

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	Feb. 21, 2019
Time of Incident:	12:00 pm
Location of Incident:	13110 S. Greenwood Avenue
Date of COPA Notification:	Feb. 21, 2019
Time of COPA Notification:	February 21,2019 at 2:00 pm

This allegation details an incident that took place approximately 12:00 pm on Feb. 21, 2019 at 13110 S. Greenwood Avenue. The Complainant, [REDACTED] was briefly detained by the accused officers who observed [REDACTED] vehicle parked in a tow zone near a CTA bus stop. [REDACTED] was briefly questioned and had his identity verified by the officers before being released without being issued a citation or investigatory stop receipt.

II. INVOLVED PARTIES

Involved Officer #1:	Martin Boyle #14500, Emp.# [REDACTED]; Date of Appointment: February 2, 2015; Rank: Police Officer, Unit of Assignment: 025; Male, White
Involved Officer #2:	Jeanette Cegielski #4171, Emp.# [REDACTED]; Date of Appointment: December 18, 2006; Rank: Police Officer, Unit of Assignment: 005; Female, White
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1994; M/B

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Boyle	1. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you stopped the vehicle of [REDACTED] without justification.	Exonerated

	<p>2. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you failed to prepare a Driver’s Information Card/ Traffic Stop Statistical Summary documenting the traffic stop of [REDACTED]</p>	<p>Sustained/Reprimand</p>
<p>Officer Cegielski</p>	<p>1. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you stopped the vehicle of [REDACTED] without justification.</p> <p>2. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you displayed your firearm in the presence of the [REDACTED] without justification.</p> <p>3. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you failed to prepare a Driver’s Information Card/ Traffic Stop Statistical Summary documenting the traffic stop of [REDACTED]</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Sustained/ Reprimand</p>

IV. APPLICABLE RULES AND LAWS

Rules

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
 2. Rule 3- Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.
 3. Rule 5-Failure to Perform Any Duty
 4. Rule 8—Disrespect to or maltreatment of any person, while on or off duty
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General Orders

1. G04-01: Preliminary Investigations
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Special Orders

1. S04-13-09 Investigatory Stop System
 2. S04-14-09 Illinois Traffic and Pedestrian Stop Statistical Study
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Federal Laws

1. US Constitution, Fourth Amendment
-

City Ordinances

1. MCC 9-64-150 Parking prohibited

V. INVESTIGATION

a. Interviews

Interview of the Complainant, ██████████

Complainant ██████████ gave his statement to COPA on Feb. 21, 2019. ██████████ described being stopped by the officers shortly after passing them while they were engaged in another traffic stop. ██████████ had parked his car and was in the process of gathering his belongings to exit the car when Officer Boyle approached his (driver) side and Officer Cegielski approached on the passenger side. Officer Boyle was smiling and smirking and ignored ██████████ question as to why he was stopped. ██████████ described being scared during the stop and too afraid to notice the officers' name tags, star numbers, or license plate number of their Department vehicle, and was trying to call his mother to get her on the phone to monitor the interaction. There were other people standing outside observing the interaction between ██████████ and the Accused officers, and Officer Boyle asked for his driver's license and registration, never stating the reason for the stop. After handing the documents to the officer, the officer returned to the unmarked CPD vehicle and ran ██████████ information.

The female officer remained at ██████████ passenger side door. She then knocked on the window of his passenger side door to get him to lower the window. She had a smile or smirk on her face and was acting strangely. At one point during the incident, the female officer saw something that alarmed her, and she asked, "what's that?"² while grasping her Department issue firearm while in the holster. She appeared to be about to draw it until some neighbors intervened, pleading with her not to shoot ██████████ and that ██████████ had not done anything wrong. ██████████ did not know what the officer saw that made her react in this manner and that he was not doing anything suspicious. ██████████ was on the phone with his mother for the entire duration of the incident. Eventually, the male officer came back to the car and gave ██████████ back his license and registration. At that point the two officers walked away without giving him any tickets. ██████████ stated that the officers walked away with smirks and smiles on their faces, then ██████████ exits his car to thank the neighbor for approaching the scene and intervening on his behalf.

██████████ did not recall being told why he was stopped and that he asked for a reason but was ignored. ██████████ stated he had seen the officers who had stopped him in the area before.

Interview of the Accused, Officer Martin Boyle³

Officer Martin Boyle was interviewed by COPA on January 24, 2020. Officer Boyle and his partner, Officer Cegielski, had stopped the ██████████ for two infractions—parking in a bus zone and failing to signal the move to park on the right side of the street (Langley Avenue). Officer Boyle and his partner were in an unmarked Department vehicle that was not equipped with an in-car camera ('ICC'). Officer Boyle was the driver officer that day and he had observed ██████████

¹ Att.#2

² Att.#2 at 8:30 mark

³ Att.#4

fail to signal as he pulled to the right to park, and the area [REDACTED] subsequently chose to park was within a “no parking zone” due to its proximity to a CTA bus stop.

