



Log # 2019-0000254

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 28, 2019, the Civilian Office of Police Accountability (COPA) received an in-person complaint from ██████████ reporting alleged misconduct by a Chicago Police Department (CPD) member. ██████████ alleged that on February 27, 2019, she was stopped without justification, falsely arrested, and issued a parking citation without justification by CPD Officers Jaime Tomczyk and Christine Golden.² Following its investigation, COPA reached a sustained finding on issuing a loading zone parking citation without justification and unfounded findings regarding the stop and arrest of ██████████

II. SUMMARY OF EVIDENCE³

On February 28, 2019, COPA conducted an interview with ██████████⁴ In her statement, ██████████ stated that on February 26, 2019, she went to a party in the vicinity of ██████████ with her cousin, ██████████ parked her car, a 2019 Toyota Corolla, in front of the house where the party took place.

██████████ admitted to consuming alcohol while at the party. After leaving the party, ██████████ felt too tired to drive and fell asleep in her car around 3:30 AM. ██████████ prefaced this statement by letting COPA know that she was homeless at the time and would often sleep in her car. The next thing she recalled was a loud banging on the car window. When she woke up, she saw Officers Tomczyk and Golden, speaking to her. The officers told her that the car was turned on while ██████████ was sleeping at the driver's seat. ██████████ admitted that she was sleeping in the driver's seat, but disputed the fact that the car was turned on. Once additional officers arrived, ██████████ was taken out of the car and underwent a field sobriety test. ██████████ was told by the officer who administered the test, that she had failed. At that point, ██████████ was arrested and taken back to the station for further testing and processing.

The audio interview of Officer Tomczyk was taken on March 12, 2020, and the audio interview of Officer Golden was taken on September 2, 2020. Both officers accounts are substantially similar. The officers recalled that they were on routine patrol when they noticed ██████████ car with a window rolled down, on a cold day, and two unknown occupants inside, ██████████

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including arrest reports, vehicle impoundment reports, body-worn camera footage, in-car camera footage, statements from the from the Complainant, statements from a witness, statements from the involved officers.

⁴ Att. 30.

and [REDACTED] The officers decided to conduct a wellness check and upon arrival, they saw that the car was on due to the lights on the dashboard flashing. They then attempted to wake up [REDACTED] and [REDACTED] when they noticed an aroma of alcohol coming from the car. Officer Golden then requested [REDACTED] license and assistance from additional units with more experience in the field sobriety test. CPD Officers Socorro Ramirez and Zaireh Acsvecs then arrived at the scene. Officer Acsvecs conducted the field sobriety test and determined that [REDACTED] did not pass. At that point, [REDACTED] was placed under arrest and transported to the police station for processing.

The body worn camera (BWC) of all the officers were examined.⁵ The BWC shows Officers Tomczyk and Golden approaching [REDACTED] car and seeing both [REDACTED] and [REDACTED] sleeping while the car was turned on. The footage also captures Officer Acsvecs conducting the field sobriety test. Additionally, [REDACTED] car can be seen parked behind a tow zone street sign.⁶ The in-car camera (ICC) footage shows that [REDACTED] car had its turning signal on as the officers arrived.⁷ The Arrest report⁸ documented that [REDACTED] was arrested for suspicion of DUI. Additional violations of parking in a loading zone and operating a motor vehicle without insurance were also issued.⁹ Because of the violations, [REDACTED] car was towed.¹⁰

III. ALLEGATIONS

Officer Jaime Tomczyk:

1. Issued a citation to the Complainant for parking in a loading zone without justification.
 - Sustained, Violation of Rule 6.
2. Conducted an investigatory stop of the Complainant without justification.
 - Exonerated.
3. Arrested the Complainant without justification.
 - Exonerated.

Officer Christine Golden:

1. Issued a citation to the Complainant for parking in a loading zone without justification.
 - Unfounded.
2. Conducted an investigatory stop of the Complainant without justification.
 - Exonerated.
3. Arrested the Complainant for DUI without justification.
 - Exonerated.

IV. CREDIBILITY ASSESSMENT

⁵ Att. 15 to 23.

⁶ Att. 15 at forty-five seconds.

⁷ Att. 45.

⁸ Att. 1.

⁹ Att. 11.

¹⁰ Att. 12.

Due to the admission of being under the influence of alcohol hours prior to the incident and potentially during the incident, ██████ ability to recall the incident accurately is questionable.

V. ANALYSIS¹¹

a. Issued a citation to the Complainant for parking in a loading zone without justification.



The picture above, extracted from Golden's BWC footage,¹² clearly shows that ██████ was not parked in the tow zone area as alleged in the parking citation issued by Officer Tomczyk. In Officer Tomczyk's statement to COPA, she indicated that this was done in honest error rather than dishonestly or maliciously. However, the image does show that ██████ was parked in front of a daycare.

