

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	16 February 2014
Time of Incident:	Approximately 8:45p.m.
Location of Incident:	Walgreens Parking Lot 6330 S. King Dr. & 7040 S. South Chicago – 003 rd Dist. Police Station
Date of COPA Notification:	20 February 2014

On February 16, 2014, Chicago Police Officers Drish and Styczynski conducted a routine traffic stop of [REDACTED] vehicle. During the encounter [REDACTED] became uncooperative and was ultimately placed under arrest and ticketed for various traffic offenses. While [REDACTED] was under arrest, officers searched her vehicle. While at the police station for processing, [REDACTED] complained to Sgt. Alvarez regarding her treatment by Officer Drish and Officer Styczynski. Specifically, [REDACTED] alleged that the officers were verbally and physically abusive to her during the encounter and that they searched her vehicle without permission. Sgt. Alvarez did not contact IPRA to report [REDACTED] allegations.

COPA's investigation revealed that many of the Officers' actions during this incident were justified, or within CPD policy. However, allegations were sustained for the improper search of the vehicle and for failure to file a report based on [REDACTED] complaints about her treatment.

II. INVOLVED PARTIES

Involved Officer #1:	James Drish, Star #: 19966, EMP #: [REDACTED], DOA: 15 March 2013, Rank: PO, Unit #: 007 (previously 411), DOB: [REDACTED] 1983, Male, Hispanic
Involved Officer #2:	Mark Styczynski, Star #: 5442, EMP #: [REDACTED], DOA: 01 APR 2013, Rank: PO, Unit #: 003 (previously 411), DOB: [REDACTED] 1978, Male, White
Involved Officer #3:	Raul Alvarez, Star #: 2348, EMP #: [REDACTED], DOA: 30 July 2001, Rank: Sgt., Unit #: 014 (previously 003), DOB: [REDACTED] 1968, Male, Hispanic

¹ 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.

Involved Civilian #1:

██████████ DOB: ██████ 1988, Female, African American

III. ALLEGATIONS

Officer	Allegation	Finding
Officer James Drish	<p>██████████ alleged that on 16 February 2014, at approximately 2030 hours, at 6330 S. Dr. Martin Luther King Drive, near the parking lot of Walgreens, you:</p> <ol style="list-style-type: none"> 1. Pulled her out of her vehicle by her wrists, without justification 2. Directed profanities at her in which you called her a "black bitch" 3. Slammed her against the vehicle 4. Handcuffed her too tightly and failed to loosen her handcuffs when asked to do so 5. Searched her vehicle without a warrant or her permission 6. Ransacked her glove compartment and ripped the seats of her vehicle 7. Failed to secure her vehicle or tow it to a safe location 8. Issued her false citations 	<p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p>
Officer Mark Styczynski	<p>██████████ alleged that on 16 February 2014, at approximately 2030 hours, at 6330 S. Dr. Martin Luther King Drive, near the parking lot of Walgreens, you:</p> <ol style="list-style-type: none"> 1. Snatched ██████████ cell phone from her and threw it on the ground 	<p>Not Sustained</p>

	2. Failed to inventory or return [REDACTED] cell phone	Not Sustained
	3. Verbally abused [REDACTED] by stating, "Just get out of the fucking car!"	Not Sustained
	4. Pulled [REDACTED] out of her vehicle by her coat, without justification	Exonerated
	5. Slammed [REDACTED] against the vehicle	Not Sustained
	6. Threatened to taser [REDACTED] for no reason	Exonerated
	7. Searched her vehicle without a warrant or her permission	Sustained
	8. Ransacked her glove compartment and ripped the seats of her vehicle	Not Sustained
	9. Failed to secure her vehicle or tow it to a safe location	Exonerated
	10. Issued her false citations	Unfounded
Sgt. Raul Alvarez	[REDACTED] alleged that on 16 February 2014, at the 003 rd District Station, you: 1. Failed to initiate or register a complaint on her behalf	Sustained

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 Dept.
2. Rule 5 – Failure to perform any duty.
3. Rule 6 – Disobedience of an order or directive, whether written or oral.
4. Rule 8 – Disrespect to 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.
6. Rule 22 – Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

General Orders

1. G08-01-02, II. B. 2 - When misconduct is observed or an allegation of misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action.

2. G02-02 - It is the policy of the Chicago Police Department to conduct all investigations for a proper law enforcement purpose. Each and every investigation must safeguard the constitutional liberties of all persons. Police conduct which may affect the exercise of First Amendment rights will be conducted in accordance with this directive. Department members may not investigate, prosecute, disrupt, interfere with, harass, or discriminate against any person engaged in First Amendment conduct for the purpose of punishing, retaliating, or preventing the person from exercising his or her First Amendment rights.

Special Orders

1. S04-13-09: In pertinent part, *revises* the use of the Investigatory Stop System for the documentation of Investigatory Stops, Protective Pat Downs or other searches resulting from stops, *for documenting probable cause stops when no other document captures the reason for the detention*, and the enforcement of the Gang and Narcotics-Related Loitering Ordinances.

2. S04-14-05-IV(A)(2), which states in pertinent part... "A vehicle under the control of an arrestee is subject to an immediate tow: if the vehicle cannot be legally, safely, and continuously parked at or near the scene of the arrest..."

Federal Laws

1. Fourth Amendment – "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated,...."

State Laws

1. 725 ILCS 5/108-1.01 - "Search during temporary questioning. When a peace officer has stopped a person for temporary questioning pursuant to Section 107-14 of this Code and reasonably suspects that he or another is in danger of attack, he may search the person for weapons. If the officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall either return the weapon, if lawfully possessed, or arrest the person so questioned."