Officer Boyle denied that he or his partner had issued citations to [REDACTED] and then was later asked what manner, if any, he had used to document the stop. Officer Boyle indicated that in this instance, it appeared a driver information card should have been used to record the stop and that he or his partner may have prepared one that did not get processed. Officer Boyle stated, “The issue with TSSS cards is that you do them and sometimes they’re not inputted properly, or what have you, and this happened over eleven months ago, so I can’t recall specifically.”⁴ COPA informed Officer Boyle that there was no record of a Driver Information Card for [REDACTED] on February 21, 2019 prepared by either Officer Boyle or Officer Cegielski. COPA asked Officer Boyle if he completed a Driver Information Card and it was not processed by the District or if he did not prepare one at all. Officer Boyle responded, “I don’t recall; it was over eleven months ago, but I don’t recall preparing one for that specific stop.”⁵

Officer Boyle was asked if the vehicle being in motion is what distinguished the traffic stop from an investigatory stop and Officer Boyle indicated it did not. Officer Boyle held that if there were other factors that necessitated elongating the stop or led to searching the vehicle or handcuffing the driver, those actions would necessitate the use of the ISR. Officer Boyle denied any of these heightened activities took place.

Interview of the Accused, Officer Jeanette Cegielski⁶

Officer Jeanette Cegielski was interviewed by COPA on Nov. 4, 2019. In her statement, she describes being assigned to work with Officer Boyle and traveling in the area of 13300 S. Langley Avenue. Most of Officer Cegielski’s recollection stems from her review of the Body Worn Camera footage, as she had no independent recollection of the incident. Officer Cegielski usually prepares Driver Information Card/Traffic Stop Statistical Summary and that there does not appear to be in the footage where she took steps to prepare one. When asked what may have happened to the card, Officer Cegielski offered that she and Officer Boyle may not have had one on them when they made the stop. She usually prepares the card immediately after the stop unless something else is going on that may prevent her from filling out the card right after a traffic stop.

When asked about whether it was appropriate in this circumstance to prepare an ISR, Officer Cegielski stated that an ISR is not required for this type of stop, rather a Traffic Stop Statistical Summary was appropriate. Officer Cegielski was asked if she or her partner informed OEMC that they were on a traffic stop, and she answered that she did not see or hear herself or her partner announce the stop to OEMC via radio. When asked if it was the usual policy to alert OEMC to an in-progress stop, Officer Cegielski said “it depends on radio traffic.”⁷

Second Interview of Officer Martin Boyle

⁴ Att.#4 at 8:22 mark

⁵ Att.#3 at 9:00

⁶ Att.#7 and #8

⁷ Att.#7 at the 16:23 mark

On April 21, 2020, Officer Boyle was interviewed a second time by COPA after he was served with an additional allegation for failing to complete a driver's information card in accordance with Special Order S04-14-09 based on statements he made during his initial interview. Officer Boyle stood by his initial statement as taken by COPA on January 24, 2020.

Second Interview of Officer Jeanette Cegielski

On April 23, 2020 Officer Cegielski was interviewed a second time by COPA after she was served with an additional allegation for failing to complete a driver's information card in accordance with Special Order S04-14-09 based on statements she made during his initial interview. Officer Cegielski stood by her initial statement as taken by COPA on November 4, 2019.

Third Interview of Officer Martin Boyle

On July 7, 2020, Officer Boyle was interviewed a third time by COPA after he was served with corrected allegations. Officer Boyle stood by his previous statements and denied the corrected allegations.

Third Interview of Officer Jeannette Cegielski

On July 9, 2020, Officer Cegielski was interviewed a third time by COPA and was served with corrected allegations and a new allegation (Allegation #2) of unnecessary display of her weapon. Officer Cegielski stood by her previous statements and denied the corrected allegations and the new allegation regarding the unnecessary display of her weapon.

b. Digital Evidence

Officer Martin Boyle's Body Worn Camera footage⁸

BWC footage taken from the Accused's camera begins with him steering the Department vehicle for a few seconds before coming to a stop and shifting the vehicle into park. Officer Boyle exits the vehicle and approaches a silver Chevy Monte Carlo with tinted windows that are rolled up and a noticeable hole in the frame. His partner, Officer Cegielski is slightly ahead of Officer Boyle and reaches [REDACTED] car first, standing on the passenger side of the vehicle. Officer Boyle touches the car's roof as the driver's side window comes down. The Complainant [REDACTED] is visible in the driver's seat through the window. Officer Boyle is heard speaking first, informing [REDACTED] that the stop is for failing to signal and parking in a no parking zone. A "no parking tow zone" sign is visible in Officer Boyle's footage, and the front half of [REDACTED] car appears in front of the sign. Officer Boyle inquired about the bullet hole in car's frame and [REDACTED] tells him he bought it like that. Officer Boyle then asks to see [REDACTED] driver's license and proof of insurance and tells [REDACTED] that if [REDACTED] is without any warrants or other issues, he will be let go.

