

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	September 2, 2018
Time of Incident:	8:54 pm
Location of Incident:	Alley in vicinity of Homan Avenue and Harrison Street
Date of COPA Notification:	September 4, 2018
Time of COPA Notification:	9:53 am

On September 2, 2018, at approximately 8:54 p.m., Chicago Police officers<sup>1</sup> conducted a traffic stop of [REDACTED]. The officers observed Mr. [REDACTED] vehicle running a red light at the intersection of Harrison Street and Homan Avenue.

During the course of their investigation, the officers detained Mr. [REDACTED] and also searched Mr. [REDACTED] vehicle based on the smell of alcohol emanating from him. The officers issued Mr. [REDACTED] a traffic citation for disobeying a solid red light.

In his complaint to the Civilian Office of Police Accountability (COPA), Mr. [REDACTED] indicated his vehicle was searched illegally; he was detained too long; and pressured into admitting he had been drinking prior to being pulled over. Mr. [REDACTED] also denied running a red light.

**II. INVOLVED PARTIES**

Involved Officer #1:	Daniel Ciach, Star #13590, Employee ID#[REDACTED], Date of Appointment: February 29, 2016, Police Officer, 11 <sup>th</sup> District, Date of Birth: [REDACTED], 1980, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1980, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Ciach	It is alleged that on September 2, 2018, at approximately 8:54 pm, at or near the alley of Homan Avenue and Harrison Street, Officer Ciach star #13590 committed misconduct through the following acts or omissions, by:  1. Detaining [REDACTED] without justification	Exonerated

<sup>1</sup> Attachment 16 - Officer Sean Timothy resigned from the Department effective October 31, 2019 and therefore was not interviewed.

2. Searching [REDACTED] vehicle without justification, and	Exonerated
3. Prolonging the detention of [REDACTED] without justification.	Not Sustained

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**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
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Special Orders

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1. Special Order S04-13-09-Investigatory Stop System
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Federal Laws

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1. United States Constitution, Amendment IV: Prohibits unlawful searches and seizures
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## V. INVESTIGATION<sup>2</sup>

### a. Interviews

██████████

In an interview with COPA on June 1, 2019, Mr. ██████████ provided the following information. He was driving and turning onto a street he could not recall and beat the light when he was pulled over by Chicago Police Officers. Mr. ██████████ indicated he turned into an alley so as not to disturb the flow of traffic.

As the officer approached, Mr. ██████████ asked him if there was a problem and was ready to hand the officer his driver's license and insurance. The officer asked him to lower his window down, but Mr. ██████████ left it cracked. Mr. ██████████ then said the officer asked him if he had been drinking.

Mr. ██████████ stated he did not respond to the officer and remained silent. Mr. ██████████ felt the officer was trying to intimidate him to self-incriminate when the officer repeatedly asked him whether or not he had been drinking. Mr. ██████████ then said the officer got him out of his vehicle, placed him in handcuffs and searched his vehicle.

Mr. ██████████ said the interaction with the officer lasted approximately an hour with the officer threatening him with a Driving Under the Influence (DUI) charge. While in the backseat of the squad car Mr. ██████████ observed the In Car Camera (ICC) footage of him running the red light. Ultimately, Mr. ██████████ was only issued a citation.

Mr. ██████████ also alluded to the officer being mentally unstable throughout their encounter. He described the officer as losing his composure and easily frustrated because he was not answering any questions. Mr. ██████████ elaborated the officer had psycho eyes when the officer stuck his hand inside the driver's side window to unlock the door and get him out of his vehicle.

Mr. ██████████ described the officer as 5 feet 11 inches, approximately 200 pounds, with light brown hair with blue or gray eyes and 37 or 38 years old.

### **Officer Daniel Ciach**

In his accused officer interview on October 24, 2022, **Officer Ciach**<sup>4</sup> provided the following information. Officer Ciach did not have any independent recollection of the incident in question and answered relevant questions after reviewing his Body Worn Camera (BWC) footage.