V. INVESTIGATION⁴

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

a. Interviews**Interview of [REDACTED]**

The Independent Police Review Authority (IPRA) interviewed [REDACTED] at its office located at 1615 W. Chicago Ave., on February 24, 2014. [REDACTED] was pulled over by 2 Chicago Police officers for a traffic violation on the evening of February 16, 2014, in the Walgreens parking lot at 6330 S. King Drive. [REDACTED] was informed by Officer James Drish and his partner, Officer Mark Styczynski, that she was stopped for not having a license plate on the front of her vehicle. Subsequently, [REDACTED] was issued a total of 4 traffic citations after being taken to the 003rd District Police Station and given an I-Bond.

In her interview, [REDACTED] stated that on the night in question she had been visiting a friend's house on 62nd & Drexel, and was on her way home when she decided to stop to grab a beverage at the local Walgreens. According to [REDACTED] she first observed the police while she was sitting at the light at 63rd & King Drive. She made a left turn onto King Drive, and she saw them turn around, but they never turned on their lights. When she pulled into and parked in the Walgreens' parking lot on 63rd and King Drive she didn't think the police were following her because there were no lights flashing. As she was stepping out of the car, the vehicle sped up towards where she was parked and pulled up behind her and turned on the flashing lights. The officers approached her car and asked for her license and registration. [REDACTED] asked why she was being pulled over. The officers informed her that she didn't have a front license plate on her car. [REDACTED] proceeded to reach over and get her proof of insurance out of the glove box and her State ID out of her purse and handed them to the officer, who she explained that she was driving on a ticket.

As [REDACTED] attempted to close her door, Drish told her to get out of the car. [REDACTED] stated that she sat for a second and then stated, "Why do I have to get out of the car?" Drish replied, "Just get out of the fuckin' car."⁶ [REDACTED] responded, "I don't mean to be insubordinate but what did I do? Why do I have to get out of the car?"⁷ At that point the officers reached into her car and pulled her out, one by the wrist and the other by her coat. She then pulled back and stated, "I can get out of the car by myself, please just don't touch me."⁸ Now, [REDACTED] stated that she was "slightly upset" and asked several times, "What are you doing?"⁹

While this was happening [REDACTED] stated that the officers took her phone and threw it across the lot. She stated they were "like scuffling"¹⁰ but she was not resisting and the officers told her to stop resisting. She explained to the officers that she was not resisting but was trying to figure out what was going on. Although the officers had her hands, [REDACTED] explained that she was

⁵ See Attachment 19.

⁶ See Attachment 19, pg. 7, line 23.

⁷ See Attachment 19, pg. 8, lines 2-4.

⁸ See Attachment 19, pg. 8, lines 16-20.

⁹ See Attachment 19, pg. 9, lines 1-3.

¹⁰ See Attachment 19, pg. 9, lines 13-15.

still trying to use her hands to talk. ¹¹ When she began asking them why they were doing this to her, the officers told her to stop resisting. When they pushed her against the car [REDACTED] stated that they threatened to taser her. She said she guess she was "a little more irate than what they thought"¹². They then took her and slammed her against the police car that was parked directly behind her car and handcuffed her with her car keys in her right hand.

She never saw them run her name to check her driver's license. Once the cuffs were on, the officers put her in the back of the police vehicle and began to walk to her car. "...they went to my car and immediately started to tear my car apart. They ripped everything out of my glove box and they ripped everything out of the cushion.... They tore my car up. They dumped my purse. They dumped my wallet and they kinda just left everything on the seat."¹³ There were no weapons or anything recovered. When the officers came back to the car, they asked [REDACTED] for the car keys and she told them she didn't know what happened to them. They then got into the car and while driving, [REDACTED] asked the officers what station were they going to and if she could call her mom, to which they replied, "You're not fuckin' calling your mother." [REDACTED] asked where was her phone while at the station, to which Styczynski replied, "Your phone is in your car." She believed that the phone might have been on the car seat when she was snatched out of the car because the headphones were attached and became detached from the phone. She also believed the phone was thrown towards Walgreens' door. The phone was never retrieved before they left for the station. According to [REDACTED] the phone was never found. [REDACTED] called AT&T on Monday to report her phone stolen and she filed an insurance claim with Asurion, and was sent a replacement phone with an additional \$125 fee added to her cell phone bill.¹⁴

In her statement, [REDACTED] continued to report that as the officers reached the police station, they parked, got out, and reached into the car and pulled her out of the car "...very roughly. They were manhandling me like I was a man."¹⁵ She asked the officer to loosen her arms because he was hurting her and Drish replied, "Shut up you fuckin' cunt." "You tried to sass us now we're going [to] fuckin' screw you, you cunt."¹⁶ As they proceeded through the doors of the station, [REDACTED] asked to speak with a supervisor or a sergeant and as they are walking they run into Sgt. Alvarez. She figured he was a sergeant because he had on a white shirt and when she asked for a sergeant he said he was a sergeant. He also had a name badge that said Sgt. Alvarez. She described Sgt. Alvarez as being Hispanic, with dark hair and in his mid-50s. When she first encountered Sgt. Alvarez he asked her what was the problem and she told him that she felt uncomfortable speaking with him in the presence of Drish and Styczynski. [REDACTED] described Sgt. Alvarez as being really nice and helpful. She asked Sgt. Alvarez to remove the handcuffs and he explained that because she was under arrest, he could not. [REDACTED] stated that she did walk with Sgt. Alvarez, away from the arresting officers, and he allowed her to tell him about the events that occurred. [REDACTED] explained how the two officers had snatched out of the car, slammed her against the car and got her coat and clothes dirty, and snatched her phone and threw it on the ground. When she

¹¹ See Attachment 19, pg. 9, lines 20-24.

¹² See Attachment 19, pg. 30, lines 11-19.

¹³ See Attachment 19, pg. 10, lines 19-24, pg. 11, lines 1-2.

¹⁴ [REDACTED] agreed to provide r the documentation regarding her insurance claim for the replacement phone, but no such documentation was ever recieved.

¹⁵ See Attachment 19, pg. 11, line 24, pg. 12, line 1.

¹⁶ See Attachment 19, pg. 12, lines 10-14.

told Sgt. Alvarez about her phone he replied, "It's just kinda your word against theirs." One of the officers interjected and said that she was resisting arrest, but [REDACTED] countered and denied resisting. She stated that she was merely asking them what was going on. Sgt. Alvarez told her that they would have to hold her for a little bit and for her to relax because she looked really agitated and irritated. [REDACTED] admitted that she was irritated and agitated because she was being arrested and had not done anything.¹⁷ Then she was taken into the processing room and cuffed to the bench. He allowed another officer to keep watch over her when she pleaded with him that she was uncomfortable being alone with the arresting officers. Sgt. Alvarez also continued to check in with [REDACTED] in the processing room to update her on what was going on. He informed her that she would not be charged with resisting arrest, however, she would receive an I-Bond and traffic tickets and would then be free to go. [REDACTED] was not placed in a holding cell nor was she fingerprinted or photographed. Sgt. Alvarez did not document or file any complaints against Drish or Styczynski on behalf of [REDACTED]

Statement of Officer James N. Drish¹⁸

IPRA interviewed accused Officer James N. Drish, #19966, at its office located at 1615 W. Chicago Ave., on March 22, 2016. In his statement Drish confirmed that Officer Mark Styczynski was his partner on the date in question. He proceeded to tell the investigator that there were no other officers on the scene when they initially arrived. Drish had to review the traffic citations as provided to him by the IPRA investigator as he could not initially recall why the tickets were written. Once he saw the tickets he remembered that the reason [REDACTED] was pulled over was because she did not have a license plate on the front of her car. Drish described [REDACTED] as being uncooperative, combative, and "very angry"¹⁹. He also related that she scratched his partner's hand and that she was yelling. According to Drish, the officers were following her vehicle and were going to run her license plate, but there was no plate to run. He also stated that [REDACTED] was already in a parking space in the Walgreens' parking lot when they pulled up behind her and activated the emergency flashing lights. He explained that he had to knock on her window for her to open the window because her body was facing the passenger's side and she was "doing something in her purse."²⁰ Drish stated that he couldn't see her hands so he used a flashlight to look in the car because it was in the evening. Drish reported that he gave her a couple of verbal commands to, "Let me see your hands. Let me see your hands."²¹

Drish stated that for officer safety he ordered [REDACTED] out of the car and that she refused to cooperate, therefore, his partner approached the car to assist. [REDACTED] scratched Styczynski's hand while the officers were pulling her out of the car. Drish stated, he pulled her by her hand and placed her in handcuffs. He reported that it was difficult to get the handcuffs on [REDACTED] because she was flailing her arms and had her purse in her hand and wouldn't let it go. He stated, it was only once he got the purse out of her hand that he was able to get the handcuffs on her after he had to grab her wrist in a certain way taught in the academy and referred to as the "gun

¹⁷ See Attachment 19, pg. 14, lines 16-17.

¹⁸ See Attachment 33.

¹⁹ See Attachment 33, pg. 9, lines 2-6.

²⁰ See Attachment 33, pg. 10, lines 18-24, pg. 11, lines 1-2.

²¹ See Attachment 33, pg. 11, lines 7-8.

grip²². According to Drish, [REDACTED] was yelling and he asked her to calm down. He claimed that [REDACTED] kept reaching in her purse, and he began to suspect that she may have something in the purse, possibly a weapon. He could not provide a description of the purse. He also relayed that there were no other officers on the scene and that [REDACTED] was taken to the police station in a squad car. Drish could not remember whether she was searched by a female officer. The reason Drish gave for [REDACTED] being taken to the station was to confirm her identity clearing her of any warrants or investigative alerts because she did not produce her driver's license. [REDACTED] was cleared, issued citations and released on an I-Bond.

Drish did recall seeing [REDACTED] speak with Sgt. Alvarez while at the police station, however, he could not recall if she had asked to speak with a supervisor. Sgt. Alvarez did instruct Drish and Styczynski to issue the citations to [REDACTED] and not to tow her car. Drish cannot recall Sgt. Alvarez instructing them to do anything else, nor could he recall hearing the conversations between Sgt. Alvarez or [REDACTED]. He also denied [REDACTED] having incurred any injuries or complaining of any injuries. Drish denied calling [REDACTED] a black bitch, slamming her against the vehicle, handcuffing her too tightly and refusing to loosen the handcuffs. Drish indicated that he wanted to arrest and charge [REDACTED] with resisting arrest and battery on an officer for scratching his partner, and impound her car but Sgt. Alvarez ordered them not to.

Drish claimed that he did not recall if Styczynski searched [REDACTED] car, nor did he see his partner slam her against the vehicle. He did not recall whether a protective pat down was done on [REDACTED] but stated that usual police procedure would require that a pat down be completed before placing a subject into the police vehicle. Drish denied that he or his partner directed profanities at [REDACTED]. Toward the end of his statement, Drish, admitted that he could not recall if the vehicle had been locked and secured, although he had previously stated that they locked her car before transporting her to the police station.