⁸ Att.#9

Officer Boyle returns to his vehicle and is seen making inputs into the vehicle's personal data terminal (PDT). Officer Boyle then returns to [REDACTED] vehicle where his partner, Officer Cegielski, is still standing on the passenger side of [REDACTED] car peering into the vehicle. Officer Boyle returns [REDACTED] license to him, checks with Officer Cegielski if everything is fine, at which point [REDACTED] offers to allow the officers to search his car. Officer Boyle declines, he and Officer Cegielski walk back to their vehicle. Officer Boyle's footage concludes just before he opens his car door. The footage does not capture the preparation of any documents such as an ISR, ISR receipt, driver's information card, or a citation.

Officer Jeanette Cegielski's Body Worn Camera footage⁹

Officer Jeanette Cegielski's BWC footage begins inside the interior of the Department SUV with her partner, Officer Boyle apparently driving. Next, Officer Cegielski exits the SUV and approaches a silver Chevy Monte Carlo on the passenger side. The windows are visibly tinted and Officer Cegielski's reflection is visible in the window. The sidewalks are empty and there don't appear to be any people present. [REDACTED] car appears to be in the "no parking zone" set aside for CTA buses adjacent to an elementary school. The passenger side window remains raised up, and the Complainant can be seen talking to Officer Cegielski's partner, Officer Boyle.

A pedestrian carrying some sort of bag is seen walking in the street but does not stop or linger at the scene. The pedestrian has no verbal contact with the Complainant or the Accused Officers. Most of the dialogue between Officer Boyle and the Complainant can't be heard clearly, and after a few moments, Officer Boyle walks back to the vehicle while Officer Cegielski remains. The footage shows her using her knuckle on her right hand to tap twice on passenger side window to get the Complainant's attention. The Complainant lowers the window and Officer Cegielski inquires if he lives around here, to which the Complainant states he does not. The Complainant begins to manipulate his cellphone while Officer Cegielski remains at the passenger side of the car, appearing to continue to peer into it at the Complainant until Officer Boyle returns. The Complainant offers to let the officers search his car and Officer Boyle declines, returns the Complainant's license, and Officer Cegielski begins walking back to her squad car before terminating the recording. There is no evidence that Officer Cegielski displayed her weapon, at any time, or that any civilian(s) ever interacted with either of the officers during the entirety of the stop.

c. Documentary Evidence

N/A

⁹ Att.#10

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 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.

VII. ANALYSIS

Improper Stop and Unnecessary Display of Weapon

The core of the Complainant's allegations is that the Accused officers stopped him and briefly detained him without cause. ██████ alleged that Officer Boyle was asked, but refused to provide a reason for the stop, that Officer Cegielski was overly aggressive during the stop by grasping her firearm, intending to draw and that Officer Cegielski only refrained from drawing her weapon after nearby passerby's pleaded with her to not shoot ██████

Each of these claims were invalidated by the BWC footage obtained from both of the Accused officers. The BWC does not capture the failure to signal traffic offense that Officer Boyle alleges ██████ committed; however, the footage clearly shows ██████ car parked in the CTA bus zone, a violation of MCC 9-64-150. The commission of this traffic offense provided lawful grounds for a traffic stop.

Furthermore, the BWC footage shows that upon approaching ██████ car, Officer Boyle observed what appeared to be a bullet hole in the frame of ██████ car, the discovery of which created reasonable articulable suspicion to detain ██████

Next, ██████ claims that he asked for, but was never told the reason, why he was being stopped. In viewing the footage from Officer Boyle's BWC footage, the first words out of Officer Boyle's mouth were the reason for the stop—failure to signal before pulling over to park, and parking in the aforementioned no-parking zone—followed by a brief discussion about the bullet hole in ██████ car.¹⁰ At no point did ██████ ask for the reason for the stop, and at no point did Officer Boyle refuse to give it.