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<sup>2</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>3</sup> Attachment 5 – Audio Statement of ██████████

<sup>4</sup> Attachment 19 – Audio Statement of Officer Ciach

Officer Ciach was on full duty status as a uniformed patrol member of the Chicago Police Department's 11<sup>th</sup> District. He was traveling in a marked squad car equipped with In Car Camera and working with a partner whom he could not recall.

Officer Ciach observed Mr. [REDACTED] vehicle committing a traffic violation and performed a traffic stop with Mr. [REDACTED] pulling over into an alley. After approaching Mr. [REDACTED] vehicle on the driver side, he asked him for driver's license and insurance. Officer Ciach could not recall if Mr. [REDACTED] provided them to him but remembers Mr. [REDACTED] not wanting to speak with him.

Officer Ciach described Mr. [REDACTED] as having tunnel vision, with his hands raised and appearing as if something was about to happen to him as if they were aggressive towards him. Officer Ciach recalls asking Mr. [REDACTED] whether he was drinking that night and indicated Mr. [REDACTED] was not cooperative. Officer Ciach indicated he had to ask Mr. [REDACTED] to lower down the window and step out of the vehicle multiple times.

Officer Ciach stated he asked Mr. [REDACTED] whether he was drinking based Mr. [REDACTED] behavior and the fact Mr. [REDACTED] ran a red light. Officer Ciach stated he eventually placed handcuffs on Mr. [REDACTED]. Officer Ciach reasoned Mr. [REDACTED] behavior was a red flag in that Mr. [REDACTED] did speak to him, did not look at him and remained quiet. Officer Ciach interpreted that to mean, based on past experiences, Mr. [REDACTED] to be concealing something in the car. Officer Ciach indicated he could smell alcohol from Mr. [REDACTED] breath but did not act like he was drunk.

Officer Ciach then stated he did search Mr. [REDACTED] vehicle for any opened alcohol or weapons. He did not find any weapons but did come across a container that may have contained alcohol. Officer Ciach described it as apple juice mixed with some type of alcohol but was not certain what kind. Officer Ciach stated he did issue a citation to Mr. [REDACTED] for disregarding a solid red light.

When asked about the duration of the traffic stop, Officer Ciach stated each traffic stop is different and estimated Mr. [REDACTED] traffic to be approximately 40 minutes. Officer Ciach stated Mr. [REDACTED] behavior dictated the length of the traffic stop. Officer Ciach said he was trying to assess the level of Mr. [REDACTED] impairment which is why he kept trying to talk to Mr. [REDACTED]. Officer Ciach further stated Mr. [REDACTED] was shown the In Car Camera Footage since he was placed in the backseat of the squad car and because Officer Ciach had to record the time of the red-light violation on the citation he ultimately issued to Mr. [REDACTED].

Officer Ciach denied the allegations against him. Officer Ciach indicated he had probable cause to detain Mr. [REDACTED] based on the traffic violation. The reason for the vehicle search was based on the alcohol he detected from Mr. [REDACTED] and any weapons based on his behavior. Officer Ciach indicated he looked at the floorboards of the driver area, rear seats, and eventually the front passenger area. He could not recall if he went into the glove box. Officer Ciach then stated the stop lasted as long as it did based on their investigation into whether Mr. [REDACTED] had been drinking.

#### **b. Digital Evidence**

#### **Officer Ciach BWC**

The duration of Officer Ciach's BWC footage is 46 minutes and 57 seconds long.<sup>5</sup> Footage from Officer Ciach's BWC depicts him along with his partner Officer Sean Timothy performing a traffic stop of Mr. ██████ in an alley. Officer Ciach approaches the driver side while his partner is on the passenger side.

Officer Ciach asks repeatedly for Mr. ██████ to lower his window and how many drinks Mr. ██████ consumed. Mr. ██████ does not immediately comply with Officer Ciach's verbal directions. Officer Ciach then explains the consequences for driving under the influence. Officer Ciach asks Mr. ██████ to open the driver side door multiple times and informs Mr. ██████ the reason for the traffic stop was because he ran a red light at the intersection of Harrison and Homan.