Statement of PO Mark Styczynski ²³

IPRA interviewed accused Officer Mark Styczynski, #5442, at its office located at 1615 W. Chicago Ave., on March 22, 2016. In his statement Styczynski confirmed that Officer James Drish was his partner on the date in question. Prior to this incident, Styczynski could not recall having any interaction with [REDACTED]. After reviewing copies of the citations that were issued to [REDACTED] he confirmed that he did not write or issue any of the citations. Recalling the incident, Styczynski reported that he and his partner initiated a traffic stop after [REDACTED] pulled into the Walgreens parking lot at 63rd & King Drive. Styczynski recalled that Drish was the business officer, meaning that he walked up and spoke with the driver. Styczynski was the guard officer and he was on the opposite side of the car observing. Styczynski said that [REDACTED] was not cooperative and that she was yelling loudly, at first with her window up, asking why had they stopped her. She was alone in the car at the time. Drish informed [REDACTED] why she was being stopped and asked for her driver's license and insurance. [REDACTED] was unable to produce her driver's license, so she was asked to step out of the car. Initially, [REDACTED] did not comply with the command. Styczynski claimed that [REDACTED] was moving around in her car and she kept reaching for a purse, for which he could not provide any sort of description. He claimed that he

²² See Attachment 33, pg. 12, lines 7-12.

²³ See Attachment 34.

didn't have any physical contact with helping his partner to get [REDACTED] out of the car, but he could not recall if she got on her own or if the other officer was pulling her out. He also stated that she was very combative, yelling and flailing her arms about. Styczynski alleged that, as they were placing the handcuffs on her, [REDACTED] scratched his hand, but he did not seek medical attention, only a band-aid and antibiotic ointment. He did state, however, that he reported this to a supervisor, but did not complete a Battery or an Injury to Officer report. Styczynski said that he does not recall what supervisor he spoke to about the scratch on his hand, that night, but it could have been Sgt. Alvarez.

Styczynski seemed sure that a female officer conducted the pat down of [REDACTED] stating that, "all prisoners are searched prior to entry into a police vehicle."²⁴ Styczynski also stated that he could not recall which female officer patted down [REDACTED] which female officers were on the team at the time, or whether any other officers were present. Styczynski denied observing Drish slam [REDACTED] against the vehicle. He insisted that Drish properly helped [REDACTED] exit the vehicle and handcuff her. Styczynski stated that he recalled Drish completing a proper protective pat down of the vehicle, not a full search. Styczynski could not remember if he assisted in searching [REDACTED] vehicle, and he denies either officer ransacking or ripping up the seats in [REDACTED] vehicle and possessions. When asked by the IPRA investigator what was he doing while Drish was searching the vehicle, he claimed that he could have been telling the other officers on the scene the events that transpired. According to Styczynski, multiple other officers showed up at the scene to ask if they were ok, but he could not remember which officers were there on scene. He believed that either him or Drish locked [REDACTED] car doors. Both officers in their statements considered not having [REDACTED] vehicle towed, as a courtesy to her. Styczynski denied taking [REDACTED] cell phone, but does not admit nor deny saying that he would taser her. He did state that, he might have said it to [REDACTED] if he thought she was being combative and it might have helped to de-escalate the situation. Styczynski could not recall if [REDACTED] spoke with a supervisor at the station. He also denied using any verbally abusive language toward [REDACTED] or hearing Drish using any verbally abusive language toward [REDACTED]

b. Digital Evidence

Photographs²⁵ received from [REDACTED] show what is described by her as being the inside of her vehicle after being searched by Officers Drish and Styczynski. The photographs, albeit blurry, are intended to capture what she described as the contents from her purse after they were emptied out all over the seats, and other contents of the car strewn all over the vehicle.

Video Footage of Walgreens Parking Lot²⁶ at 6330 S. King Dr., from 2 views (file nos. c0100140227200001 & c0302140227200001) on February 16, 2014, from 2000 to 2100 hours, both depicting automobile and pedestrian traffic. At 2028 hours, 05 seconds, the first file depicts what appears to be a black vehicle seen driving past the Walgreens parking lot and it appears that a marked CPD Tahoe was possibly behind it with its emergency lights engaged, but no other information could be gathered from the video.

²⁴ See Attachment 34, pg. 21, lines 17-19.

²⁵ See Attachment 17.

²⁶ See Attachment 22.

c. Physical Evidence

Citation #: TH-059-703²⁷, issued to [REDACTED] on 16 Feb 2014, for: driving without a license plate attached to the front of the vehicle.

Citation #: TH-059-704²⁸, issued to [REDACTED] on 16 Feb 2014, for: disobeying a No Turn Sign.

Citation #: TH-059-705²⁹, issued to [REDACTED] on 16 Feb 2014, for: wearing a headset while driving.

Citation #: TH-059-706³⁰, issued to [REDACTED] on 16 Feb 2014, for: failure to produce a driver's license.

Bond Slip #: I8104474³¹, issued to [REDACTED] for the above-listed citation numbers, requiring a court appearance on her appearance in court on April 15, 2014, at 11:00am.

d. Documentary Evidence**Summary of the To/From Response authored by Sgt. Raul Alvarez, #2348, on 29 Dec 2016³²:**

IPRA issued a To/From written request with six questions under Log #1067616³³ to Sgt. Alvarez on 06 Dec 2016. The request included the original Notification of Charges/Allegations, Administrative Proceeding Rights, Waiver of Counsel/Request to Secure Counsel forms that were issued to Sgt. Alvarez on 09 Dec 2016, a synopsis of the [REDACTED] allegations of facts, and a list of the citations issued to her. The request required the response to be returned to the IPRA investigator within 72 hours of receipt of the documents.