██████ next allegation is that Officer Cegielski was overly aggressive with him and that she unnecessarily displayed or was about to display her weapon. The BWC footage of both officers shows that Officer Cegielski remained at the passenger side of ██████ car. Officer Cegielski's footage captured her limited conversation with ██████. The aggressive behavior that ██████ described in his interview is not reflected in the BWC footage captured by Officer Cegielski's camera. At no point does Officer Cegielski's unholster her weapon, point it at, or otherwise display it towards ██████. There are no bystanders visible or heard speaking in either officers' BWC footage, as ██████ described in his statement, and at no point did ██████ speak to his mother on the phone. The video footage clearly refutes ██████ allegations of excessive force and unnecessary display of a weapon. Therefore, with respect to Allegation #1 for Officer Boyle and Allegations # 1 and 2 for Officer Cegielski, COPA makes a finding of **EXONERATED**.

The stop lasts all of four minutes, and ██████ is released without a citation or investigatory stop receipt in lieu of an investigatory stop report documenting the contact with the police. A search of the CLEAR database yielded negative results for the presence of a driver's information card/ Traffic Stop Statistical Summary.

Failure to Prepare a Driver's Information Card/ Traffic Stop Statistical Summary

The evidence appears to support that ██████ car was briefly in motion and had committed one or possibly two traffic infractions prior to being detained by the Accused. One infraction—parking in the bus zone—is visible on the Accused's BWC. The second—failing to signal before pulling over to park—was mentioned by Officer Boyle at the beginning of the stop. The stop never graduates beyond a license/identity check, even though Officer Boyle notes a bullet hole on ██████ car. ██████ is not made to exit the car, searched, or handcuffed. The interior of the car is not searched, and ██████ is released in four minutes. None of these actions require documentation on the ISR.

The Driver's Information Card/ Traffic Stop Statistical Summary is to be issued in instances when a Department member conducts a traffic stop with a citizen that does not result in the issuance of a citation for a traffic offense. Usually, an offense is indicated on the card that could have been cited, but the attesting Department member used their discretion to not issue a ticket. The card serves as a record to help document the frequency that an individual is being

¹⁰ Att.#10

stopped by the police to ensure that the recipient driver is not being unduly targeted by police for racial profiling.

Officer Boyle and Officer Cegielski were working in a tactical unit in an unmarked Department SUV in plainclothes. Their unmarked vehicle was not equipped with an In-Car Camera ('ICC') that possibly could have captured [REDACTED] initial offense (failing to signal). These officers were on a gun-related enforcement mission where their focus or priority was not traffic enforcement, but the seizure of illegal firearms. However, they still took traffic enforcement actions or engaged in enforcing traffic laws.

During their COPA interviews, both Officer Boyle and Officer Cegielski do not remember preparing a Driver's Information Card/Traffic Stop Statistical Summary. The BWC footage and the statements of the officers and Complainant, clearly establish that such documentation was required. From a review of all the available evidence, it is more likely than not that the officers failed to prepare a Drivers Information Card or an ISR. Therefore, with respect to Allegation #2 for Officer Boyle and Allegation # 3 for Officer Cegielski, COPA makes a finding of **SUSTAINED**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Martin Boyle

i. Disciplinary History

1. Discipline: None

ii. Recommended Penalty, by Allegation

1. Allegation No.2: Officer Boyle admitted to not preparing a Driver's Information Card

b. Officer Jeannette Cegielski

i. Disciplinary History

1. Discipline: None

ii. Recommended Penalty, by Allegation

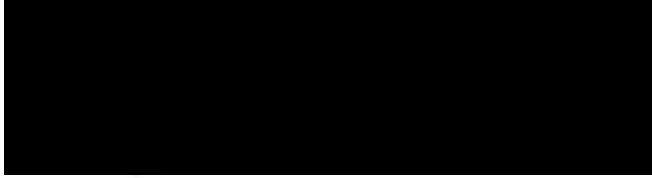
1. Allegation No. 3: Officer Cegielski admitted to not preparing a Driver's Information Card

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Boyle	<ol style="list-style-type: none"> 1. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you stopped the vehicle of [REDACTED] without justification 2. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you failed to prepare a Driver’s Information Card/ Traffic Stop Statistical Summary documenting the traffic stop of [REDACTED] 	<p>Exonerated</p> <p>Sustained/Reprimand</p>
Officer Cegielski	<ol style="list-style-type: none"> 1. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you stopped the vehicle of [REDACTED] without justification. 2. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you displayed your firearm in the presence of the [REDACTED] without justification 3. That on February 21, 2019, at approximately 12:00 pm, in the vicinity of 13110 S. Greenwood Ave., you failed to prepare a Driver’s Information Card/ Traffic Stop Statistical Summary documenting the traffic stop of [REDACTED] 	<p>Exonerated</p> <p>Exonerated</p> <p>Sustained/Reprimand</p>

Approved:



8-31-2020

Angela Hearts-Glass
Deputy Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Michael Fleury
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass