *Id.* at ¶ 28.

⁴⁰ Rule 9 of the Rules and Regulations of the Chicago Police Department.

COPA finds that Allegation # 2 against Officer Ciach, that he detained ██████ without justification, is **exonerated**. Department members are permitted to conduct a traffic stop when there is “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.”⁴¹ “Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member’s training and experience.”⁴² Here the ICC footage supports that ██████ committed multiple traffic violations prior to being stopped by the Officers. Therefore, the decision to detain ██████ was not misconduct.

COPA finds that Allegation #3 against Officer Ciach, that he threatened to tase ██████ without justification, is **sustained**. Department members are permitted to use force to overcome resistance.⁴³ When members encounter a citizen who fails to comply with verbal or other direction, that citizen is a passive resister.⁴⁴ Members are permitted to respond to passive resistance with presence; verbal directions; holding and compliance techniques; control instruments; and deployment of oleoresin capsicum.⁴⁵ Additionally, When members encounter a citizen who attempts to create distance from a member with an intent to avoid physical control and/or defeat arrest, that citizen is an active resister.⁴⁶ Members are permitted to respond to active resistance with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; and taser deployment.⁴⁷ Finally, When a member encounters a citizen who is using or threatening the use of force against another person or themselves which is likely to cause injury, that citizen is an assailant.⁴⁸ If the citizen’s actions are aggressively offensive with or without weapons,⁴⁹ members are permitted to respond with presence; verbal directions; holding and compliance techniques; control instruments; deployment of oleoresin capsicum; stunning; takedowns; canine use; taser deployment; direct mechanical strikes; and impact weapons and munitions.⁵⁰

Here, ██████ presented as a passive and active resister and assailant during the interaction. However, at the time Officer Ciach pointed his taser at ██████ while informing him that if he failed to exit the vehicle, ██████ actions were merely those of a passive resister. Therefore, Officer Ciach’s pointing of his taser at ██████ combined with the verbal warning were not permitted by policy. Thus, Officer Ciach’s actions violated Department policy and Rules 2, 3, 6, 8, and 38.

⁴¹ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

⁴² S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017, to current).

⁴³ See generally G03-02-01, Force Options (effective October 16, 2017, to February 28, 2020).

⁴⁴ G03-02-01 IV(B)(1).

⁴⁵ G03-02-01 IV(B)(1) (a-d).

⁴⁶ G03-02-01 IV(B)(2).

⁴⁷ G03-02-01 IV(B)(2)(c).

⁴⁸ G03-02-01 IV(C).

⁴⁹ The weapons can include a deadly weapon, but the citizen’s actions did not constitute an imminent threat death or great bodily harm.

⁵⁰ G03-02-01 IV(C)(1).

COPA finds that Allegation #4 against Officer Ciach, that he handcuffed ██████████ without justification, is **exonerated**. When Department members lawfully detain a citizen, they may elect to detain the citizen in handcuffs for various reasons, including safety to involved officers. Here, ██████████ was properly detained during his traffic stop. During the traffic stop ██████████ was challenging and at times refused to follow directions. Given the totality of the circumstances, Officer Ciach's decision to have ██████████ exit the vehicle was reasonable. When ██████████ argued and refused this request, it increased the reasonability that ██████████ once out of the vehicle, would present an increased risk. Therefore, the decision to handcuff ██████████ was permissible.

COPA finds that Allegation #5 against Officer Ciach, that he choked ██████████ without justification, is **unfounded**. While ██████████ alleged that Officer Ciach "choked" him, the evidence does not support this. As Officer Ciach attempted to escort ██████████ to the rear of the vehicle, while ██████████ pulled away and tried to turn around, his hand was placed on ██████████ left upper shoulder. This is a permissible control technique because ██████████ was presenting as an active resister.⁵¹ Since Officer Ciach never made physical contact with ██████████ neck COPA finds that Officer Ciach did not choke Sheldon. Therefore, this allegation is unfounded.

COPA finds that Allegation #6 against Officer Ciach, that he followed ██████████ and ██████████ after the traffic stop had concluded, is **exonerated**. While the ICC footage depicts the Officers traveling in the same direction as ██████████ after the traffic stop, Officer Ciach explained that based on ██████████ initial driving pattern and his erratic behavior during their interaction he was concerned that ██████████ was going to continue his erratic and dangerous driving pattern. COPA finds that it was reasonable for the Officers to monitor ██████████ driving to ensure he engaged in no additional violations of the law occurred or that his driving did not present a safety concern to the public.

VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Ciach

i. Complimentary and Disciplinary History

Officer Ciach has received 27 various awards and has no applicable disciplinary history within the last 5-years.

ii. Recommended Penalty

Here, the evidence is clear the Officer Ciach needlessly engaged ██████████ in a verbal altercation that served no purpose but to display authority over ██████████. Additionally, the evidence is clear that when Officer Ciach pointed his taser at ██████████ and informed him of the imminent use, ██████████ was merely a passive resister, and was likely caused by the needless verbal altercation. It is for these, combined with Officer Ciach's history, COPA recommends a **15-day suspension**.

⁵¹ See the definition and permissible response in the analysis for Allegation #1.

Approved:



3/14/2022

Matthew Haynam
Deputy Chief Administrator

Date