Sgt. Alvarez answered Question 1 in the affirmative confirming that the A&A sheets on the date of the incident confirm that he was the Sergeant on duty at the time.

Sgt. Alvarez answered Questions 2 & 3, specifically related to the interactions he had with [REDACTED] stating that the alleged incident occurred more than 2 years and 8 months prior to IPRA issuing the questions for his response and he did not recall any conversations with the [REDACTED]

In his response to Question 4, asking why Sgt. Alvarez would instruct Officer Drish (per Drish's statement) to only issue [REDACTED] citations and not to arrest her, charge her with Battery to an officer or impound her car, Sgt. Alvarez responded that he did not recall having any conversation with Officer Drish regarding this case due to not being provided any reports, context or information regarding the facts of the case. Sgt. Alvarez's response did state that if he instructed

²⁷ See Attachment 15.

²⁸ See Attachment 16.

²⁹ See Attachment 13.

³⁰ See Attachment 14.

³¹ See Attachment 12.

³² See Attachment 45.

³³ See Attachment 41.

any officer to write tickets or not to seek a charge, it would have been because he believed that there was probable cause to issue the tickets and the facts of the case presented to him would not support a charge.

Sgt. Alvarez responded to Question 5 reiterating that he did not recall speaking with the [REDACTED] but if any person asks to file a complaint, or if he observes a need to do so, he would follow the provisions of G.O. 08-01-02.

When asked if he had anything else he wished to add to his report, Sgt. Alvarez responded to Question 6 restating that he abides by the orders, rules and regulations of the Chicago Police Department.

Event Query #1404712991³⁴ – shows that Unit 4150G responded to a traffic stop at 6300 S. King Drive at 2029 hours, which is around the same time as the incident in question occurred as reported by the [REDACTED]. The officers assigned to this Unit are Officer Drish and Officer Styczynski based upon a cross-reference of the A&A's³⁵ for this date/time. The officers called-in that they were transporting the arrestee to the 3rd District station. The officers cleared the event at 00:07 hours.

VI. ANALYSIS

COPA's investigative case conclusions must be proven by a preponderance of the evidence. To satisfy a preponderance of the evidence standard, the evidence must prove that it is more likely than not that the conduct alleged occurred.

Based upon a preponderance of the evidence, as it pertains to the allegations brought against Officer James Drish, COPA determines the following:

Allegation 1: Officer Drish pulled her out of her vehicle by her wrists, without justification, is **Exonerated**.

A police officer's use of physical force during against an individual is considered a seizure and we use the Fourth Amendment framework set forth in *Graham v. Connor*, 490 U.S. 386, 394-96 (1989) to analyze it.

Determining whether the force used to effect a particular seizure is reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake. . . . Our Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.

Graham v. Connor, 490 U.S. 386, 396 (1989) (internal citations omitted). “[T]he question is whether the officers' actions are ‘objectively reasonable’ in light of the facts and circumstances

³⁴ See Attachment 4.

³⁵ See Attachment 21.

confronting them, without regard to their underlying intent or motivation.” *Id.* at 397. Chicago Police Board Rule 9 prohibits department members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Both officers and ██████ agree that she refused to leave her vehicle, and that she resisted being physically removed. ██████ stated that the officers pulled her from her car by her wrists. According to Officer Drish’s statement, he admits to reaching into ██████ car and pulling her out of the vehicle by her hands and then placing the handcuffs on her. Both Officers Drish and Styczynski stated in their interviews that ██████ was being combative and uncooperative and that she was yelling loudly when they asked her to step out of the vehicle. ██████ also admitted in her statement that she pulled back away from the officers as they attempted to pull her out of her car, which resulted in her scratching Officer Styczynski’s hand. ██████ admitted to being hesitant to get out of the car and not immediately complying with officer’s commands. Based on a review of both Officers Drish’s and Styczynski’s statements and ██████, it is determined that there was justification for Officer Drish pulling ██████ out of the car by her wrists.

Allegation 2: Officer Drish directed profanities at her, in which you called her a “black bitch” is **NOT SUSTAINED**.

██████ alleged that Officer Drish called her a “black bitch.” **Rule 8** prohibits CPD members from engaging in any act of disrespect to or maltreatment of any person, while on or off duty. **Rule 9** also prohibits department members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Both officers deny directing any profanities at the ██████ and there was no digital evidence or recordings submitted, to substantiate the ██████ allegation that such language was used against her. Based on the statements provided by all involved parties, there is not enough evidence to conclude whether Drish directed any profanities at ██████

Allegation 3: Officer Drish slammed her against the vehicle, is **NOT SUSTAINED**.

As stated above under Allegation 1, “the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” *Graham v. Connor*, 490 U.S. 386, 397. Both Drish and Styczynski admit that ██████ was handcuffed and while doing so she was placed up against the vehicle to conduct a protective pat down of her person before placing her in the police car. They both stated ██████ was uncooperative and combative. Officer Styczynski stated that ██████ was flailing her arms about while they were attempting to handcuff her. However, both officers denied slamming ██████ against the vehicle. In her statement, the ██████ reported that she was resistant and hesitant to exit the vehicle. While Officers Styczynski and Drish admit to placing ██████ against the vehicle as they were taking her into custody, they deny using excessive force by “slamming” her against the car. ██████ has no documented injuries as a result of this. Accordingly, there is insufficient evidence to prove or disprove the amount of force used against ██████

Allegation 4: Officer Drish handcuffed her too tightly and failed to loosen her handcuffs when asked to do so, is **NOT SUSTAINED**.

In their statements to IPRA, both officers admitted that [REDACTED] was handcuffed and taken to the station to be issued traffic citations and an I-Bond. [REDACTED] stated that the officers would not loosen the handcuffs after she pleaded with them to because they were hurting her, however both officers deny this allegation. [REDACTED] provided no evidence of bruising or injury from the handcuffs during this incident. However, handcuffs are used to restrain detainees and subjects to allow officers to complete the investigation and also to de-escalate a situation. Handcuffs may not be comfortable. Although the handcuffs may have restricted her movement, there is insufficient evidence to prove or disprove that they were unreasonably tight, or that [REDACTED] told the officers the restraints were hurting her.

It is recommended that Allegation 5: Searched her vehicle without a warrant or her permission, is **SUSTAINED**.

The Officers and [REDACTED] all stated that Officer Drish searched the [REDACTED] vehicle after she had been arrested and placed in the squad car. The statements were also consistent in that the search was conducted without [REDACTED] permission and without a warrant. Officer Drish stated that the vehicle search was necessary and reasonable for officer safety, but as discussed below, the case law is clear that the search was unreasonable under the U.S. Supreme Court's precedent regarding vehicle searches conducted pursuant to arrests for traffic violations. The Fourth Amendment of the United States prohibits unreasonable searches of people's persons, homes and possessions. The United States Supreme Court has long held that "searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment --subject only to a few specifically established and well-delineated exceptions." *Arizona v. Gant*, 556 U.S. 332, 338 (2009) (quoting *Katz v. United States*, 389 U.S. 347, 357 (1967)). Police may perform a warrantless vehicle search incident to a recent occupant's arrest under two sets of circumstances: (1) "when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search," or (2) when it is "reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle." *People v. Bridgewater*, 235 Ill. 2d 85, 94 (2009) (quoting *Gant*, 556 U.S. at 343) (internal quotation marks omitted). If neither set of circumstances pertains, "a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies." *Gant*, 556 U.S. at 351. In traffic stops, like the instant case, the first exception is rarely applicable, as it not reasonable that additional evidence of the traffic offense will be present. *Gant*, 556 U.S. at 343.

Chicago Police Department Special Order S04-13-09, permits an arresting officer to search a subject's person and/or vehicle if the officer has a "reasonable articulable suspicion that the person is armed and dangerous or presents a danger of attack."

Here, Officer Drish does not claim that he searched the Subject's vehicle because he suspected it contained evidence of a crime, but because he was concerned that the vehicle contained a weapon. According to the [REDACTED] she watched as the Officers searched her vehicle from the squad car. Neither Officer denied searching [REDACTED] vehicle after she was

secured in the squad car. Both Officers Drish and Styczynski, in their individual statements, admitted that Officer Drish searched [REDACTED] vehicle. Officer Drish reported that they did not need a warrant or [REDACTED] permission to search her vehicle at the time because they motivated by concerns for "officer safety." He added that once a protective pat down of the person has been conducted, the officers may search of the vehicle which "would mean searching anything in the immediate area of control of the driver. It doesn't mean going into a glove box or any locked compartments, or even going into the trunk." Styczynski could not recall if he assisted in the search, and both officers recounted that the reason for searching the vehicle was due to them being suspicious that [REDACTED] could have a concealed weapon because she kept reaching in and looking in her purse and kept her purse near her most of the time during the stop. The Supreme Court has made it clear that vehicle searches for officer safety are improper unless "the arrestee is unsecured **and** within reaching distance of the passenger compartment **at the time of the search.**" *Gant*, 556 U.S. at 343 (emphasis added.) As the subject was both restrained and not within reaching distance of the passenger compartment at the time of the search, the search was *per se* unreasonable and thus a violation of the Fourth Amendment. *Id.* Accordingly, we recommend that allegation 6 be sustained.

It is recommended that Allegation 6: Ransacked her glove compartment and ripped the seats of her vehicle, is **NOT SUSTAINED**.

According to the [REDACTED] she watched as the officers searched her vehicle from the squad car. Neither officer denied searching [REDACTED] vehicle. Both Officers Drish and Styczynski, in their individual statements, admitted that Officer Drish did in fact search [REDACTED] vehicle. Officer Drish denied going into the glove compartment and ripping the seats in the vehicle. Officer Styczynski could not recall if he assisted in the search, and both officers recounted that the reason for searching the vehicle was due to them being suspicious that [REDACTED] could have a concealed weapon because she kept reaching in and looking in her purse and kept her purse near her most of the time during the stop. Although [REDACTED] submitted photos that she purports to depict the inside of her car after the incident and after the officers searched her car, the photos are blurred, unclear and are not date stamped. Therefore, there is insufficient evidence to prove or disprove this allegation. Based upon the foregoing, allegation 6 is found to be not sustained.

It is recommended that Allegation 7: Officer Drish failed to secure her vehicle or tow it to a safe location, is **EXONERATED**.

Although both officers believe that they left the vehicle locked and secured, neither officer could recall which one of them locked the car prior to leaving the scene. Both officers also reported in their individual statements that they did not tow the [REDACTED] car as a "courtesy" to [REDACTED] so she would not incur the costs of the towing and impoundment fees. Both officers believed that [REDACTED] car was left in a safe and secure area in the Walgreens parking lot where there were surveillance cameras. The car was not disrupting or interfering with traffic and [REDACTED] was already parked there at the time of the arrest. Moreover, the officers were not required to order [REDACTED] vehicle to be towed to the police impound pursuant to Special Order S04-14-05-IV(A)(2), which states in pertinent part... "A vehicle under the control of an arrestee is

subject to an immediate tow: if the vehicle cannot be legally, safely, and continuously parked at or near the scene of the arrest..." Therefore, the allegation was not a violation of department policy.

It is recommended that Allegations 8: Officer Drish issued her false citations, is **EXONERATED**.

The citations issued were signed by Officer Drish issued the citations, and they bear his Star No. and unit of assignment. ██████ admitted in her statement that the vehicle she was driving at the time did not have a front license plate and that she did not have her driver's license at the time of the incident because she was driving on a ticket. The intersection at 63rd & King Drive, based upon a review of Google Maps, prohibits a left turn on to King Drive heading southbound toward Walgreens, and ██████ admitted to making this turn. ██████ never mentioned whether she was wearing a headset at the time of the incident. After reviewing the citations issued and written by Drish, and after reviewing the statements of the officers and the ██████ it has been determined that the citations issued by Officer Drish were justified and within department policy.

Based upon a preponderance of the evidence, as it pertains to the allegations brought against Officer Mark Styczynski, COPA determined the following:

Allegation 1: Officer Styczynski snatched ██████ cell phone from her and threw it on the ground, is **NOT SUSTAINED**.

According to ██████ statement, she alleged that Styczynski took her cell phone and threw it on the ground away from her car. She also stated that once she returned to her car, she and a friend searched for the phone, but were unable to locate the phone, and that she had to order a new device through her cellular carrier. **Rule 8** prohibits CPD members from engaging in any act of disrespect to or maltreatment of any person, while on or off duty. After reviewing both Officer Drish's and Officer Styczynski's statements, both officers deny ever having physical possession of ██████ cell phone. Officer Drish reported that he did not recall Officer Styczynski taking ██████ cell phone and throwing it to the ground. Officer Styczynski denied taking ██████ cell phone and throwing it to the ground and could not recall what happened to her phone or where she may have put it. Both officers did recall seeing the phone in her hand at one point and recall ██████ asking to call her mother, which they did not permit her to do. However, there is insufficient evidence to prove or disprove that Officer Styczynski took ██████ phone and threw it to the ground.

Allegation 2: Officer Styczynski failed to return or inventory ██████ cell phone, is **NOT SUSTAINED**.

Rule 5 prohibits the failure to perform any duty. Based on the statements provided by both Officer Drish and Officer Styczynski and based upon the lack of evidence from ██████ there is insufficient evidence to conclude that the officers ever had possession of the ██████ cellular phone. Both officers admit to seeing the cellular phone at some point throughout the incident, but neither state that they confiscated it. ██████ did not provide any evidence that her phone was actually confiscated by the officers. Instead, the ██████ alleges the phone was

left at Walgreens. Therefore, there is insufficient evidence to prove or disprove that Officer Styczynski failed to inventory [REDACTED] phone.

Allegation 3: Officer Styczynski verbally abused [REDACTED] by stating, "Just get out of the fucking car!" is **NOT SUSTAINED**.

Rule 8 prohibits CPD members from engaging in any act of disrespect to or maltreatment of any person, while on or off duty. **Rule 9** also prohibits department members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Officer Styczynski stated that at the time [REDACTED] was being told to step out of the vehicle he had come around to the driver's side of the vehicle to assist Officer Drish with because [REDACTED] was being uncooperative and yelling. He also recalled that Officer Drish reached into the vehicle and was in the doorway of the vehicle when these verbal commands were being given. Although he admits that verbal commands were given to [REDACTED] to exit the vehicle, Officer Styczynski denies directing any profanities at the [REDACTED]. Accordingly, there is insufficient evidence to prove or disprove that this occurred. Therefore, Allegation 3 is not sustained.

Allegation 4: Officer Styczynski pulled [REDACTED] out of her vehicle by her coat, without justification, is **EXONERATED**.

The analysis for this allegation is the same as Allegation 1 against Officer Drish in the previous section.

Allegation 5: Officer Styczynski slammed [REDACTED] against the vehicle, is **NOT SUSTAINED**.

The analysis for this allegation is the same as Allegation 3 against Officer Drish in the previous section.

Allegation 6: Threatened to taser [REDACTED] for no reason, is **EXONERATED**.

In his statement to IPRA investigators, Officer Styczynski admits that he possibly told [REDACTED] that he would taser her, but he could not independently recall whether he did so. Officer Styczynski stated that he would have threatened to taser [REDACTED] in order to de-escalate the situation and gain compliance. The officer also alleged that [REDACTED] was uncooperative while being handcuffed and that she was yelling. [REDACTED] she recalled that Officer Styczynski threatened to taser her when she was slammed against the car. [REDACTED] stated that maybe she was more irate than what they thought. She also admits to initially refusing to exit the vehicle and asking the officers why did she need to exit the vehicle. [REDACTED] once removed from the car, continued to challenge the officers. She stated she was upset, using her hands to talk and asking why they were doing this to her. **Rule 8** prohibits CPD members from engaging in any act of disrespect to or maltreatment of any person, while on or off duty. **Rule 9** also prohibits department members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Based on the evidence presented, Officer Styczynski articulated a valid reason for threatening to taser the [REDACTED]

Allegation 7: Searched her vehicle without a warrant or her permission, is **Sustained**.

The analysis is the same as that of Allegation 5 against Officer Drish in the previous section. We note that the subject was unequivocal that both officers searched her vehicle and Officer Styczynski did not deny that he assisted in the search and could not dispute the allegation.

Allegation 8: Ransacked her glove compartment and ripped the seats of her vehicle, is **NOT SUSTAINED**.

The analysis for this allegation is the same as Allegation 6 for Officer Drish in the previous section.

Allegation 9: Officer Styczynski failed to secure her vehicle or tow it to a safe location, is **EXONERATED**.

The analysis for this allegation is the same as Allegation 7 against Officer Drish in the previous section.

Allegation 10: Officer Styczynski issued her false citations, is **UNFOUNDED**.

Officer Drish issued the citations and they bear his Star No. and unit. Officer Styczynski did not issue nor write the citations to the [REDACTED] therefore, the allegation against him should be unfounded.

Based upon a preponderance of the evidence, as it pertains to the allegations brought against Sgt. Raul Alvarez, COPA determined the following:

Allegation 1: Sgt. Alvarez failed to initiate or register a complaint on her behalf, is **SUSTAINED**.

[REDACTED] reported to IPRA investigators that upon arriving to the District 3 Police Station that she spoke with Sgt. Alvarez, who was nice to her and helpful, who listened to her grievances against both Officers Drish and Styczynski. [REDACTED] was able to describe Sgt. Alvarez and provided details of their interaction including: walking down the hall with Sgt. Alvarez while explaining to him what occurred; expressing concern to Sgt. Alvarez regarding her comfort level being alone with Drish and Styczynski and him allowing another officer to sit with her during processing; Sgt. Alvarez checking in on her several times regarding the status of her arrest; Sgt. Alvarez indicating to her that he was not going to arrest her for battery or tow her car; and Sgt. Alvarez asking her to calm down because she seemed agitated and irritated.

[REDACTED] also recalled asking Sgt. Alvarez to file complaints against both officers on her behalf prior to being issued the citations and being released from the station. [REDACTED] reported that she never received any correspondence or communication from Sgt. Alvarez or CPD concerning the complaints that she asked to be filed. According to the statement of Drish, he saw [REDACTED] speaking to Sgt. Alvarez. Drish also reported that it was Sgt. Alvarez who instructed

them to give her a break and to only issue the traffic citations, not to charge her with any other offenses, and not to tow and impound her car.

In Sgt. Alvarez’s written To/From response to written questions under Log #; 1067616, he claimed to not recall any conversations with [REDACTED] nor the details of those conversations, if they took place. Sgt. Alvarez also stated that he would have filed a complaint if [REDACTED] had requested, however, the evidence suggests that [REDACTED] did complain against officers Drish and Styczynski and Sgt. Alvarez did not file a complaint on her behalf.

Based upon the statements of Officer Drish and [REDACTED] it is more likely than not that [REDACTED] spoke to Sgt. Alvarez and she relayed her complaints. Based on their conversation Sgt. Alvarez instructed the officers to give her a break and failed to register [REDACTED] complaints against Officer Drish and Officer Styczynski.

General Order G08-01-02, II. B. 2 states in pertinent part: “When misconduct is observed or an allegation of misconduct is received by supervisory or command personnel, they will initiate a complete and comprehensive investigation in accordance with this and other directives without looking to higher authority for such action.”

Sgt. Alvarez’s failure to investigate, report or file any complaint against Officers Drish and Styczynski, per the request of the [REDACTED] and his failure to communicate the results of such investigation is a violation of **Rule 22** – Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer James Drish	<p>[REDACTED] alleged that on 16 February 2014, at approximately 2030 hours, at 6330 S. Dr. Martin Luther King Drive, near the parking lot of Walgreens, you:</p> <ol style="list-style-type: none"> <li data-bbox="532 1528 1198 1602">1. Pulled her out of her vehicle by her wrists, without justification <li data-bbox="532 1644 1198 1717">2. Directed profanities at her in which you called her a “black bitch” <li data-bbox="532 1759 1198 1833">3. Slammed her against the vehicle 	<p>Exonerated</p> <p>Not Sustained</p> <p>Not Sustained</p>

	<p>4. Handcuffed her too tightly and failed to loosen her handcuffs when asked to do so</p> <p>5. Searched her vehicle without a warrant or her permission</p> <p>6. Ransacked her glove compartment and ripped the seats of her vehicle</p> <p>7. Failed to secure her vehicle or tow it to a safe location</p> <p>8. Issued her false citations</p>	<p>Not Sustained</p> <p>Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p>
<p>Officer Mark Styczynski</p>	<p>██████████ alleged that on 16 February 2014, at approximately 2030 hours, at 6330 S. Dr. Martin Luther King Drive, near the parking lot of Walgreens, you:</p> <p>1. Snatched ██████████ cell phone from her and threw it on the ground</p> <p>2. Failed to inventory or return ██████████ cell phone</p> <p>3. Verbally abused ██████████ by stating, "Just get out of the fucking car!"</p> <p>4. Pulled ██████████ out of her vehicle by her coat, without justification</p> <p>5. Slammed ██████████ against the vehicle</p> <p>6. Threatened to taser ██████████ for no reason</p> <p>7. Searched her vehicle without a warrant or her permission</p> <p>8. Ransacked her glove compartment and ripped the seats of her vehicle</p> <p>9. Failed to secure her vehicle or tow it to a safe location</p> <p>10. Issued her false citations</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Sustained</p> <p>Not Sustained</p> <p>Exonerated</p> <p>Unfounded</p>

Sgt. Raul Alvarez

[REDACTED] alleged that on 16 February 2014, at the 003rd District Station, you:

1. Failed to initiate or register a complaint on her behalf

Sustained

Approved:

[REDACTED]

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

7/10/18

Date