

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Date of Incident:	December 27, 2015
Time of Incident:	2:00 am
Location of Incident:	Division and Clark
Date of COPA Notification:	December 27, 2015
Time of COPA Notification:	1:42 pm

As Complainant and a friend were in a popular night-life area, shots were fired from a party bus on Division Street near Clark Street. A large police response followed, and Complainant alleges that he was caught up in the aftermath when he was stopped, tackled to the ground, and then let go. Complainant, who had been drinking, alleges that he was stopped with no justification and subjected to excessive force. After pursuing many avenues, COPA could not identify the officer allegedly involved—an officer was identified but it later became clear that he was not involved.

**II. INVOLVED PARTIES**

Involved Officer #1:	UNKNOWN
Involved Officer #2:	Syed Kazmi Star #17382 / Employee # [REDACTED] Date of Appointment: November 15, 1999 PO / Unit 018 DOB: [REDACTED], 1971 Male/ Asian/Pacific Islander
Subject #1:	[REDACTED] DOB: [REDACTED], 1993 Male / White

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Kazmi	It is alleged that, on December 27, 2015, around 2:30 am, near the intersection of Division and Clark, Officer Syed Kazmi:	

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<p>1. Temporarily detained the Complainant without having a reasonable articulable reason for doing so, first by ordering the Complainant to stop and then by physically restraining him, in violation of Rules 1 &amp; 2; and</p>	<p><b>UNFOUNDED</b></p>
<p>2. Used force against the Complainant, by pushing him to the ground and restraining him temporarily, when such force was not necessary or reasonable, in violation of Rules 8 &amp; 9.</p>	<p><b>UNFOUNDED</b></p>
<p>It is further alleged that, after the incident above, Officer Syed Kazmi:</p>	
<p>3. Failed to complete a Tactical Response Report regarding the use of force against the Complainant, in violation of Rule 6; and</p>	<p><b>UNFOUNDED</b></p>
<p>4. Failed to complete a Contact Card regarding the temporary investigatory stop of the Complainant, in violation of Rule 6.</p>	<p><b>UNFOUNDED</b></p>

**IV. APPLICABLE RULES AND LAWS<sup>2</sup>**

**Rules – Prohibited acts include:**

1. Rule 1: Violation of any law or ordinance.
2. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 6: Disobedience of an order or directive, whether written or oral.
4. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
5. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

**General Orders**

1. G03-02: Use of Force Guidelines
2. G03-02-01: The Use of Force Model
3. G03-02-02: Force Options
4. G03-02-05: Incidents Requiring the Completion of a Tactical Response Report

**Special Orders**

1. S04-13-09: Contact Information System

<sup>2</sup> All citations reference rules, orders, and laws that were in effect at the time of the incident.

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**Federal Laws**

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## 1. Fourth Amendment to the United States Constitution – Unreasonable Seizure

**V. INVESTIGATION<sup>3</sup>****a. Interviews**

IPRA interviewed Complainant, Mr. ██████████<sup>4</sup>, on December 29, 2015. ██████████ stated that the incident occurred on December 27<sup>th</sup> around 2:00 am (not the 26<sup>th</sup> as he had previously stated when filing the complaint by phone) and that it occurred near Division and State (not at 1600 West North Avenue as he had previously stated when filing the complaint).

██████████ stated that he was out with some friends, when those friends left him and another friend, ██████████, and took a cab somewhere else. ██████████ and ██████████ had been drinking. They left the bar, Butch McGuire's, to go to Jimmy John's, a sandwich shop. Their trip took a long time because they had entered an incorrect address into a GPS application. On their way to Jimmy John's, as they were walking by an alley, someone came out of it, sucker-punched ██████████, sending him to ground, and stole his phone. Afterwards, ██████████ and ██████████ ate at Jimmy John's and left.

About ten minutes later, ██████████ and ██████████ heard gunshots. Immediately after, as they continued walking away from the location of the gunshots, they ran into a white police officer who was lining people up against a wall. ██████████, who was still upset about the alley mugging, presumed that the officer's actions were related to the gunshots. The officer asked Mr. ██████████ and his friend to get up against the wall. ██████████ refused and continued walking. The officer took Mr. ██████████ down and held him on the ground for a minute before letting him go.

IPRA interviewed Mr. ██████████<sup>5</sup> by phone on January 27, 2016. Mr. ██████████ had been visiting Mr. ██████████ from St. Louis at the time of the incident. He stated that he was out with Mr. ██████████ and that they consumed a number of alcoholic beverages. Mr. ██████████ remembered walking towards Jimmy John's and hearing gunshots. Mr. ██████████ recalled that a number of uniformed police officers had a few people lined up against the wall and ordered Misters ██████████ and ██████████ against the wall as well. Mr. ██████████ obliged, but Mr. ██████████ refused. At that point, a white male officer grabbed Mr. ██████████ wrist and waist and pushed him to the ground, while another officer put his knee on his back. The officers then released the two friends. According to Mr. ██████████, as Mr. ██████████ walked away from the officers, he declared, "Those fucking cops; what a bunch of assholes."<sup>6</sup> After that, Mr. ██████████ said, Mr. ██████████ was attacked by other males and, after the attack, he realized that his phone was missing.

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<sup>3</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>4</sup> Att. 6 (audio); Att. 7 (outline of audio interview).

<sup>5</sup> Att. 18.

<sup>6</sup> *Id.*

COPA interviewed **Officer Syed Kazmi**<sup>7</sup>, who was the first officer to respond to the scene of the shooting while he was on another call regarding a robbery. Officer Kazmi relayed the party bus incident with good detail. He also remembered what he was doing before he heard the shots from the party bus: he was speaking with an alleged robbery victim at CVS. Officer Kazmi at first thought that the Complainant may be the robbery victim, but upon seeing a picture of the Complainant, he realized they were different people. After hearing the gunshots, Officer Kazmi, with the help of his partner and a 7-11 guard, chased the bus and stopped it. Officer Kazmi waited until backup officers arrived, at which point the backup officers removed the passengers from the bus. Officer Kazmi then searched through the bus and recovered multiple weapons. According to Officer Kazmi, at no time did he stop people on the street, because the focus of his suspicion was almost exclusively the party bus from which he believed the shots emanated. Officer Kazmi described himself as being of East Indian descent.

Officer Kazmi did say that he remembered that the radio mentioned three males who were stopped somewhere, but he could not remember whether that stop was related to the party bus shooting.

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

COPA reviewed **CPD Radio Transmissions** provided by OEMC. The transmissions largely corroborate Officer Kazmi's version of the events, including his call for backup and his entry onto the bus. At no time does Officer Kazmi mention that he stopped people outside. Throughout the event, Officer Kazmi is heard explaining the steps he is taking and communicating with dispatch.

Additionally, through reviewing the audio, it became apparent that the robbery to which Officer Kazmi was originally responding involved an individual by the name of [REDACTED], not the Complainant, [REDACTED].

#### **c. Documentary Evidence**

COPA reviewed the **Event Queries**<sup>8</sup> regarding the party bus shooting and no mention was made of Mr. Kocis. Additionally, the event query regarding the robbery<sup>9</sup> that preceded it confirmed that the robbery involved a different person, Mr. [REDACTED].

COPA searched for any **Contact Cards**<sup>10</sup> that may have been generated for the stop of Mr. [REDACTED]. None were found to match the date and area of the incident, whether searching by name or simply for "John Doe." (CPD policy permits personnel to fill out a Contact Card for John Doe if they are unable to confirm the detainee's identity.)

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<sup>7</sup> Att. 32 (audio interview); Att. 33 (summary of interview).

<sup>8</sup> Att. 14.

<sup>9</sup> Att. 35.

<sup>10</sup> Att. 31.

COPA reviewed the **Original Case Incident Report**,<sup>11</sup> which detailed the events in the narrative and largely corroborates Officer Kazmi's statement. Additionally, the report mentions that two bullet holes were discovered in the west window and east wall of the Jimmy John's.

COPA reviewed pictures of Mr. [REDACTED]<sup>12</sup>, taken after the incident, which showed some scrapes and bruises on Mr. [REDACTED]'s arms, face, and body.

## VI. ANALYSIS

The allegations against Officer Kazmi are unfounded because he was not involved in the alleged misconduct. Officer Kazmi was originally identified as the subject of the investigation by IPRA because he was the first person to respond to the party bus shooting and the first to chase the bus. Officer Kazmi and his partner were the officers who stopped the bus and detained it until backup units arrived. However, upon further investigation, it became apparent that Officer Kazmi was not the officer against whom allegations should have been made. First, the Complainant described the officer as white, not East Indian as Officer Kazmi described himself. Second, the intoxicated white male who Officer Kazmi described as having been the victim of a robbery was a man by another name, not Mr. [REDACTED]. Third, the CPD Radio transmissions confirm that Officer Kazmi initially chased the bus and stopped it and no one else; Officer Kazmi was in constant communication throughout the event. After backup arrived, Officer Kazmi let other officers bring down and search the occupants of the bus, while he went through the bus to search for—and ultimately find—firearms. Therefore, the allegations against Officer Kazmi are **UNFOUNDED**.

The allegations against the unknown officer cannot be sustained. While there is no officer statement that contradicts Mr. [REDACTED]'s account, that account is still unreliable. First, Mr. [REDACTED] had been out drinking that day. Second, there are multiple inconsistencies in the timeline of events between Mr. [REDACTED] and his friend. Third, Mr. [REDACTED] was originally completely wrong about the location of where these events happened. Fourth, there is no way to tell whether the injuries sustained by Mr. [REDACTED] were the result of the brief interaction with police or the battery and robbery he experienced before that. The allegations against the unknown officer are therefore **NOT SUSTAINED**.<sup>13</sup>

## VII. CONCLUSION

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

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<sup>11</sup> Att. 10.

<sup>12</sup> Att. 8.

<sup>13</sup> Even if we assume that the Complainant's version of events is correct, the result would likely be an exoneration for the officer involved. The Officers were dealing with a fluid and dangerous situation after gunshots had been fired. The Complainant and his friend were coming from the direction of Jimmy John's, near where the bullets were fired; indeed, bullet holes were discovered in the Jimmy John's. The Complainant refused to cooperate with the investigatory stop, which may have been entirely valid; however, without an officer articulating the reasonable suspicion behind it, COPA cannot exonerate this unknown officer—if he exists. But neither can COPA sustain these allegations, as they are not corroborated and the account is not credible.

Officer	Allegation	Finding
Officer Kazmi	<p>It is alleged that, on December 27, 2015, around 2:30 am, near the intersection of Division and Clark, Officer Syed Kazmi:</p> <ul style="list-style-type: none"> <li>5. Temporarily detained the Complainant without having a reasonable articulable reason for doing so, first by ordering the Complainant to stop and then by physically restraining him, in violation of Rules 1 &amp; 2; and</li> <li>6. Used force against the Complainant, by pushing him to the ground and restraining him temporarily, when such force was not necessary or reasonable, in violation of Rules 8 &amp; 9.</li> </ul> <p>It is further alleged that, after the incident above, Officer Syed Kazmi:</p> <ul style="list-style-type: none"> <li>7. Failed to complete a Tactical Response Report regarding the use of force against the Complainant, in violation of Rule 6; and</li> <li>8. Failed to complete a Contact Card regarding the temporary investigatory stop of the Complainant, in violation of Rule 6.</li> </ul>	<p><b>UNFOUNDED</b></p> <p><b>UNFOUNDED</b></p> <p><b>UNFOUNDED</b></p> <p><b>UNFOUNDED</b></p>

Approved: 



Erica Sangster  
Acting Deputy Chief Administrator

7/16/18

Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	11
<b>Investigator:</b>	Tamer Y. Abouzeid
<b>Supervising Investigator:</b>	Brian Dollar
<b>Acting Deputy Chief Administrator:</b>	Erica Sangster