Mr. ██████ hands Officer Ciach his driver's license and insurance. Officer Ciach then informs Mr. ██████ to unlock the door and step out of the vehicle. Mr. ██████ again does not comply, so Officer Ciach reaches inside to unlock the door and Mr. ██████ steps out. Mr. ██████ indicates he did nothing wrong to which Officer Ciach replies he (██████) ran a red light.

Mr. ██████ disagrees he ran the red light and Officer Ciach tells him once the stop is over, he will show him the video. Officer Ciach informs Mr. ██████ he smells alcohol and then asks him how many drinks he had. Officer Ciach informs Mr. ██████ he is not going to jail but to just be honest with how many drinks he had. Officer Ciach reaches into the Mr. ██████ vehicle and retrieves a clear plastic cup containing a small amount of liquid and asks Mr. ██████ if that was what he was drinking because Officer Ciach smells alcohol. Mr. ██████ replies the cup is not his.

Officer Ciach allows Mr. ██████ to sit in his vehicle but continues to ask him how many drinks he consumed. Mr. ██████ does not respond. Officer Ciach then asks him out of the vehicle and then places handcuffs on Mr. ██████. Officer Ciach then searches Mr. ██████ vehicle. First the driver side area, followed by the rear passenger areas, and then the front seat passenger area.

Mr. ██████ is escorted to the police vehicle by Officer Ciach and his partner. While in the police vehicle Officer Ciach begins writing Mr. ██████ a citation for the red-light violation and plays the video of the red-light violation. Officer Ciach then informs Mr. ██████ he's going to give him a break only issuing the citation, escorts Mr. ██████ back to his vehicle and then takes the handcuffs off Mr. ██████.

Officer Ciach tells Mr. ██████ to call someone to pick him up and drive his vehicle since he believed Mr. ██████ was not in condition to drive. Mr. ██████ is then seen on the phone speaking to someone he claims is his brother and informs Officer Ciach his brother will arrive in 20 minutes. The BWC footage ends when the officers re-enter their vehicle.

### **In Car Camera (ICC) Footage**

The ICC<sup>6</sup> footage is 29 minutes and 16 seconds long. The footage captures the officers' vehicle traveling eastbound while their light is green and Mr. ██████ vehicle's traveling

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<sup>5</sup> Attachment 12 – BWC and In Car Camera Footage

<sup>6</sup> Ibid.

southbound through the intersection of what is Harrison and Homan. The officers then begin to follow Mr. [REDACTED] vehicle making a right turn into an alley with their emergency lights activated.

The ICC footage is not substantively different from Officer Ciach's BWC footage. The ICC footage ends when Mr. [REDACTED] is handcuffed and placed into the officers' vehicle.

### c. Documentary Evidence

An **Office of Emergency Management and Communications (OEMC) Event Query Report**<sup>7</sup> indicates Officers initiated a traffic stop of Mr. [REDACTED] at approximately 8:54 pm. The officers ran Mr. [REDACTED] driver's license and license plate. Officer Ciach is logged in via his PC Number PC0BA15.<sup>8</sup>

**Geospatial Position System<sup>9</sup> (GPS)** data from Chicago Police Department (CPD) records indicate unit #1133, vehicle #9525 was located near the vicinity of Harrison Street and Homan Avenue on September 2, 2018, between approximately 8:45 p.m. and 9:45 p.m. Chicago Police personnel ID PC0BA15 is logged in.

A traffic citation, **TN 684-843**, is issued to Mr. [REDACTED] for violation Municipal Code of Chicago (MCC) 9-8-020 (c) (1) Disobey Solid Red Signal.<sup>10</sup>

## VI. 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 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

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<sup>7</sup> Attachment 6 – OEMC Event Query 1824516524, 1824512043, 182454514948

<sup>8</sup> Attachment 23 – Officer Ciach Watch Information

<sup>9</sup> Attachment 11 – GPS data page 18

<sup>10</sup> Attachment 8 – Citation, page 5

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

### Allegation 1 against Officer Ciach

COPA finds **Allegation 1**, detaining ██████████ 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."<sup>11</sup> "Reasonable Articulate 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."<sup>12</sup>

Based on ICC footage, Mr. ██████████ not only failed to come to a complete stop at the red light but continued to travel, committing a traffic violation for which he was later cited. In his statement to COPA, Officer Ciach indicated he observed Mr. ██████████ commit a traffic violation by running a red light and performed a traffic stop.

Contrary to his COPA statement, Mr. ██████████ did not beat the light. A review of the evidence obtained from this investigation indicates officers performed a lawful traffic stop. As such based on the totality of circumstances, COPA finds **Allegation 1** against Officer Ciach is Exonerated.

### Allegation 2 against Officer Ciach

COPA finds **Allegation 2**, searching ██████████ vehicle without justification is EXONERATED.

Under the "automobile exception" to the search warrant requirement, "law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize." *People v. James*, 163 Ill. 2d 302, 312 (Ill. 1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)). "When officers have such probable cause, the search may extend to 'all parts of the vehicle in which contraband or evidence could be concealed, including closed compartments, containers,

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<sup>11</sup> *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979))

<sup>12</sup> S04-13-09 II (C), Investigatory Stop System (effective July 10, 2017 to current)

packages, and trunks.” *United States v. Richards*, 719 F.3d 746, 754 (7th Cir. 2013) (citing *United States v. Williams*, 627 F.3d 247, 251 (7th Cir. 2010)).

In his COPA interview Mr. ██████ denied drinking any alcohol. After performing a lawful traffic stop due to the red-light violation the officers conducted a preliminary investigation into Mr. ██████ actions. Upon approaching the vehicle and speaking with Mr. ██████ Officer Ciach met the burden to search the vehicle when he detected the smell of alcohol from Mr. ██████ person. As shown in his BWC Officer Ciach discovered what he thought to be apple juice mixed with some type of alcohol. Illinois law prohibits the operation of a motor vehicle while under the influence of alcohol.<sup>13</sup> Thus, the allegation of searching Mr. ██████ vehicle without justification is Exonerated.

### **Allegation 3 against Officer Ciach**

COPA finds **Allegation 3**, prolonging the detention of ██████ without justification is NOT SUSTAINED.

Officer Ciach indicated in his COPA interview the length of each traffic varies based on their individual circumstances. However, Mr. ██████ indicated the traffic stop took a long time.

Department members are permitted to detain a person when there is reasonable articulable suspicion that person is about to commit, is committing, or has committed a criminal offense.<sup>14</sup> This detention is an Investigatory Stop. Reasonable articulable suspicion is defined as “an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion.”<sup>15</sup>

As it relates to the overall length of the traffic stop, of which Officer Ciach estimated to be approximately 40 minutes, Officer Ciach attributed several factors for the length. Officer Ciach indicated he detected the smell of alcohol; performed a search of Mr. ██████ vehicle for open alcohol and weapons; issued the citation for the traffic violation; inquired multiple times the extent of Mr. ██████ alcohol consumption and if so, whether or not Mr. ██████ was in a condition to drive.

Based on the totality of circumstances and a review of all available evidence, the allegation of prolonging the detention of Mr. ██████ without justification is Not Sustained.

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<sup>13</sup> 625 ILCS 5/11-501(A)(2).

<sup>14</sup> S04-13-09 II(A), Investigatory Stop System (effective July 10, 2017 to current).

<sup>15</sup> S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017 to current).

**VIII. CONCLUSION**

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

Officer	Allegation	Finding / Recommendation
Officer Ciach	<p>It is alleged that on September 2, 2018, at approximately 8:54 pm, at or near the alley of Homan Avenue and Harrison Street, Officer Ciach star #13590 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Detaining [REDACTED] without justification</li> <li>2. Searching [REDACTED] vehicle without justification, and</li> <li>3. Prolonging the detention of [REDACTED] without justification.</li> </ol>	<p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p>

Approved:

[REDACTED]

11-28-2022

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 Angela Hearts-Glass  
 Deputy Chief Investigator

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 Date