

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	February 19, 2018
Time of Incident:	11:00AM
Location of Incident:	5340 S. Lowe
Date of COPA Notification:	April 5, 2018
Time of COPA Notification:	2:48PM

Complainant [REDACTED] was driving a rental car for Lyft when he was pulled over and detained by CPD. Officers informed him that the car he was driving was reported as stolen and then arrested and transported [REDACTED] to the police station. Subsequently, they released him without charging him after discovering that the owner had not released the vehicle from the CPD’s database of stolen vehicles (referred to as the HOT DESK).

II. INVOLVED PARTIES

Involved Officer #1:	Johnathan Matich, Star 3167, Employee ID [REDACTED] DOA: Sep. 24, 2001, Rank: Police Officer; Unit of Assignment 009; DOB [REDACTED] 1977, M/B
Involved Officer #2:	Unidentified Officers
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1989, M/B

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Matich	1. [REDACTED] alleged that on Feb. 19, 2018, at approximately 11:00am, at the location of 5340 S. Lowe, the accused detained and arrested him without probable cause in violation of Rule 1.	Unfounded

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.

	<p>2. [REDACTED] alleged that on February 19, 2018, at approximately 2018, at the location of 5340 S. Lowe, the accused pointed a weapon at him in violation of Rule 38.</p> <p>3. [REDACTED] further alleged that on various dates and times, in the vicinity of 5118 S. Union, the accused stalked him by driving down his block or parking near his home in violation of Rule 2.</p>	<p>Unfounded</p> <p>Unfounded</p>
<p>Unknown Officers</p>	<p>1. [REDACTED] alleged that on Feb. 19, 2018, at approximately 11:00am, at the location of 5340 S. Lowe, the accused detained and arrested him without probable cause in violation of Rule 1.</p> <p>2. [REDACTED] alleged that on February 19, 2018, at approximately 11:00am, at the location of 5340 S. Lowe, unidentified officers approached him with their guns drawn and pointed at him in violation of Rule 38.</p> <p>3. [REDACTED] further alleged that, on various dates and times, in the vicinity of 5118 S. Union, unidentified officers have been stalking him by driving down his block or parking near his home in violation of Rule 2.</p>	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

CPD Rules of Conduct

1. Rule 1 (Violation of any law or ordinance)
2. Rule 38 – (Unlawful or unnecessary use or display of a weapon)
3. Rule 2 – (Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department)

Federal Laws

Fourth Amendment of the U.S. Constitution

V. INVESTIGATION

In his August 3, 2018 statement to COPA, Complainant ██████ related that he was driving for Lyft Rideshare Company when he noticed a marked police vehicle following him. ██████ continued for several blocks before parking in front 5340 S. Lowe. When ██████ pulled over, the police vehicle activated its emergency equipment.

According to ██████ he remained in the vehicle and the officer approached him with his gun already drawn. The approaching officer, "Let me see your hands!" ██████ immediately recognized the officer from past interactions and knew his name to be Officer Matich, an officer who works in the area. Approximately a dozen additional officers also arrived on the scene with their weapons drawn. ██████ said that he told them to get their guns out of his face. Officer Matich yelled for ██████ to exit the vehicle, but ██████ refused and placed his hands outside of the window. One officer had his gun drawn and pointed at ██████ with a menacing look on his face.² One of the officers reached inside and opened the door and ██████ stepped outside of the vehicle. Officer Matich grabbed ██████ by his right wrist, told him to be cool, and handcuffed him.

Once inside the squad car, Officer Matich told ██████ that his vehicle was reported stolen. While ██████ was seated in the squad car, he explained that he rents the car to drive for Lyft and he had proof in his cell phone. ██████ explained that you can only start the vehicle with the app on the cell phone. When Officer Matich gave ██████ his phone, ██████ showed Officer Matich the communications between him and the owner of the vehicle and his insurance information. Officer Matich made a phone call and subsequently admitted to ██████ that, even though the car had been recovered, it was still on the HOT DESK. Nevertheless, Officer Matich transported ██████ to the District Station where he was released without charging.

██████ stated that, since the incident, he has noticed that City of Chicago Legal Department employees have been searching his LinkedIn profile. He also noticed an increase in police activity on his block. He alleged that various officers, including Officer Matich, have been driving down his block every other day or parked on his street facing his house. ██████ added that Officer Matich is a regular beat officer in his neighborhood.

██████ complains that this incident has affected him financially because he no longer feels comfortable driving for Lyft. He further stated that his encounter with the police destroyed his relationship with his family, caused him to be homeless, and disrupted his Lyft career for approximately three months. ██████ volunteered that he sought treatment for psychiatric help at

² The officer is described as a white male clad in plainclothes, short, and in his fifties.

University of Chicago. ██████ related that he is paranoid, depressed, and he even attempted suicide in February 2018. ██████ reported that he is currently in therapy.³

a. Digital Evidence

COPA obtained the Body-Worn Camera (“BWC”) and In-Car Camera (“ICC”) footage relative to this incident. The footage shows a uniformed male officer (now known to be Officer Matich) in a marked SUV follow a black Nissan sedan for several blocks before pulling it over. When the car stopped, Officer Matich activated his emergency equipment and is heard checking the license plate information over the radio. Officer Matich then identified his location and requested backup. Two plainclothes officers arrive and exit their vehicle along with Officer Matich. Officer Matich instructs the driver, now known to be ██████ to exit the vehicle. ██████ extends his hands outside of the window and is heard asking why he was pulled over. He pauses and asks one officer, “Why you pulling a gun on me?”⁴

Officer Matich again instructed ██████ to exit the vehicle. Once he complied, Officer Matich grabbed ██████ wrist, cuffed him, and then conducted a protective pat-down before escorting ██████ to the backseat of his squad car. Officer Matich told ██████ that the car he was driving had been reported stolen in November. ██████ explained that he had been renting the vehicle for \$66.00 per day for the past two to three weeks and had the proof in his cellphone. While handcuffed, ██████ showed Officer Matich how to access the information in his phone and explained that he needed the app on his mobile phone to drive the vehicle. ██████ added that he could text the rental company’s customer service department to verify the information. While the officers were on the scene, an older black male approached, identified himself as ██████ uncle, and told the officers that ██████ works for LYFT and rents the vehicle that he was driving. The footage revealed no firearms or use of force during this incident.⁵

b. Physical Evidence

At his interview, ██████ provided COPA with medical records documenting his visit at the University of Chicago Emergency Room on March 1, 2018, where he complained that he was suffering from anxiety, lack of sleep and suicidal ideation.⁶ ██████ informed the attending physician that on February 18, 2018, the police stopped him, forced him from his car, struck him on the head with a gun, and held him at gunpoint. Although the officers took him to the station, he was released when they could not file charges against him. ██████ reported that the officers threatened to kill him and to file false charges against him. ██████ added that he is unable to function, depressed, and afraid to leave the house. ██████ was diagnosed with Post Traumatic Stress Disorder and transferred to the Inpatient Psychiatric Ward at Ingalls Hospital where he was diagnosed with Major Depression Disorder and discharged on March 2, 2018.⁷

³ Att. 11

⁴ The footage did not reveal a gun in the hands of any of the responding officers. However, the R/I notes that: (1) one of the officers’ hands was not visible; and (2) the record shows that the officers engaged in the stop had reason to believe that ██████ was in a stolen car.

⁵ Att. 31, 32

⁶ ██████ provided COPA with his medical records when he presented for his interview.

⁷ Att. 8 at 2; Att. 9 at 31.

c. Documentary Evidence

According to Motor Vehicle Theft Case Report RD# JA-508243, on November 17, 2017, Jeremy Spoon, the owner of Firm Drive Chicago Rental, reported a stolen vehicle after he could not locate the car to provide it to a rental customer.⁸

The CPD Arrest Report relates that [REDACTED] was arrested after a random license plate check revealed that the 2017 Nissan Leaf that he was driving had been reported stolen. [REDACTED] was placed in custody and transported to the 009th District Station for processing. When officers contacted Jeremy Spoon, the car's owner, he explained that after he reported the car stolen, he later found out that it had actually been towed. [REDACTED] was subsequently released without charging after Spoon related that he did not wish to sign complaints and disclosed that Mr. Spoon had failed to inform CPD that his vehicle had never been stolen.⁹

On Feb 28, 2018, [REDACTED] filed a civil suit against the City of Chicago, CPD, Office of Emergency Management Communications, and Drive Ago LLC regarding this incident. The case was dismissed on June 12, 2018.¹⁰

d. Additional Evidence

A canvass was conducted on Sep. 17, 2018, and [REDACTED] neighbor, [REDACTED] stated that he had noticed an increase in police activity in the area, but he had no direct knowledge of officers stalking or harassing anyone in the area. Mr. [REDACTED] stated that he has noticed a squad car parked near the church on the corner of his block but he never saw the officers engaging with members of the public.¹¹

VI. ANALYSIS

COPA recommends a finding of Unfounded against Officer Match and the Unidentified Officers. In accordance with Special Order 08-01-01, Part I.F.13, titled "Complaint and Disciplinary Procedures," this investigation is terminated and no further investigative steps are warranted at this time.

This investigation revealed that [REDACTED] was stopped by the police only after a license plate search revealed that the vehicle he was driving had been reported stolen by its owner in November 2017. After the owner realized that the vehicle was not stolen but had been towed, he neglected to notify CPD of the same, which should have resulted in the removal of his car from the Hot Desk. Although [REDACTED] was detained and arrested, he was released without being charged. While it is unfortunate that [REDACTED] had this encounter with CPD, the involved officers followed Department Procedures and had a good faith belief that [REDACTED] was operating a stolen vehicle when they arrested him.

⁸ Att. 16

⁹ Att. 14, 17-22

¹⁰ Att. 5, 27

¹¹ Att. 24

█████ stated that approximately 9 to 13 officers responded to the incident and alleged that their weapons were drawn and pointed at his head. The BWC and ICC footage contradicts this account. The footage shows four officers responding to the scene and no officer is observed with a drawn weapon.

█████ who was diagnosed with Depression and Post Traumatic Stress Disorder after this incident, alleged that the police have been harassing and intimidating him by parking and driving near his home. A neighbor confirmed that he has noticed an increase in police presence over the summer but stated that he has never seen the officers interact with citizens. Without additional information regarding the dates, times, vehicle information, and the substance of the officers' alleged interactions with █████ there is no evidence supporting █████ allegation that CPD members have been stalking him.

VII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Matich	<ol style="list-style-type: none"> 1. █████ alleged that on Feb. 19, 2018, at approximately 11:00am, at the location of 5340 S. Lowe, the accused detained and arrested him without probable cause in violation of Rule 1. 2. █████ alleged that on February 19, 2018, at approximately 2018, at the location of 5340 S. Lowe, the accused pointed a weapon at him in violation of Rule 38. 3. █████ further alleged that on various dates and times, in the vicinity of 5118 S. Union, the accused stalked him by driving down his block or parking near his home in violation of Rule 2. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p>
Unidentified Officers	<ol style="list-style-type: none"> 1. █████ alleged that on Feb. 19, 2018, at approximately 11:00am, at the location of 5340 S. Lowe, the accused detained and arrested him without probable cause in violation of Rule 1. 2. █████ alleged that on February 19, 2018, at approximately 11:00am, at the location of 5340 S. Lowe, unidentified officers approached him with their guns drawn and pointed at him in violation of Rule 38. 	<p>Unfounded</p> <p>Unfounded</p>

3. [REDACTED] further alleged that on various dates and times, in the vicinity of 5118 S. Union, unidentified officers have been stalking him by driving down his block or parking near his home in violation of Rule 2.

Unfounded

Approved:

[REDACTED]
Angela Hearts-Glass
Deputy Chief Administrator

10-31-18
Date

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Shykela Carter
Supervising Investigator:	Brian Dollar
Deputy Chief Administrator:	Angela Hearts-Glass