COPA determined that Officer Tomczyk is deemed as a credible witness and accepts her assertion in that the ticket issued, parking in a tow zone, was issued by mistake. However, the ticket was still issued without justification. For this reason, COPA finds that **Allegation #1** against Officer Tomczyk is **sustained** as violation of Rule 6, Special Order 04-14-04, Parking and Compliance Violation.

Officer Golden was not the issuing party for the citation and stated that she was not involved in that particular charge and therefore the **Allegation #1** against Officer Golden is **Unfounded**.

b. Conducted an investigatory stop of the Complainant without justification.

In order to conduct an investigatory stop, officers need to have reasonable articulable suspicion or probable cause to initiate the stop and justify the detention. As stated by Officer Tomczyk and Officer Golden, they noticed ██████ car running with two passengers reclining in a possible state of distress, and one of the rear windows rolled down on a cold day. This is sufficient reasonable suspicion to warrant an investigation to investigate if ██████ and her passenger were in medical distress, if the car were stolen, or if the vehicle was left running unattended in violation of city law. These were the initial factors which drew Officer Tomczyk and Officer Golden to ██████ car. As their investigation progressed, a focus on a potential DUI offense emerged due to the difficulty

¹¹ For a definition of COPA's findings and standards of proof, see Appendix B.

¹² Att. 50.

in rousing [REDACTED] from her sleep and the scent of alcohol emanating from her person. The progression of the reasonable articulable suspicion is well-supported by the BWC footage and the officers' contemporary statements comport with a lawful investigatory stop.

Therefore, the **Allegation #2** against Officer Tomczyk and Officer Golden of conducting an investigatory stop without justification is **exonerated**.

c. Arrested the Complainant without justification.

The Illinois Compiled Statutes forbids motorists from being in physical control of a vehicle if they are under the influence of alcohol.¹³ DUI's are Class A misdemeanors and are cause for arrest. Illinois courts require the defendant to be in control of the vehicle when being charged with a DUI and have established several factors that can demonstrate physical control: 1) being in the driver's seat, 2) the key being in the ignition, 3) number of occupants in the vehicle, and 4) whether the doors were locked.¹⁴ The BWC footage for Officers Golden and Tomczyk shows that [REDACTED] is behind the wheel of the vehicle. The BWC and ICC footage also shows multiple lights on the dashboard being lit along with the right taillight flashing, which demonstrates that [REDACTED] car was turned on. There were only two occupants in the vehicle, with [REDACTED] in the driver's seat as mentioned before. It is unsure if the doors of the vehicle were locked, but this factor is outweighed by the other aforementioned factors. With these factors in mind, officers were justified in determining that [REDACTED] was in control of the car. This, coupled with the previously mentioned aroma of alcohol emanating from [REDACTED] vehicle, allowed the officers to proceed with the field sobriety test. Officer Acsvecs' BWC shows the field sobriety test administered and his assessment of [REDACTED] failure. Because [REDACTED] failed the field sobriety test, the Officer Golden had probable cause to arrest [REDACTED]. Therefore, **Allegation #3** against Officer Golden, arrested [REDACTED] for DUI without justification, is **exonerated**.

Allegation #3, against Officer Tomczyk, that she arrested [REDACTED] without justification, is **exonerated** for the same reasons as stated above.

VI. DISCIPLINARY RECOMMENDATIONS

A. Police Officer Jaime Tomczyk

i. Complimentary and Disciplinary History¹⁵

Officer Tomczyk has received a total of 91 awards, including four complimentary letters, one crime reduction awards, and 79 honorable mentions. She has no sustained disciplinary history in the past five years.

ii. Recommended Discipline

¹³ 625 ILCS 5/11-501 (a).

¹⁴ People v. Niemiro, 256 Ill. App. 3d 904, 909 (1993)

¹⁵ Att. 52.

COPA has found that Officer Tomczyk violated Special Order SO4-14-04 when she improperly cited [REDACTED] for parking in a tow zone. Officer Tomczyk admitted that the citation was given by mistake. For this reason, COPA recommends **a violation noted**.

Approved:

[REDACTED]

2-28-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	February 27, 2019, at Approximately 830 am at or about 71 st and Ashland Avenue.
Date/Time of COPA Notification:	February 28, 2019
Involved Officer #1:	Jaime Tomczyk, Star #18456, Employee # [REDACTED], Date of Appointment: October 31, 2016, Unit of Assignment: 007-Detailed to 606, Female, White.
Involved Officer #2:	Christine Golden, Star #16366, Employee # [REDACTED], Date of Appointment: April 16, 2018, Unit of Assignment: 007-Detailed to 211, Female, White.
Involved Individual #1:	[REDACTED] Female, Black.
Involved Individual #2:	[REDACTED] Female, Black.

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- Special Order S04-14-04: Parking and Compliance Violations (effective October 31, 2019, to present)

Appendix B

Definition of COPA's Findings and Standards of Proof

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 a proposition is proved.¹⁶ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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. 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.”¹⁷

¹⁶ 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 is found to be more probably true than not).

¹⁷ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation